

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2186

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to agriculture; creating the
8 Companion Pet Protection Act; providing short title;
9 defining terms; making certain facilities subject to
10 certain requirements; providing requirements for sale
11 of certain animals; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1960.1 of Title 2, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Companion Pet
18 Protection Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1960.2 of Title 2, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in this act:

23 1. "Commercial breeder" means a person, other than a hobby or
24 show breeder, engaged in the business of breeding animals for sale

1 or for exchange in return for monetary consideration, and who
2 harbors more than twenty-five intact females for the primary purpose
3 of breeding animals for sale either through the Internet or via
4 brokers or directly to the public or directly to pet stores;

5 2. "Contract kennel" means any facility operated by any person
6 or entity other than the state or any political subdivision of the
7 state, for the purpose of impounding or harboring seized, stray,
8 homeless, abandoned, or unwanted animals, on behalf of and pursuant
9 to a contract with the state, county, municipality or any political
10 subdivision;

11 3. "Dealer" or "Broker" means any person who is engaged in the
12 business of buying for resale, selling or exchanging animals for
13 resale, as a principal or agent for the transaction of resale, or
14 who holds himself or herself out to be so engaged or is otherwise
15 classified as a dealer or broker by the USDA;

16 4. "Hobby breeder" means a noncommercial breeder who harbors
17 less than twenty-five intact females for the primary purpose of
18 breeding animals for sale either through the Internet or directly to
19 the public;

20 5. "Hobby show breeder" means a noncommercial breeder who
21 breeds animals with the primary purpose of exhibiting or showing the
22 animals at state or municipal or county or registry club-sanctioned
23 events or shows, improving the breed, or selling the animals for the
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1 specific goal of exhibition or exhibiting, and having no more than
2 ten intact females;

3 6. "USDA" means the United States Department of Agriculture.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1960.3 of Title 2, unless there
6 is created a duplication in numbering, reads as follows:

7 A. In order to operate as a commercial breeder, said person
8 shall be USDA certified and follow the guidelines specified by the
9 U.S. Animal Welfare Act.

10 B. A contract kennel shall follow all requirements of animal
11 care and welfare specified in USDA standards.

12 C. A hobby show breeder shall follow all requirements of animal
13 care and welfare specified in USDA standards.

14 D. A hobby breeder shall follow all requirements of animal care
15 and welfare specified in USDA standards.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1960.4 of Title 2, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A dealer or broker shall purchase animals only from persons
20 in this state who are licensed under the USDA. All actions
21 regarding animal resale shall fall within the guidelines specified
22 in the U.S. Animal Welfare Act.

23 B. A breeder shall be classified as a hobby or show breeder if
24 the breeder only sells animals to other breeders or to individuals.

1 C. A hobby breeder shall not sell directly to a pet store or
2 through a pet broker. More than fifty percent (50%) of the monetary
3 considerations received by a hobby breeder must be used for the
4 support of the hobby breeder in order to properly support the
5 requirements specified in USDA standards.

6 D. Hobby or show breeders are exempt from inspection
7 requirements, but must register annually, at no cost to the hobby or
8 show breeder, with the Secretary of Agriculture for the purpose of
9 establishing that they are hobby or show breeders. A breeder who
10 buys or sells any animal for the primary purpose of resale does not
11 qualify as a hobby or show breeder.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1960.5 of Title 2, unless there
14 is created a duplication in numbering, reads as follows:

15 A. No animal shall be sold unless it is at least eight (8)
16 weeks of age. "Sold" means the final exchange of all monetary
17 considerations regarding the animal.

18 B. No animal shall be sold either within this state or
19 originating from this state without a health certificate provided by
20 a veterinarian licensed to practice in this state.

21 C. All animals under one (1) year of age must be sold with a
22 warranty of limited guarantee against hereditary defects, allowing
23 the buyer to return the animal should such defects become apparent.
24 Should defects occur, the buyer must provide a complete report and

1 health summary regarding the animal as provided by their licensed
2 veterinarian. The seller would then have the option to either give
3 the buyer their money back or provide another animal of same value
4 to the buyer. It shall not be the obligation of the seller to pay
5 for shipping fees during this period. Poor health due to abuse or
6 improper feeding or improper care is not considered hereditary
7 defects.

8 D. No animal shall be transported for destination of sale until
9 the animal is at least eight (8) weeks old. No carrier shall
10 transport such an animal without a health certificate dated not more
11 than ten (10) days prior to the date of transportation. All
12 transportation shall follow U.S. Animal Welfare Act guidelines.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1960.6 of Title 2, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The selling of animals in retail parking lots, public
17 parking lots, or private parking lots is not permitted.

18 B. Selling animals in municipal or county parks or on county,
19 municipal, or other government property is prohibited unless the
20 seller has a permit from the appropriate government entity allowing
21 for the sale of the animals. The permit shall be for a period of
22 not less than twelve (12) hours and no more than twenty-four (24)
23 hours. The permit shall not cost more than Twenty-five Dollars
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1 (\$25.00). Failure to follow these guidelines shall be a
2 misdemeanor.

3 C. Selling animals at county or municipal public markets,
4 farmers markets, or public auctions must be accompanied with a
5 visible certificate-of-sale permit from the county or municipality.
6 The animals shall not be temporarily housed closer than one hundred
7 (100) feet to food products being sold at the public market, farmers
8 market, or public auction.

9 D. 1. Barn auctions or public or private auctions for the
10 intended purpose of the sale of animals must first be filed with the
11 county or municipality where the auction is to occur. A record must
12 be kept by the auction management company or auction organizer or
13 the person responsible for the auction and presented to either the
14 municipal clerk or county clerk where the auction is being held as
15 to the number of animals sold at the auction. As used in this
16 subsection, "auction" means any person selling any consignment of
17 animals to the highest bidder. This shall include any means,
18 procedure, or practice in which the ownership of a dog is conveyed
19 from one person to another by any type or method of bidding process.

20 2. The county or municipality shall receive One Dollar (\$1.00)
21 per animal sold at the auction as a permit fee for the sale.

22 Violation on the part of the auction management or the owners of
23 sold animals will exclude the auction company or person from any
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1 such future business in this state. The funds shall be paid to the
2 county or municipality within (48) hours of the end of the auction.

3 SECTION 7. This act shall become effective November 1, 2010.

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