

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2921

By: Richardson, Renegar and
Denney of the House

and

Brecheen of the Senate

8 An Act relating to pet breeders; creating the
9 Commercial Pet Breeders Act administered by the State
10 Board of Agriculture; defining terms; authorizing
11 Board to adopt certain rules; requiring commercial
12 pet breeder license; providing for initial and annual
13 inspections; requiring inspection report; prohibiting
14 inspections by certain group; establishing license
15 requirements; requiring separate licenses; permitting
16 denial, renewal or revocation of license for certain
17 reasons; establishing license renewal procedure;
18 requiring certain notice; setting out certain duties;
19 requiring submission of annual report; mandating
20 certain records be kept; providing for penalties;
21 directing Board to maintain and post certain
22 information on its website; transferring funds from
23 the Board of Commercial Pet Breeders to the Oklahoma
24 Department of Agriculture, Food, and Forestry;
providing for promulgation of certain emergency
rules; repealing 59 O.S. 2011, Sections 5001, 5002,
5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011,
5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020,
5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028 and
5029, which relate to the Commercial Pet Breeders
Act; providing for codification; providing for
noncodification; providing an effective date; and
declaring an emergency.

AUTHOR: Add the following Senate Coauthor: Allen

1 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

2 "[pet breeders - Commercial Pet Breeders Act of 2012
3 - State Board of Agriculture - repealer -
4 codification - noncodification - effective date -
emergency]

5
6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 30.1 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 This act shall be known and may be cited as the "Commercial Pet
11 Breeders Act of 2012" and shall be administered by the State Board
12 of Agriculture.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 30.2 of Title 4, unless there is
15 created a duplication in numbering, reads as follows:

16 As used in the Commercial Pet Breeders Act of 2012:

17 1. "Adult animal" means an intact female animal twelve (12)
18 months of age or older;

19 2. "Animal" means a dog or a cat;

20 3. "Board" means the State Board of Agriculture;

21 4. "Cat" means a mammal that is wholly or partly of the species
22 *Felis domesticus*;

23 5. "Commercial breeder" and "commercial pet breeder" mean any
24 individual, entity, association, trust, or corporation who possesses

1 eleven or more adult intact female animals for the use of breeding
2 or dealing in animals for direct or indirect sale or for exchange in
3 return for consideration;

4 6. "Commercial pet breeder license" means a license issued to
5 any person that qualifies and is licensed as a commercial pet
6 breeder;

7 7. "Department" means the Oklahoma Department of Agriculture,
8 Food, and Forestry;

9 8. "Dog" means a mammal that is wholly or partly of the species
10 *Canis familiaris*;

11 9. "Facility" means the premises used by a commercial breeder
12 for keeping, housing, or breeding animals. The term includes all
13 buildings, property, and confinement areas in a single location used
14 to conduct the commercial breeding business;

15 10. "Family member" means the parent, spouse, child, or sibling
16 of an individual;

17 11. "Humane society" means a nonprofit organization exempt from
18 federal income taxation as an organization described in Section
19 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a
20 principal purpose the prevention of animal cruelty or the sheltering
21 of, caring for, and providing of homes for lost, stray, and
22 abandoned animals;

23

24

1 12. "Inspector" means an authorized agent of the Board or any
2 other qualified person authorized by the Department to conduct
3 inspections;

4 13. "Intact female animal" means a female animal at the second
5 estrus cycle or one and one-half (1 1/2) years of age, whichever
6 comes first and is capable of sexual reproduction;

7 14. "Kitten" means a cat less than twelve (12) months old;

8 15. "Local animal control authority" means a municipal or
9 county animal control office with authority over the premises in
10 which an animal is kept or, in an area that does not have an animal
11 control office, the county sheriff;

12 16. "Marketing" means the solicitation for sale of animals;

13 17. "Noncommercial breeder" means any individual, entity,
14 association, trust, or corporation who possesses ten or less adult
15 intact female animals for the use of breeding or dealing in animals
16 for direct or indirect sale or for exchange in return for
17 consideration;

18 18. "Person" means any individual, association, trust,
19 corporation, limited liability company, partnership, or other
20 entity;

21 19. "Pet" means a dog or cat, including a puppy or kitten;

22 20. "Possess" means to have custody of or control over;

23 21. "Puppy" means a dog less than twelve (12) months old; and
24

1 22. "Veterinarian" means a person currently licensed to
2 practice veterinary medicine in Oklahoma.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 30.3 of Title 4, unless there is
5 created a duplication in numbering, reads as follows:

6 A. The State Board of Agriculture shall enforce and administer
7 the provisions of the Commercial Pet Breeders Act of 2012.

8 B. The Board shall adopt the rules necessary to enforce and
9 administer the Commercial Pet Breeders Act of 2012, including but
10 not limited to rules that:

11 1. Establish standards for care that are no more stringent than
12 United States Department of Agriculture specifications for the
13 humane handling, care, and treatment of dogs and cats;

14 2. Establish reasonable and necessary fees;

15 3. Establish provisions related to initial and renewal
16 applications, revocation or nonrenewal of licenses, procedures for
17 sale of animals, and procedures for making complaints; and

18 4. Establish any other rules deemed necessary by the Board.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 30.4 of Title 4, unless there is
21 created a duplication in numbering, reads as follows:

22 A. A person shall not act, offer to act, or hold himself or
23 herself out as a commercial pet breeder in this state unless the
24 person holds a commercial pet breeder license obtained pursuant to

1 the Commercial Pet Breeders Act of 2012 for each facility that the
2 person owns or operates in this state.

3 B. It shall be unlawful for any person to act as a commercial
4 pet breeder licensee, or to hold himself or herself out as such,
5 unless the person shall have been licensed to do so under the
6 Commercial Pet Breeders Act of 2012.

7 C. An applicant for a commercial pet breeder license shall meet
8 the criteria established by the State Board of Agriculture through
9 rules promulgated pursuant to the Commercial Pet Breeders Act of
10 2012.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 30.5 of Title 4, unless there is
13 created a duplication in numbering, reads as follows:

14 A. The Oklahoma Department of Agriculture, Food, and Forestry
15 may contract with a local veterinarian licensed by the state, other
16 state agency or any other qualified person to conduct or assist in
17 an initial prelicense inspection and annual inspections.

18 B. The Department shall arrange for an inspection at a facility
19 prior to issuance of an initial commercial pet breeder license for
20 that facility.

21 1. The Department shall not issue a commercial pet breeder
22 license to any person until the Department receives an initial
23 prelicense inspection report from the inspector in a format approved
24

1 by the Department certifying that the facility meets the
2 requirements of the Commercial Pet Breeders Act of 2012.

3 2. Prior to the initial prelicense inspection, each applicant
4 shall pay to the Department a nonrefundable inspection fee.

5 C. The Department, at least annually, shall arrange for the
6 inspection of each facility of a licensed commercial breeder. The
7 inspection shall be conducted during normal business hours and the
8 commercial breeder or a representative of the commercial breeder
9 shall be present during the inspection.

10 D. The inspector shall submit an inspection report to the
11 Department not later than ten (10) days after the date of the
12 inspection on a form prescribed by the Department and provide a copy
13 of the report to the commercial breeder or the representative.

14 E. On receipt of a valid written complaint alleging a violation
15 of the Commercial Pet Breeders Act of 2012, an authorized agent of
16 the State Board of Agriculture, a local animal control authority, or
17 an inspector designated by the Department may investigate the
18 alleged violation.

19 F. The Department shall not hire any humane society group or
20 member of any humane society group to perform any inspection
21 required by the Commercial Pet Breeders Act of 2012.

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 30.6 of Title 4, unless there is
24 created a duplication in numbering, reads as follows:

1 2. Is convicted of violating the Commercial Pet Breeders Act of
2 2012 more than three times;

3 3. Is convicted of a type of felony specified by subparagraphs
4 a through pp of paragraph 2 of Section 571 of Title 57 of the
5 Oklahoma Statutes;

6 4. Is convicted of a felony punishable under the Oklahoma
7 Racketeer-Influenced and Corrupt Organizations Act; or

8 5. Has held or applied for a United States Department of
9 Agriculture license pursuant to the Animal Welfare Act and whose
10 license was suspended or revoked, or whose application was refused
11 due to the improper care of animals.

12 SECTION 8. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 30.8 of Title 4, unless there is
14 created a duplication in numbering, reads as follows:

15 A. A commercial pet breeder who is not in violation of the
16 Commercial Pet Breeders Act of 2012 or any rule of the USDA adopted
17 under the Commercial Pet Breeders Act of 2012 may renew the license
18 of the person by:

19 1. Submitting a renewal application to the Oklahoma Department
20 of Agriculture, Food, and Forestry on the form prescribed by the
21 Department;

22 2. Complying with any other renewal requirements adopted by the
23 Department; and

24 3. Paying the required fee.

