ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 637 By: Wyrick and Brecheen of the Senate

and

Renegar of the House

[Board of Commercial Pet Breeders - permanent rules - noncodification - emergency]

AUTHORS: Add the following House Coauthors: Bennett and Richardson

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

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

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

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

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

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

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

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

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

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

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

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

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

9. “Executive director” means the executive director of the Board;

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

11. “Family member” means the parent, spouse, child, or sibling of an individual;

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

13. “Intact female animal” means a female animal that has not been spayed and is capable of sexual reproduction;

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

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

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

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

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

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

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

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

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

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

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

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

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

a. one member who represents the dog or cat breeding industry appointed by the Governor for an initial term of office of two (2) years,

b. one member who represents an animal welfare association appointed by the Governor for an initial term of office of two (2) years,

c. one member who represents the Oklahoma Veterinary Medical Association appointed by the President Pro Tempore of the Senate for an initial term of office of two (2) years,

d. one member at large appointed by the Governor for an initial term of office of three (3) years,

e. the State Veterinarian <u>or designee</u>,

f. one member who represents noncommercial breeders, who shall be appointed by the Speaker of the House of Representatives,

g. the President of the State Board of Veterinary Medical Examiners or designee, and

h. the executive director who shall be appointed by the State Board of Veterinary Medical Examiners upon the recommendation of the other seven members of the Board, and shall be nonvoting.

2. After the expiration of the initial terms of office, the term of office of appointed members, except for the executive director, shall be three (3) years.

C. Each member of the Board shall file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties.

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

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

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

G. The Board, annually, shall elect a chair, vice-chair, and secretary <u>from among its voting members</u>. A quorum of the Board shall consist of a majority of the full Board excluding the executive director.

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

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

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

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

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

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

1. Establish application procedures and requirements;

2. Establish procedures for renewing licenses;

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

4. Establish qualifications and training for registered breeder inspectors;

5. Establish standards of care of animals;

6. Establish procedures for sale of animals, including a health certificate provided by a licensed veterinarian in every sale, and prohibiting marketing in retail or public parking lots; ~~and~~

7. Establish penalties for violations of this act; and

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

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

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

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

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

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

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

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

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

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

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

1. ~~Convicted~~ Is convicted of a crime involving animal cruelty;

2. ~~Convicted~~ Is convicted of violating this act more than three times; ~~or~~

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

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

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

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

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

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate