

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 637

By: Wyrick and Brecheen of
the Senate

3
4 and

5 Renegar of the House

6
7
8 [Board of Commercial Pet Breeders - permanent rules
- noncodification -
9 emergency]

10

11 AUTHORS: Add the following House Coauthors: Bennett and Richardson

12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

13

14 "An Act relating to commercial pet breeders; amending
15 Sections 2, 4, 5, 14 and 17, Chapter 210, O.S.L.
2010 (59 O.S. Supp. 2010, Sections 5002, 5004, 5005,
16 5014 and 5017), which relate to the Commercial Pet
17 Breeders Act; modifying definition; providing for
designee to serve on Board of Commercial Pet
18 Breeders; directing election of certain Board
leadership from voting members of Board; mandating
19 notification to Oklahoma Legislature and State Board
of Veterinary Medical Examiners; directing Board to
20 establish toll-free hotline to report animal abuse;
requiring permanent rules be submitted for
21 consideration prior to February 1; permitting Board
to contract with veterinarian or state agency to
22 conduct licensing inspections; prohibiting Board
from contracting with certain organization;
23 modifying criteria for denial of license; and
declaring an emergency.

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

1 SECTION 1. AMENDATORY Section 2, Chapter 210, O.S.L.
2 2010 (59 O.S. Supp. 2010, Section 5002), is amended to read as
3 follows:

4 Section 5002. As used in the Commercial Pet Breeders Act:

5 1. "Adult animal" means an animal six (6) months of age or
6 older;

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

8 3. "Cat" means a mammal that is wholly or partly of the species
9 Felis domesticus;

10 4. "Commercial breeder" and "commercial pet breeder" mean any
11 individual, entity, association, trust, or corporation who possesses
12 eleven or more adult intact female animals for the use of breeding
13 ~~or~~ for dealing in animals for direct or indirect sale or for
14 exchange in return for consideration;

15 5. "Person" means any individual, association, trust,
16 corporation, limited liability company, partnership, or other
17 entity;

18 6. "Board" means the Board of Commercial Pet Breeders;

19 7. "Commercial pet breeder license" means a license issued to
20 any person that qualifies and is licensed as a commercial pet
21 breeder;

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

24

1 9. "Executive director" means the executive director of the
2 Board;

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

7 11. "Family member" means the parent, spouse, child, or sibling
8 of an individual;

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

15 13. "Intact female animal" means a female animal that has not
16 been spayed and is capable of sexual reproduction;

17 14. "Kitten" means a cat less than six (6) months old;

18 15. "Local animal control authority" means a municipal or
19 county animal control office with authority over the premises in
20 which an animal is kept or, in an area that does not have an animal
21 control office, the county sheriff;

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

23 17. "Noncommercial breeder" means any individual, entity,
24 association, trust, or corporation who possesses ten or less adult

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

4 18. "Pet" means a dog or cat, including a puppy or kitten;

5 19. "Possess" means to have custody of or control over;

6 20. "Puppy" means a dog less than six (6) months old;

7 21. "Registered breeder inspector" means an individual
8 certified by the Board to conduct investigations and inspections of
9 facilities; and

10 22. "Veterinarian" means a person currently licensed to
11 practice veterinary medicine in Oklahoma.

12 SECTION 2. AMENDATORY Section 4, Chapter 210, O.S.L.
13 2010 (59 O.S. Supp. 2010, Section 5004), is amended to read as
14 follows:

15 Section 5004. A. The Board of Commercial Pet Breeders is
16 hereby created, to continue until July 1, 2014, in accordance with
17 the provisions of the Oklahoma Sunset Law. The Board, under the
18 authority of the State Board of Veterinary Medical Examiners, shall
19 administer the provisions of the Commercial Pet Breeders Act.

20 B. 1. The Board shall consist of eight (8) members as follows:

21 a. one member who represents the dog or cat breeding
22 industry appointed by the Governor for an initial term
23 of office of two (2) years,
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- 1 b. one member who represents an animal welfare
2 association appointed by the Governor for an initial
3 term of office of two (2) years,
4 c. one member who represents the Oklahoma Veterinary
5 Medical Association appointed by the President Pro
6 Tempore of the Senate for an initial term of office of
7 two (2) years,
8 d. one member at large appointed by the Governor for an
9 initial term of office of three (3) years,
10 e. the State Veterinarian or designee,
11 f. one member who represents noncommercial breeders, who
12 shall be appointed by the Speaker of the House of
13 Representatives,
14 g. the President of the State Board of Veterinary Medical
15 Examiners or designee, and
16 h. the executive director who shall be appointed by the
17 State Board of Veterinary Medical Examiners upon the
18 recommendation of the other seven members of the
19 Board, and shall be nonvoting.

20 2. After the expiration of the initial terms of office, the
21 term of office of appointed members, except for the executive
22 director, shall be three (3) years.
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1 C. Each member of the Board shall file with the Secretary of
2 State a written oath or affirmation for the faithful discharge of
3 official duties.