1 B. Any person who fails to apply for a renewal in a manner
2 prescribed by the Department, and whose license has expired, may not
3 engage in activities that require a license until the license has
4 been renewed.

5 C. Not later than sixty (60) days before the expiration of the
6 license, the Department shall send written notice of the impending
7 license expiration to the commercial pet breeder at the last-known
8 address according to the records of the Department.

9 SECTION 9. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 30.9 of Title 4, unless there is
11 created a duplication in numbering, reads as follows:

12 A commercial pet breeder shall notify the Oklahoma Department of
13 Agriculture, Food, and Forestry in writing not later than ten (10)
14 days after the date any change occurs in the address, name,
15 management, substantial control, or ownership of the business or
16 operation.

17 SECTION 10. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 30.10 of Title 4, unless there
19 is created a duplication in numbering, reads as follows:

20 A commercial pet breeder shall:

21 1. Prominently display a copy of the commercial pet breeder
22 license at the facility of the commercial pet breeder;
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1 2. Include the commercial pet breeder license number in each
2 advertisement for the sale or transfer of an animal by the
3 commercial pet breeder; and

4 3. Include in each contract for the sale or transfer of an
5 animal by the commercial pet breeder the commercial pet breeder
6 license number.

7 SECTION 11. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 30.11 of Title 4, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Not later than February 1 of each year, a commercial pet
11 breeder shall submit to the Oklahoma Department of Agriculture,
12 Food, and Forestry an annual report on a form prescribed by the
13 Department setting forth the number of adult intact female animals
14 held at the facility at the end of the prior year and such other
15 information regarding the commercial pet breeder's prior year's
16 operations as required by the Department.

17 B. The commercial pet breeder shall keep a copy of the annual
18 report at the facility of the commercial pet breeder and, on
19 request, make the report available to the authorized agent of the
20 Board, a local animal control authority, or any other inspector
21 designated by the Department.

22 C. A license holder that has more than one facility shall keep
23 separate records and file a separate report for each facility.

24

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.12 of Title 4, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A commercial pet breeder shall maintain a separate health
5 record for each animal in the facility of the commercial breeder
6 documenting the healthcare of the animal.

7 B. The health record shall include:

8 1. The breed, sex, color, and identifying marks of the animal;
9 and

10 2. A record of all inoculations, medications, and other
11 veterinary medical treatment received by the animal while in the
12 possession of the commercial pet breeder.

13 C. The commercial pet breeder shall make the health records
14 available on request to the Oklahoma Department of Agriculture,
15 Food, and Forestry, an authorized agent of the Board, a local animal
16 control authority, or any other inspector designated by the
17 Department.

18 SECTION 13. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 30.13 of Title 4, unless there
20 is created a duplication in numbering, reads as follows:

21 A. After notice and opportunity for a hearing in accordance
22 with the Administrative Procedures Act, if the State Board of
23 Agriculture finds any person in violation of the Commercial Pet
24 Breeders Act of 2012 or any rule promulgated or order issued

1 pursuant thereto, the Board shall have the authority to assess an
2 administrative penalty of not less than One Hundred Dollars
3 (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for
4 each violation. Each animal, each action, or each day a violation
5 continues may constitute a separate and distinct violation. During
6 each license year of the facility, a facility shall not be subject
7 to more than Ten Thousand Dollars (\$10,000.00) in administrative
8 penalties assessed pursuant to this subsection.

9 B. A person commits an offense if the person violates the
10 Commercial Pet Breeders Act of 2012 or any rule adopted under the
11 Commercial Pet Breeders Act of 2012. Each animal to which a
12 violation applies and each day that violation continues constitutes
13 a separate offense. An offense under this subsection is a
14 misdemeanor punishable as provided in subsection F of this section.

15 C. A person commits an offense if the person knowingly
16 falsifies information in a license application, annual report, or
17 record required under the Commercial Pet Breeders Act of 2012. An
18 offense under this subsection is a misdemeanor punishable as
19 provided in subsection F of this section.

20 D. An unlicensed commercial pet breeder commits an offense if
21 the breeder advertises animals for sale. An offense under this
22 subsection is a misdemeanor punishable as provided in subsection F
23 of this section.

24

1 E. A commercial pet breeder commits an offense if the
2 commercial breeder interferes with, hinders, or thwarts any
3 inspection or investigation under the Commercial Pet Breeders Act of
4 2012 or refuses to allow an inspector full access to all areas of
5 the facility where animals are kept or cared for and all records
6 required to be kept under the Commercial Pet Breeders Act of 2012 or
7 any rule adopted under the Commercial Pet Breeders Act of 2012. An
8 offense under this subsection is a misdemeanor punishable as
9 provided in subsection F of this section.

10 F. 1. Any violation of subsection B, C or D of this section
11 shall be punishable by a fine not to exceed Five Hundred Dollars
12 (\$500.00).

13 2. Any violation of subsection E of this section shall be
14 punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

15 G. In addition to penalties and fines, the Board shall have
16 authority to obtain injunctions against anyone who violates the
17 Commercial Pet Breeders Act of 2012, and shall have authority to
18 obtain or impose civil monetary penalties to anyone who violates the
19 Commercial Pet Breeders Act of 2012, and upon obtaining a court
20 order, shall have authority to seize and impound animals in the
21 possession, custody, or care of that person if there is reason to
22 believe that the health, safety, or welfare of the animals is
23 endangered, or the animals are in imminent danger. The reasonable
24 costs of transportation, care, and feeding of seized and impounded

1 animals shall be paid by the person from whom the dogs or cats were
2 seized and impounded.

3 H. Nothing in the Commercial Pet Breeders Act of 2012 shall
4 preclude the Board from seeking penalties in district court in the
5 maximum amount allowed by law. The assessment of penalties in an
6 administrative enforcement proceeding shall not prevent the
7 subsequent assessment by a court of the maximum civil or criminal
8 penalties for violations of the Commercial Pet Breeders Act of 2012
9 and rules promulgated pursuant thereto.

10 I. Any person assessed an administrative or civil penalty may
11 be required to pay, in addition to the penalty amount and interest
12 thereon, attorney fees and costs associated with the collection of
13 the penalties.

14 J. If any person refuses, denies or interferes with any right
15 of access, the Board shall have the right to apply to and obtain
16 from a district court an administrative or other warrant as
17 necessary to enforce the right of access and inspection.

18 SECTION 14. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 30.14 of Title 4, unless there
20 is created a duplication in numbering, reads as follows:

21 The State Board of Agriculture shall maintain and post on its
22 website the directory of commercial pet breeders licensed pursuant
23 to the Commercial Pet Breeders Act of 2012. The Board shall post on
24

1 its website the directory of commercial pet breeders who have been
2 denied licensing, or whose licenses have been revoked.

3 SECTION 15. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 30.15 of Title 4, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Commercial Pet Breeders Act of 2012 shall not affect the
7 applicability of any other law, rule, order, ordinance, or other
8 legal requirement of the federal government, this state, or a
9 political subdivision of this state.

10 B. The Commercial Pet Breeders Act of 2012 shall not prevent a
11 municipality or county from prohibiting or further regulating by
12 order or ordinance, the possession, breeding, or selling of dogs or
13 cats.

14 SECTION 16. NEW LAW A new section of law not to be
15 codified in the Oklahoma Statutes reads as follows:

16 Any funds on July 1, 2012, in the possession of the Oklahoma
17 State Board of Commercial Pet Breeders shall on a pro rata basis, be
18 distributed to any person who donated or gifted funds to the
19 Oklahoma State Board of Commercial Pet Breeders, except that the pro
20 rata share of funds obtained by the Oklahoma State Board of
21 Commercial Pet Breeders through fees or fines shall be transferred
22 to the Oklahoma Department of Agriculture, Food, and Forestry.

23 SECTION 17. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

1 The State Board of Agriculture may promulgate emergency rules to
2 implement the provisions of the Commercial Pet Breeders Act of 2012.
3 All fees promulgated by the Oklahoma State Board of Commercial Pet
4 Breeders shall be enforceable by the State Board of Agriculture.
5 Any license issued by the Oklahoma State Board of Commercial Pet
6 Breeders and in effect on June 30, 2012, shall be transferred to the
7 Oklahoma Department of Agriculture, Food, and Forestry.

8 SECTION 18. REPEALER 59 O.S. 2011, Sections 5001, 5002,
9 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013,
10 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024,
11 5025, 5026, 5027, 5028 and 5029, are hereby repealed.

