STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 773 By: Fields

COMMITTEE SUBSTITUTE

An Act relating to the commercial pet breeders; amending Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Sections 5001, 5002, 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; updating reference; modifying and adding definitions; adding designee for certain Board member; prohibiting certain person from being an officer of the Board; requiring rules to be approved by the Department of Agriculture, Food and Forestry; modifying scope of rules; setting fees by rule; providing fee exemption for federally licensed pet breeder; making certain employment subject to funding; construing authority of certain revolving fund; clarifying posting of certain directories; clarifying enforcement options; modifying inspection requirement; requiring hearings under the Administrative Procedures Act; making certain act subject to certain penalties; clarifying certain inspection for licensure; providing exemption for prelicense inspection fee for certain persons; prohibiting licensure until facility meets certain standards; modifying term of license; providing for renewal; providing for denial or revocation of license; construing violation; modifying display of license; requiring annual review of standards of care; directing recommendations for standards of care; authorizing administrative and criminal penalties for certain violations; requiring conviction for criminal penalty; setting date for

certain rule approval; exempting certain dogs from the Commercial Pet Breeders Act; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5001), is amended to read as follows:

Section 5001. ~~This act~~ Section 5002 et seq. of this title shall be known and may be cited as the "Commercial Pet Breeders Act" and shall be administered by the Board of Commercial Pet Breeders, under the authority of the State Board of Veterinary Medical Examiners.

SECTION 2. 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. "Animal shelter" means a facility which is used to house or contain certain animals which is owned, operated, or maintained by an incorporated non-profit humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-

profit organization devoted to the welfare, protection, and humane treatment of companion animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption or in exchange for a consideration;

~~3.~~ 4. "Cat" means a mammal that is wholly ~~or partly~~ of the species Felis domesticus;

~~4.~~ 5. "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 dealing in animals for direct or indirect sale or for exchange in return for consideration;

~~5.~~ 6. "Person" means any individual, association, trust, corporation, limited liability company, partnership, or other entity;

~~6.~~ 7. "Board" means the Board of Commercial Pet Breeders;

~~7.~~ 8. "Commercial pet breeder license" means a license issued by the Board of Commercial Pet Breeders to any person that qualifies ~~and is~~ to be licensed as a commercial pet breeder;

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

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

~~9.~~ 11. "Executive director" means the executive director of the Board of Commercial Pet Breeders;

~~10.~~ 12. "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.~~ 13. "Family member" means the parent, spouse, child, or sibling of an individual;

~~12.~~ 14. "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;

15. "Hunting dog" means an animal that hunts game;

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

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

~~15.~~ 18. "Local ~~animal control authority~~ law enforcement" 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.~~ 19. "Marketing" means the solicitation for sale of animals;

~~17.~~ 20. "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~~ and dealing in animals for direct or indirect sale ~~or for exchange in return for consideration~~;

~~18.~~ 21. "Pet" means a dog or cat, including a puppy or kitten;

~~19.~~ 22. "Possess" means to have custody of or control over;

~~20.~~ 23. "Puppy" means a dog less than six (6) months old;

~~21.~~ 24. "Registered breeder inspector" means an individual certified by the Board to conduct investigations and inspections of facilities;

25. "Sporting dog" means a breed group of dogs trained to work with sportsmen when they hunt with guns or those dogs bred to hunt or race including, but not limited to, greyhounds, sled dogs, whippets, and dachshunds;

26. "Working dog" means any various breeds of dogs developed or trained to do useful work, including, but not limited to, herding animals, guarding property, search and rescue, and service dogs to the handicapped; and

~~22.~~ 27. "Veterinarian" means a person currently licensed to practice veterinary medicine in Oklahoma.

SECTION 3. 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, operating 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 or designee,

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 during normal business hours 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. The executive director shall not be eligible to be elected as an officer of the Board. 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 4. 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~~ promulgate rules, procedures and forms necessary to enforce and administer the Commercial Pet Breeders Act. All rules shall be approved by the Department of Agriculture, Food and Forestry prior to the rules becoming final rules, including but not limited to rules that establish:

1. ~~Establish application~~ Application procedures and requirements;

2. ~~Establish procedures~~ Procedures for renewing licenses;

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

4. ~~Establish qualifications and training for registered breeder inspectors;~~

~~5.~~ ~~Establish standards~~ Standards of care of animals;

~~6.~~ 5. ~~Establish procedures~~ 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.~~ 6. ~~Establish penalties~~ Administrative penalties for rule violations of ~~this act~~ the Commercial Pet Breeders Act.

SECTION 5. AMENDATORY Section 6, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5006), is amended to read as follows:

Section 5006. The Board of Commercial Pet Breeders, by rule, shall establish ~~reasonable and necessary~~ license fees in amounts

sufficient to cover the costs of enforcing and administering the Commercial Pet Breeders Act. ~~Any annual fees shall reflect a credit for any~~ A commercial pet breeder licensed by the U.S. Department of Agriculture shall pay no licensing fees ~~paid that year for the applicant~~ to this state for the year covered by the valid federal license.

SECTION 6. AMENDATORY Section 7, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5007), is amended to read as follows:

Section 5007. The executive director may employ personnel necessary to carry out the functions and duties of the Board of Commercial Pet Breeders under the Commercial Pet Breeders Act, subject to availability of funds.

SECTION 7. AMENDATORY Section 8, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5008), is amended to read as follows:

Section 5008. The executive director of the Board of Commercial Pet Breeders may authorize disbursements necessary to implement the Commercial Pet Breeders Act, including disbursements for office expenses, equipment costs, and other necessary resources.

SECTION 8. AMENDATORY Section 9, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5009), is amended to read as follows:

Section 5009. There is ~~established~~ hereby created in the State Treasury a revolving fund for the Board of Commercial Pet Breeders to be ~~known as~~ designated the "Commercial Pet Breeders Enforcement Revolving Fund". The fund shall~~:~~

~~1. Be~~ be a continuing fund, not subject to fiscal year limitations, and shall consist of all fees, fines, penalties, and other monies paid, donated, received, recovered, or collected under the provisions of the Commercial Pet Breeders Act~~; and~~

~~2. Be available to the Board solely~~. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board for ~~the~~ payment of all expenses and obligations incurred in administering, issuing, processing, inspecting, or supervising the issuance of commercial pet breeder licenses, and further for the enforcement of the rules and provisions of the Commercial Pet Breeders Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of State Finance for approval and payment.

SECTION 9. AMENDATORY Section 10, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5010), is amended to read as follows:

Section 5010. The Board of Commercial Pet Breeders shall maintain and post on its website ~~the~~ a directory of commercial pet breeders currently licensed pursuant to the Commercial Pet Breeders

Act. The Board shall further post on its website ~~the~~ a directory of commercial pet breeders who have been denied licensing, or whose licenses ~~have been~~ are currently revoked.

SECTION 10. AMENDATORY Section 11, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5011), is amended to read as follows:

Section 5011. The Board of Commercial Pet Breeders may contract with another state agency, a political subdivision of this state, ~~a~~ local ~~animal control authority~~ law enforcement, or a registered breeder inspector to enforce the provisions of the Commercial Pet Breeders Act and the rules adopted ~~under the Commercial Pet Breeders Act~~ thereto.

SECTION 11. AMENDATORY Section 12, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5012), is amended to read as follows:

Section 5012. A. The Board of Commercial Pet Breeders, ~~at least annually~~ on receipt of a written complaint, shall arrange for the inspection of ~~each~~ that facility of a licensed commercial pet breeder, animal shelter or contract kennel by the Department of Agriculture, Food, and Forestry or its designee. The inspection must be conducted during the normal business hours of the facility and the commercial pet breeder or a representative of the commercial pet breeder shall be present during the inspection.

B. The inspector shall submit an inspection report to the Board not later than ten (10) days after the date of the inspection on a form prescribed by the Board and provide a copy of the report to the commercial pet breeder or the representative. If there is a deficiency, the Board will follow the procedures set out in its rules, which shall include opportunities for the breeder to correct deficiencies, object to the report, and to request a hearing. Any hearing held shall comply with the provisions of the Administrative Procedures Act.

C. ~~On~~ Upon receipt of a written complaint by the Board or the State Board of Veterinary Examiners alleging a violation of the Commercial Pet Breeders Act, the Board, ~~a local animal control authority~~ local law enforcement, or a registered breeder inspector designated by the Board may investigate the alleged violation.