4 D. The Governor, upon the recommendation by the State Board of
5 Veterinary Medical Examiners, may remove any appointed member of the
6 Board for misconduct, incompetence, neglect of duty, or any
7 sufficient cause, in the manner prescribed by law for removal of
8 state officials. Vacancies in the membership of the Board shall be
9 filled for the balance of an unexpired term in the same manner as
10 the original appointment.

11 E. Members of the Board, except for the executive director,
12 shall serve without compensation.

13 F. The Board shall meet within one (1) month of its formation
14 and thereafter when it deems necessary, and during normal business
15 hours. Special meetings may be held at the request of the executive
16 director or by request from any two members of the Board.

17 G. The Board, annually, shall elect a chair, vice-chair, and
18 secretary from among its voting members. A quorum of the Board
19 shall consist of a majority of the full Board excluding the
20 executive director.

21 H. In order to effectively facilitate work, fulfill duties, and
22 exercise powers, the Board may establish standing or ad hoc
23 committees. The chair of the Board:

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1 1. Shall appoint members and chairpersons of the committees and
2 may determine the length of service; and

3 2. May appoint individuals to serve on a standing or ad hoc
4 committee for a term not to exceed one (1) year.

5 SECTION 3. AMENDATORY Section 5, Chapter 210, O.S.L.
6 2010 (59 O.S. Supp. 2010, Section 5005), is amended to read as
7 follows:

8 Section 5005. A. The Board of Commercial Pet Breeders, under
9 the authority of the State Board of Veterinary Medical Examiners,
10 shall enforce and administer the provisions of the Commercial Pet
11 Breeders Act.

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

15 1. Establish application procedures and requirements;

16 2. Establish procedures for renewing licenses;

17 3. Establish conditions under which licenses are revoked,
18 denied, or denied renewal;

19 4. Establish qualifications and training for registered breeder
20 inspectors;

21 5. Establish standards of care of animals;

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; ~~and~~

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 requiring the complainants to leave their names and
4 phone numbers.

5 C. All permanent rules adopted by the Board shall be submitted
6 by February 1 of each calendar year for consideration by the
7 Oklahoma Legislature and the Governor.

8 SECTION 4. AMENDATORY Section 14, Chapter 210, O.S.L.
9 2010 (59 O.S. Supp. 2010, Section 5014), is amended to read as
10 follows:

11 Section 5014. A. The Board of Commercial Pet Breeders shall
12 inspect a facility before an initial commercial pet breeder license
13 is issued for that facility.

14 B. The Board may contract with a local ~~animal control authority~~
15 veterinarian licensed by the state, other state agency or a
16 registered breeder inspector to conduct or assist in an initial
17 prelicense inspection and annual inspections.

18 C. The Board may not issue a commercial pet breeder license
19 until the Board receives an initial prelicense inspection report
20 from the inspector in a format approved by the Board certifying that
21 the facility meets the requirements of the Commercial Pet Breeders
22 Act.

1 D. Before the initial prelicense inspection may be conducted,
2 each applicant shall pay to the Board a nonrefundable inspection
3 fee.

4 E. The Board may issue a temporary permit to a commercial pet
5 breeder applying for a license or renewal upon the submission of an
6 application and payment of a licensing fee as prescribed by the
7 Board. If granted a temporary permit, the commercial pet breeder
8 may continue to operate until the Board is able to inspect and
9 perform all the duties necessary to either issue, renew, revoke or
10 deny a commercial pet breeder license.

11 F. The Board shall not hire any humane society group or member
12 of any humane society group to perform any inspection required by
13 the Commercial Pet Breeders Act.

14 SECTION 5. AMENDATORY Section 17, Chapter 210, O.S.L.
15 2010 (59 O.S. Supp. 2010, Section 5017), is amended to read as
16 follows:

17 Section 5017. The Board of Commercial Pet Breeders may deny a
18 license, or renewal thereof, or revoke a license to an applicant who
19 fails to meet the standards of care or application process adopted
20 by the Board, or if the person ~~is~~:

- 21 1. ~~Convicted~~ Is convicted of a crime involving animal cruelty;
- 22 2. ~~Convicted~~ Is convicted of violating this act more than three
23 times; ~~or~~

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

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

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

10 SECTION 6. 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."

14 Passed the House of Representatives the 26th day of April, 2011.

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Presiding Officer of the House of
Representatives

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19 Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 637

By: Wyrick and Brecheen of the
Senate

3 and

4 Renegar of the House

5
6
7 [Board of Commercial Pet Breeders - permanent rules
8 - noncodification - emergency]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 7. NEW LAW A new section of law not to be
12 codified in the Oklahoma Statutes reads as follows:

13 The permanent rules of the Board of Commercial Pet Breeders
14 codified in the Oklahoma Administrative Code as OAC 532:1-1-1
15 through 532:15-4-6, and all amendments thereto, are hereby
16 disapproved.

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

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1 Passed the Senate the 16th day of March, 2011.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2011.

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8 _____
9 Presiding Officer of the House
10 of Representatives