12 SECTION 19. This act shall become effective July 1, 2012.

13 SECTION 20. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval."

17 and when the title is restored, amend the title to
18 conform

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1 Passed the Senate the 24th day of April, 2012.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2012.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2921

By: Richardson, Renegar and
Denney of the House

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4 Brecheen of the Senate
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8 An Act relating to pet breeders; creating the
9 Commercial Pet Breeders Act administered by the State
10 Board of Agriculture; defining terms; authorizing
11 Board to adopt certain rules; requiring commercial
12 pet breeder license; providing for initial and annual
13 inspections; requiring inspection report; prohibiting
14 inspections by certain group; establishing license
15 requirements; requiring separate licenses; permitting
16 denial, renewal or revocation of license for certain
17 reasons; establishing license renewal procedure;
18 requiring certain notice; setting out certain duties;
19 requiring submission of annual report; mandating
20 certain records be kept; providing for penalties;
21 directing Board to maintain and post certain
22 information on its website; transferring funds from
23 the Board of Commercial Pet Breeders to the Oklahoma
24 Department of Agriculture, Food, and Forestry;
providing for promulgation of certain emergency
rules; repealing 59 O.S. 2011, Sections 5001, 5002,
5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011,
5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020,
5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028 and
5029, which relate to the Commercial Pet Breeders
Act; providing for codification; providing for
noncodification; providing an effective date; and
declaring an emergency.

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

1 SECTION 21. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.1 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Commercial Pet
5 Breeders Act" and shall be administered by the State Board of
6 Agriculture.

7 SECTION 22. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 30.2 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 As used in the Commercial Pet Breeders Act:

- 11 1. "Adult animal" means an intact female animal twelve (12)
12 months of age or older;
- 13 2. "Animal" means a dog or a cat;
- 14 3. "Board" means the State Board of Agriculture;
- 15 4. "Cat" means a mammal that is wholly or partly of the species
16 *Felis domesticus*;
- 17 5. "Commercial breeder" and "commercial pet breeder" mean any
18 individual, entity, association, trust, or corporation who possesses
19 eleven or more adult intact female animals for the use of breeding
20 or dealing in animals for direct or indirect sale or for exchange in
21 return for consideration;
- 22 6. "Commercial pet breeder license" means a license issued to
23 any person that qualifies and is licensed as a commercial pet
24 breeder;

1 7. "Department" means the Oklahoma Department of Agriculture,
2 Food, and Forestry;

3 8. "Dog" means a mammal that is wholly or partly of the species
4 Canis familiaris;

5 9. "Facility" means the premises used by a commercial breeder
6 for keeping, housing, or breeding animals. The term includes all
7 buildings, property, and confinement areas in a single location used
8 to conduct the commercial breeding business;

9 10. "Family member" means the parent, spouse, child, or sibling
10 of an individual;

11 11. "Humane society" means a nonprofit organization exempt from
12 federal income taxation as an organization described in Section
13 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a
14 principal purpose the prevention of animal cruelty or the sheltering
15 of, caring for, and providing of homes for lost, stray, and
16 abandoned animals;

17 12. "Inspector" means an authorized agent of the Board or any
18 other person authorized by the Department to conduct inspections;

19 13. "Intact female animal" means a female animal at the second
20 estrus cycle or one and one-half (1 1/2) years of age, whichever
21 comes first and is capable of sexual reproduction;

22 14. "Kitten" means a cat less than twelve (12) months old;

23 15. "Local animal control authority" means a municipal or
24 county animal control office with authority over the premises in

1 which an animal is kept or, in an area that does not have an animal
2 control office, the county sheriff;

3 16. "Marketing" means the solicitation for sale of animals;

4 17. "Noncommercial breeder" means any individual, entity,
5 association, trust, or corporation who possesses ten or less adult
6 intact female animals for the use of breeding or dealing in animals
7 for direct or indirect sale or for exchange in return for
8 consideration;

9 18. "Person" means any individual, association, trust,
10 corporation, limited liability company, partnership, or other
11 entity;

12 19. "Pet" means a dog or cat, including a puppy or kitten;

13 20. "Possess" means to have custody of or control over;

14 21. "Puppy" means a dog less than twelve (12) months old; and

15 22. "Veterinarian" means a person currently licensed to
16 practice veterinary medicine in Oklahoma.

17 SECTION 23. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 30.3 of Title 4, unless there is
19 created a duplication in numbering, reads as follows:

20 A. The State Board of Agriculture shall enforce and administer
21 the provisions of the Commercial Pet Breeders Act.

22 B. The Board shall adopt the rules necessary to enforce and
23 administer the Commercial Pet Breeders Act, including but not
24 limited to rules that:

- 1 1. Establish application procedures and requirements;
- 2 2. Establish procedures for renewing licenses;
- 3 3. Establish reasonable and necessary fees in amounts
4 sufficient to cover the costs of enforcing and administering the
5 Commercial Pet Breeders Act. Any annual fees shall reflect a credit
6 for any U.S. Department of Agriculture licensing fees paid that year
7 for the applicant;
- 8 4. Establish conditions under which licenses are revoked,
9 denied, or denied renewal;
- 10 5. Establish minimum standards of care for the proper care,
11 including veterinary care, treatment, feeding and watering, shelter
12 and confinement, grooming, exercise, socialization, transportation,
13 and disposition of dogs and cats by a commercial pet breeder to
14 ensure the overall health, safety, well-being and humane environment
15 for each animal in the facility of the commercial breeder:
 - 16 a. the standards adopted under this section shall at a
17 minimum meet USDA standards, and
 - 18 b. in adopting standards under the Commercial Pet
19 Breeders Act, the Board shall consider relevant state,
20 federal, and nationally recognized standards for
21 animal health and welfare;
- 22 6. Establish procedures for sale of animals, including a health
23 certificate provided by a licensed veterinarian in every sale, and
24 prohibiting marketing in retail or public parking lots;

1 7. Establish penalties for violations of this act; and

2 8. Establish a toll-free hotline for people to report cases of
3 animal abuse and require the complainants to leave their names and
4 phone numbers.

5 SECTION 24. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 30.4 of Title 4, unless there is
7 created a duplication in numbering, reads as follows:

8 A. A person shall not act, offer to act, or hold himself or
9 herself out as a commercial pet breeder in this state unless the
10 person holds a commercial pet breeder license obtained pursuant to
11 the Commercial Pet Breeders Act for each facility that the person
12 owns or operates in this state.

13 B. It shall be unlawful for any person to act as a commercial
14 pet breeder licensee, or to hold himself or herself out as such,
15 unless the person shall have been licensed to do so under the
16 Commercial Pet Breeders Act.

17 C. An applicant for a commercial pet breeder license shall meet
18 the criteria established by the State Board of Agriculture through
19 rules promulgated pursuant to the Commercial Pet Breeders Act.

20 SECTION 25. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 30.5 of Title 4, unless there is
22 created a duplication in numbering, reads as follows:

23 A. The Oklahoma Department of Agriculture, Food, and Forestry
24 may contract with a local veterinarian licensed by the state, other

1 state agency or any other person to conduct or assist in an initial
2 prelicense inspection and annual inspections.

3 B. The Department shall inspect a facility prior to issuance of
4 an initial commercial pet breeder license for that facility.

5 1. The Department shall not issue a commercial pet breeder
6 license to any person until the Department receives an initial
7 prelicense inspection report from the inspector in a format approved
8 by the Department certifying that the facility meets the
9 requirements of the Commercial Pet Breeders Act.

10 2. Prior to the initial prelicense inspection, each applicant
11 shall pay to the Department a nonrefundable inspection fee.

12 C. The Department, at least annually, shall arrange for the
13 inspection of each facility of a licensed commercial breeder. The
14 inspection shall be conducted during normal business hours and the
15 commercial breeder or a representative of the commercial breeder
16 shall be present during the inspection.

17 D. The inspector shall submit an inspection report to the
18 Department not later than ten (10) days after the date of the
19 inspection on a form prescribed by the Department and provide a copy
20 of the report to the commercial breeder or the representative.

21 E. On receipt of a written complaint alleging a violation of
22 the Commercial Pet Breeders Act, an authorized agent of the State
23 Board of Agriculture, a local animal control authority, or an
24

1 inspector designated by the Department may investigate the alleged
2 violation.

3 F. The Department shall not hire any humane society group or
4 member of any humane society group to perform any inspection
5 required by the Commercial Pet Breeders Act.

6 SECTION 26. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 30.6 of Title 4, unless there is
8 created a duplication in numbering, reads as follows:

9 A. The Oklahoma Department of Agriculture, Food, and Forestry
10 shall issue a commercial pet breeder license to each commercial pet
11 breeder who:

- 12 1. Meets the requirements of the Commercial Pet Breeders Act;
- 13 2. Applies to the Department on the form prescribed by the
14 Department; and
- 15 3. Pays the required fee.

16 B. A commercial pet breeder shall obtain a separate license for
17 each physical location where breeding animals are kept. A separate
18 license shall be issued for each physical location of the commercial
19 pet breeder, whether or not the breeder has eleven or more intact
20 female animals at each location.

21 C. A license issued under the Commercial Pet Breeders Act is
22 valid November 1 of each calendar year and is nontransferable.

