

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1886

By: Richardson

4
5 AS INTRODUCED

6 An Act relating to animals; amending 4 O.S. 2001,
7 Sections 391, 392, 394, 395, 398 and 400, which
8 relate to the use of unclaimed animals for scientific
9 investigation and education; modifying definitions;
10 expanding uses to medical activities; clarifying
11 statutory language; making institution licensing
12 requirements apply to the use of live or dead
13 animals; making certain animal shelter requirements
14 to deliver animals apply to live animals; authorizing
15 an animal shelter to release animals for certain
16 purposes after certain time period; allowing an
17 animal shelter to charge a reasonable fee for certain
18 expenses; making certain transportation requirement
19 apply to live animals; allowing an animal shelter to
20 require persons obtaining euthanized animals to
21 provide storage and transportation; updating
22 statutory language; clarifying construction of law;
23 modifying purpose of the act; amending 4 O.S. 2001,
24 Section 501, which relates to the Dog and Cat
Sterilization Act; allowing for disposal of a
euthanized animal for certain purposes; repealing 4
O.S. 2001, Section 396, which relates to requirement
to return certain animals; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 2001, Section 391, is
amended to read as follows:

Section 391. As used in ~~this act,~~ (a) Sections 392 through 402
of this title:

1 1. "Institution" means any school or college of medicine,
2 dentistry, pharmacy, veterinary medicine or agriculture, medical
3 diagnostic laboratory, hospital, or other educational, medical or
4 scientific establishment having to do with the investigation of or
5 instruction concerning the structure or functions of living
6 organisms, the causes, prevention, control or cure of diseases or
7 abnormal conditions of human beings or animals ~~provided that high,~~
8 or a licensed dealer providing animals to an institution. High
9 schools and elementary schools shall not be ~~classed as~~ considered
10 institutions for the purposes of this act. ~~(b) "Public pound"~~
11 section; and

12 2. "Animal shelter" means any publicly funded place used ~~by a~~
13 ~~city or the state~~ for the detention or keeping of unclaimed or stray
14 animals.

15 SECTION 2. AMENDATORY 4 O.S. 2001, Section 392, is
16 amended to read as follows:

17 Section 392. A. An institution ~~requiring~~ that requires for the
18 ~~effective purpose of effectively carrying on of~~ out its scientific,
19 medical, or educational activities the use of live ~~dogs and cats~~
20 animals may apply to the State Board of Health for a license to
21 obtain live or dead animals from ~~the establishment maintained and~~
22 ~~operated by public funds for the confinement, care and disposal of~~
23 ~~animals seized by public authority, commonly called the "dog pound"~~
24 animal shelters. ~~If the~~

1 B. The State Board of Health ~~finds~~ shall issue a license to an
2 institution, subject to any restrictions and limitations established
3 by the Board, upon finding that the institution, by reason of its
4 ethical standards, its personnel, its facilities and the uses it
5 proposes to make of the live or dead animals is a fit and proper
6 agency to receive a license, and that the public interest would be
7 served by the issuance of a license to the institution, ~~it shall~~
8 ~~issue a license to the institution, subject to the restrictions and~~
9 ~~limitations hereinafter provided.~~

10 SECTION 3. AMENDATORY 4 O.S. 2001, Section 394, is
11 amended to read as follows:

12 Section 394. A. Except as otherwise provided by municipal
13 ordinance, ~~it shall be the duty of the pound supervisor to deliver~~
14 animal shelter shall provide from among the available impounded live
15 or dead animals ~~on the demand of an institution possessing a~~
16 ~~license, such~~ the number of live or dead animals ~~as the an~~
17 institution licensed pursuant to Section 392 of this title may
18 demand and ~~be~~ reasonably ~~required~~ require to effectively ~~to~~ carry on
19 its activities, subject to the following conditions:

20 1. ~~Such~~ The animals shall have been impounded at least ~~fifteen~~
21 ~~(15) days for dogs without a license, and at least thirty (30) days~~
22 ~~for dogs with license and~~ or the number of days required by local
23 ordinance, whichever is longer. After the required period of time,
24 animals that remained unclaimed and unredeemed by their owners or by

1 any other person desiring the animal as a pet and willing to pay
2 applicable license fees and the reasonable expenses incurred in the
3 ~~dog's~~ detention of the animal may then be provided for use in
4 scientific, medical, or educational research if requested. Animals
5 shall not be withheld from adoption or euthanized specifically to
6 facilitate this use; and

7 2. Any owner of an animal who voluntarily ~~delivers the~~
8 relinquishes possession of it to a ~~public pound~~ an animal shelter
9 shall have a right to specify that it shall not be used for
10 scientific, medical, or educational research, and if an owner so
11 specifies, it shall be the duty of the ~~pound superintendent~~ animal
12 shelter to tag ~~such the~~ the animal properly and to make certain that
13 ~~such the~~ the animal is not delivered to an institution for scientific,
14 medical, or educational purposes; and

15 3. ~~If a demand is made on a pound supervisor for a greater~~
16 ~~number of dogs than he has available for release to the institution,~~
17 ~~the supervisor shall withhold thereafter from execution all~~
18 ~~unclaimed and unredeemed dogs until the demand has been met; and~~

19 4. Any animal in the pound to which an identification tag is
20 attached ~~may~~ shall not be disposed of until the owner has been
21 notified.