SECTION 12. AMENDATORY Section 13, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5013), is amended to read as follows:

Section 5013. A. A person may not act, offer to act, or hold himself or herself out as a commercial pet breeder in this state unless the person holds a commercial pet breeder license obtained pursuant to the Commercial Pet Breeders Act for each facility that the person owns or operates in this state.

B. It shall be unlawful for any person to act as a commercial pet breeder ~~licensee~~, or to hold himself or herself out as such,

unless the person shall ~~have been licensed~~ have obtained a valid license to ~~do so~~ act under the Commercial Pet Breeders Act. A violation shall be subject to the penalties established by rule for the Commercial Pet Breeders Act or pursuant to Section 1526 of this title, or both.

C. An applicant for a commercial pet breeder license must meet the criteria ~~as~~ established by the Board of Commercial Pet Breeders through its standards, rules and procedures.

SECTION 13. 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 or at any time the Board determines that cause exists for an inspection.

B. The Board may contract with a local animal control authority or a registered breeder inspector to conduct or assist in an initial prelicense inspection.

C. The Board ~~may~~ shall not issue a commercial pet breeder license until the Board certifies that the facility meets the requirements or 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 in an amount established by the rules of the Board. A person currently licensed by the U.S. Department of Agriculture as a commercial pet breeder shall be exempt from the prelicense 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~~ in an amount established by the rules of 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~~ determine whether to issue, renew, revoke or deny a commercial pet breeder license.

SECTION 14. AMENDATORY Section 15, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5015), is amended to read as follows:

Section 5015. The Board of Commercial Pet Breeders shall issue a commercial pet breeder license to each commercial breeder who:

1. Meets the requirements of the Commercial Pet Breeders Act or any rule promulgated thereto;

2. ~~Applies~~ Makes application to the Board on the form prescribed by the Board; and

3. Pays the required fee.

The Board shall issue one license per physical location. A separate license shall be ~~issued~~ required for each physical location of the commercial pet breeder, whether or not the breeder has eleven or more intact female animals at each location.

SECTION 15. AMENDATORY Section 16, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5016), is amended to read as follows:

Section 5016. A license issued under the Commercial Pet Breeders Act is valid ~~until the first anniversary of~~ for one (1) year from the date of issuance and is nontransferable. The Board of Commercial Pet Breeders shall include the expiration date on each license issued under the Commercial Pet Breeders Act. A commercial pet breeder license may be renewed as provided in Section 5018 of this title.

SECTION 16. 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~~ if an applicant ~~who~~ or licensee fails to comply with the rules or requirements of the Commercial Pet Breeders Act or fails to meet the standards of care adopted by the Board, or if the person is:

1. Convicted of a crime involving animal cruelty;

2. Convicted of ~~violating this act~~ a violation of rule or provision of the Commercial Pet Breeders Act more than three times; or

3. 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 17. AMENDATORY Section 18, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5018), is amended to read as follows:

Section 5018. A. A license holder who is not in violation of the Commercial Pet Breeders Act or any rule adopted under the Commercial Pet Breeders Act may renew the license of the person by:

1. Submitting a renewal application to the Board of Commercial Pet Breeders on the form prescribed by the Board;

2. Complying with any other renewal requirements adopted by the Board; and

3. Paying the required fee.

B. A person who fails to apply for a renewal in a manner prescribed by the Board, and whose license has expired may not engage in activities that require a license until the renewal license has been ~~renewed~~ issued.

C. Not later than sixty (60) days before the expiration of the license, the Board shall send written notice of the impending

license expiration to the person at the last-known address of the person according to the records of the Board.

SECTION 18. AMENDATORY Section 19, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5019), is amended to read as follows:

Section 5019. A commercial pet breeder shall:

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

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

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

SECTION 19. AMENDATORY Section 20, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5020), is amended to read as follows:

Section 5020. A commercial pet breeder shall notify the Board of Commercial Pet Breeders in a manner prescribed by the Board not later than ten (10) days after the date any change occurs in the address, name, management, substantial control, or ownership of the pet breeder business or operation.

SECTION 20. AMENDATORY Section 21, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5021), is amended to read as follows:

Section 5021. A. Not later than February 1 of each year, a commercial pet breeder shall submit to the Board of Commercial Pet Breeders an annual report on a form prescribed by the Board setting forth the number of adult intact animals held at the licensed facility at the end of the prior year and such other information regarding the commercial pet breeder's prior year's operations as required by the Board.