23

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1 SECTION 27. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.7 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Agriculture, Food, and Forestry may
5 deny a license, or renewal thereof, or revoke a license to any
6 applicant or commercial pet breeder who fails to meet the standards
7 of animal care or fails to follow the application process adopted by
8 the Department, or if the person:

- 9 1. Is convicted of a crime involving animal cruelty;
- 10 2. Is convicted of violating the Commercial Pet Breeders Act
11 more than three times;
- 12 3. Is convicted of a type of felony specified by subparagraphs
13 a through pp of paragraph 2 of Section 571 of Title 57 of the
14 Oklahoma Statutes;
- 15 4. Is convicted of a felony punishable under the Oklahoma
16 Racketeer-Influenced and Corrupt Organizations Act; or
- 17 5. Has held or applied for a United States Department of
18 Agriculture license pursuant to the Animal Welfare Act and whose
19 license was suspended, revoked, or whose application was refused due
20 to the improper care of animals.

21 SECTION 28. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 30.8 of Title 4, unless there is
23 created a duplication in numbering, reads as follows:

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1 A. A commercial pet breeder who is not in violation of the
2 Commercial Pet Breeders Act or any rule adopted under the Commercial
3 Pet Breeders Act may renew the license of the person by:

4 1. Submitting a renewal application to the Oklahoma Department
5 of Agriculture, Food, and Forestry on the form prescribed by the
6 Department;

7 2. Complying with any other renewal requirements adopted by the
8 Department; and

9 3. Paying the required fee.

10 B. Any person who fails to apply for a renewal in a manner
11 prescribed by the Department, and whose license has expired may not
12 engage in activities that require a license until the license has
13 been renewed.

14 C. Not later than sixty (60) days before the expiration of the
15 license, the Department shall send written notice of the impending
16 license expiration to the commercial pet breeder at the last-known
17 address according to the records of the Department.

18 SECTION 29. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 30.9 of Title 4, unless there is
20 created a duplication in numbering, reads as follows:

21 A commercial pet breeder shall notify the Oklahoma Department of
22 Agriculture, Food, and Forestry in writing not later than ten (10)
23 days after the date any change occurs in the address, name,

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1 management, substantial control, or ownership of the business or
2 operation.

3 SECTION 30. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 30.10 of Title 4, unless there
5 is created a duplication in numbering, reads as follows:

6 A commercial pet breeder shall:

7 1. Prominently display a copy of the commercial pet breeder
8 license at the facility of the commercial pet breeder;

9 2. Include the commercial pet breeder license number in each
10 advertisement for the sale or transfer of an animal by the
11 commercial pet breeder; and

12 3. Include in each contract for the sale or transfer of an
13 animal by the commercial pet breeder the commercial pet breeder
14 license number.

15 SECTION 31. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 30.11 of Title 4, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Not later than February 1 of each year, a commercial pet
19 breeder shall submit to the Oklahoma Department of Agriculture,
20 Food, and Forestry an annual report on a form prescribed by the
21 Department setting forth the number of adult intact animals held at
22 the facility at the end of the prior year and such other information
23 regarding the commercial pet breeder's prior year's operations as
24 required by the Department.

1 B. The commercial pet breeder shall keep a copy of the annual
2 report at the facility of the commercial pet breeder and, on
3 request, make the report available to the authorized agent of the
4 Board, a local animal control authority, or any other inspector
5 designated by the Department.

6 C. A license holder that has more than one facility shall keep
7 separate records and file a separate report for each facility.

8 SECTION 32. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 30.12 of Title 4, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A commercial pet breeder shall maintain a separate health
12 record for each animal in the facility of the commercial breeder
13 documenting the healthcare of the animal.

14 B. The health record shall include:

15 1. The breed, sex, color, and identifying marks of the animal;
16 and

17 2. A record of all inoculations, medications, and other
18 veterinary medical treatment received by the animal while in the
19 possession of the commercial pet breeder.

20 C. The commercial pet breeder shall make the health records
21 available on request to the Oklahoma Department of Agriculture,
22 Food, and Forestry, an authorized agent of the Board, a local animal
23 control authority, or any other inspector designated by the
24 Department.

1 SECTION 33. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.13 of Title 4, unless there
3 is created a duplication in numbering, reads as follows:

4 A. After notice and opportunity for a hearing in accordance
5 with the Administrative Procedures Act, if the State Board of
6 Agriculture finds any person in violation of the Commercial Pet
7 Breeders Act or any rule promulgated or order issued pursuant
8 thereto, the Board shall have the authority to assess an
9 administrative penalty of not less than One Hundred Dollars
10 (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for
11 each violation. Each animal, each action, or each day a violation
12 continues may constitute a separate and distinct violation.