22 B. Any city may adopt an ordinance setting the number of days
23 an animal must be impounded and setting restrictions or prohibitions
24

1 on the delivery of animals for scientific, medical, or educational
2 research.

3 C. An animal shelter may charge a reasonable fee to a licensed
4 institution to cover expenses associated with providing animals
5 which are to be prepared for and used by an institution for
6 scientific, medical, or educational purposes.

7 SECTION 4. AMENDATORY 4 O.S. 2001, Section 395, is
8 amended to read as follows:

9 Section 395. A. The licensed institution shall provide for the
10 transportation of ~~dogs~~ live animals from the ~~pound~~ animal shelter,
11 and may use them only in the conduct of their scientific, medical,
12 or educational activities.

13 B. An animal shelter may require any person obtaining the
14 bodies of euthanized animals which are to be used for scientific,
15 medical, or educational purposes to provide for the storage and
16 transportation of the bodies.

17 SECTION 5. AMENDATORY 4 O.S. 2001, Section 398, is
18 amended to read as follows:

19 Section 398. Nothing in this act shall be construed to affect
20 the right of an institution to obtain ~~dogs~~ live or euthanized
21 animals from sources other than ~~dog pounds~~ animal shelters.

22 SECTION 6. AMENDATORY 4 O.S. 2001, Section 400, is
23 amended to read as follows:

24

1 Section 400. This act shall be ~~so interpreted and~~ construed as
2 to effect its ~~general purpose~~ which is to make available to
3 ~~qualified licensed institutions unclaimed and unredeemed live~~
4 animals from animal shelters for the purpose of scientific, medical,
5 and educational investigation, experiment or instruction unclaimed
6 ~~and unredeemed animals impounded in dog pounds~~ and to make available
7 to licensed institutions the bodies of euthanized animals from
8 animal shelters which are to be prepared and used by an institution
9 for scientific, medical, or educational purposes.

10 SECTION 7. AMENDATORY 4 O.S. 2001, Section 501, is
11 amended to read as follows:

12 Section 501. A. Any dog, cat or any other animal which is kept
13 for pleasure rather than utility in or about a household, held by or
14 in the custody of a private or public animal shelter or agency and
15 not reclaimed by the owner, may be disposed of only by:

- 16 1. Adoption as a pet in a suitable home;
- 17 2. Delivery of the live animal to a licensed educational or
18 ~~research~~ an institution licensed pursuant to Section 392 of this
19 title or delivery of the body of a euthanized animal to an
20 institution in accordance with the provisions of Sections 391
21 through 402 of this title; or

- 22 3. Euthanasia by only one of the following methods:
 - 23 a. administration of denatured sodium pentobarbital,

24

1 b. the use of a carbon monoxide chamber, using
2 commercially compressed cylinder gas; provided that
3 kittens and puppies under sixteen (16) weeks of age
4 shall not be euthanized with carbon monoxide but with
5 injections of denatured sodium pentobarbital, or

6 c. any other method approved by the Animal Industries
7 Services Division of the State Department of
8 Agriculture which shall include current acceptable
9 euthanasia recommendations from the American
10 Veterinary Medical Association, with the exception of
11 curariform derivative drugs. The following
12 requirements must be met to ensure the euthanasia
13 agent is humane:

14 (1) the method should be as painless as possible to
15 the animal as determined by the best available
16 medical and scientific knowledge and technology,

17 (2) the animal should be kept as free from anxiety
18 and fear as possible,

19 (3) the technique should be:

20 (a) simple enough to be used by relatively
21 unskilled personnel,

22 (b) legally available to all animal shelters and
23 humane societies,
24

1 (c) as mechanically simple and maintenance free
2 as possible within reasonable cost, and
3 (d) physically safe for personnel using it.

4 B. Death should be confirmed by cessation of vital signs.

5 Professional judgment should be used in consideration of the animal
6 species and method of euthanasia to determine the means of
7 confirming death.

8 SECTION 8. REPEALER 4 O.S. 2001, Section 396, is hereby
9 repealed.

10 SECTION 9. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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