13 B. A person commits an offense if the person violates the
14 Commercial Pet Breeders Act or any rule adopted under the Commercial
15 Pet Breeders Act. Each animal to which a violation applies and each
16 day that violation continues constitutes a separate offense. An
17 offense under this subsection is a misdemeanor punishable as
18 provided in subsection F of this section.

19 C. A person commits an offense if the person knowingly
20 falsifies information in a license application, annual report, or
21 record required under the Commercial Pet Breeders Act. An offense
22 under this subsection is a misdemeanor punishable as provided in
23 subsection F of this section.

24

1 D. An unlicensed commercial pet breeder commits an offense if
2 the breeder advertises animals for sale. An offense under this
3 subsection is a misdemeanor punishable as provided in subsection F
4 of this section.

5 E. A commercial pet breeder commits an offense if the
6 commercial breeder interferes with, hinders, or thwarts any
7 inspection or investigation under the Commercial Pet Breeders Act or
8 refuses to allow an inspector full access to all areas of the
9 facility where animals are kept or cared for and all records
10 required to be kept under the Commercial Pet Breeders Act or any
11 rule adopted under the Commercial Pet Breeders Act. An offense
12 under this subsection is a misdemeanor punishable as provided in
13 subsection F of this section.

14 F. 1. Any violation of subsection B, C or D of this section
15 shall be punishable by a fine not to exceed Five Hundred Dollars
16 (\$500.00).

17 2. Any violation of subsection E of this section shall be
18 punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

19 G. In addition to penalties and fines, the Board shall have
20 authority to obtain injunctions against anyone who violates this
21 act, and shall have authority to obtain or impose civil monetary
22 penalties to anyone who violates this act, and upon obtaining a
23 court order, shall have authority to seize and impound animals in
24 the possession, custody, or care of that person if there is reason

1 to believe that the health, safety, or welfare of the animals is
2 endangered, or the animals are in imminent danger. The reasonable
3 costs of transportation, care, and feeding of seized and impounded
4 animals shall be paid by the person from whom the dogs or cats were
5 seized and impounded.

6 H. Nothing in the Commercial Pet Breeders Act shall preclude
7 the Board from seeking penalties in district court in the maximum
8 amount allowed by law. The assessment of penalties in an
9 administrative enforcement proceeding shall not prevent the
10 subsequent assessment by a court of the maximum civil or criminal
11 penalties for violations of the Commercial Pet Breeders Act and
12 rules promulgated pursuant thereto.

13 I. Any person assessed an administrative or civil penalty may
14 be required to pay, in addition to the penalty amount and interest
15 thereon, attorney fees and costs associated with the collection of
16 the penalties.

17 J. If any person refuses, denies or interferes with any right
18 of access, the Board shall have the right to apply to and obtain
19 from a district court an administrative or other warrant as
20 necessary to enforce the right of access and inspection.

21 SECTION 34. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 30.14 of Title 4, unless there
23 is created a duplication in numbering, reads as follows:

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1 The State Board of Agriculture shall maintain and post on its
2 website the directory of commercial pet breeders licensed pursuant
3 to the Commercial Pet Breeders Act. The Board shall post on its
4 website the directory of commercial pet breeders who have been
5 denied licensing, or whose licenses have been revoked.

6 SECTION 35. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 30.15 of Title 4, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Commercial Pet Breeders Act shall not affect the
10 applicability of any other law, rule, order, ordinance, or other
11 legal requirement of the federal government, this state, or a
12 political subdivision of this state.

13 B. The Commercial Pet Breeders Act shall not prevent a
14 municipality or county from prohibiting or further regulating by
15 order or ordinance, the possession, breeding, or selling of dogs or
16 cats.

17 SECTION 36. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 Any funds on July 1, 2012, in the possession of the Board of
20 Commercial Pet Breeders shall be transferred to the Oklahoma
21 Department of Agriculture, Food, and Forestry.

22 SECTION 37. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

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1 The State Board of Agriculture may promulgate emergency rules to
2 implement the provisions of the Commercial Pet Breeders Act.

3 SECTION 38. REPEALER 59 O.S. 2011, Sections 5001, 5002,
4 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013,
5 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024,
6 5025, 5026, 5027, 5028 and 5029, are hereby repealed.

7 SECTION 39. This act shall become effective July 1, 2012.

8 SECTION 40. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the House of Representatives the 5th day of March, 2012.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate

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