B. The commercial pet breeder shall keep a copy of the annual report at the licensed facility of the commercial breeder and, on request, make the report available to the Board, ~~a local animal control authority~~ local law enforcement, or a registered breeder inspector designated by the Board.

C. A commercial pet breeder license holder that has more than one facility must keep separate records and file a separate report for each facility.

SECTION 21. AMENDATORY Section 22, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5022), is amended to read as follows:

Section 5022. A. A commercial pet breeder shall maintain a separate health record for each animal in the licensed facility of the commercial breeder documenting the healthcare of the animal.

B. The health record must include:

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

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

C. The commercial pet breeder shall make the health records available on request to the Board of Commercial Pet Breeders, a local animal control authority, or a registered breeder inspector designated by the Board.

SECTION 22. AMENDATORY Section 23, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5023), is amended to read as follows:

Section 5023. A. The Board of Commercial Pet Breeders, by rule, shall establish minimum standards for the proper care, including veterinary care, treatment, feeding and watering, shelter and confinement, grooming, exercise, socialization, transportation, and disposition of dogs and cats by a commercial pet breeder to ensure the overall health, safety, well-being and humane environment for each animal in the <u>licensed</u> facility of the commercial <u>pet</u> breeder.

B. The standards adopted under this section must at a minimum meet USDA standards.

SECTION 23. AMENDATORY Section 24, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5024), is amended to read as follows:

Section 5024. In ~~adopting~~ establishing standards of care under the Commercial Pet Breeders Act, the Board of Commercial Pet Breeders shall annually consider relevant state, federal, and nationally recognized standards for animal health and welfare and make recommendations for promulgation of rules or amendments thereto to reflect appropriate standards of care under the Commercial Pet Breeders Act.

SECTION 24. AMENDATORY Section 25, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5025), is amended to read as follows:

Section 5025. A person is subject to ~~the~~ administrative penalties as ~~provided~~ authorized in paragraph 6 of Section ~~5~~ 5005 of this ~~act~~ title if the person violates any provision of the Commercial Pet Breeders Act or a rule ~~adopted under~~ promulgated pursuant to the Commercial Pet Breeders Act. In addition to any administrative penalties, the violator may be subject to criminal penalties as provided in Section 5026 of this title.

SECTION 25. AMENDATORY Section 26, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5026), is amended to read as follows:

Section 5026. A. A person commits ~~an~~ a criminal offense if the person violates the Commercial Pet Breeders Act ~~or any rule adopted under~~ by acting without a license or contrary to any provision of the Commercial Pet Breeders Act. Each animal to which a violation applies and each day that violation continues constitutes a separate offense. An offense under this subsection is a misdemeanor, upon conviction, punishable as provided in subsection E of this section.

B. A person commits ~~an~~ a criminal offense if the person knowingly falsifies information in a license application, annual report, or record required under the Commercial Pet Breeders Act. An offense under this subsection is a misdemeanor, upon conviction, punishable as provided in subsection E of this section.

C. An unlicensed commercial pet breeder commits ~~an~~ a criminal offense if the breeder advertises animals for sale. An offense under this subsection is a misdemeanor, upon conviction, punishable as provided in subsection E of this section.

D. A commercial pet breeder commits ~~an~~ a criminal offense if the commercial breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Pet Breeders Act or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under the Commercial Pet Breeders Act or any rule adopted under the Commercial Pet Breeders Act. An offense

under this subsection is a misdemeanor, upon conviction, punishable as provided in subsection E of this section.

E. 1. Any violation of subsection A, B, or C of this section shall be punishable by a fine not to exceed Five Hundred Dollars ($500.00), upon conviction.

2. Any violation of subsection D of this section shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00), upon conviction.

F. In addition ~~to the above~~, the Board shall have authority to obtain injunctions against anyone who violates ~~this act~~ the provisions of the Commercial Pet Breeders Act, and shall have authority to obtain or impose civil monetary penalties to anyone who violates ~~this act~~ the Commercial Pet Breeders Act, and upon obtaining a court order, shall have authority to seize and impound animals in the possession, custody, or care of that person if there is reason to believe that the health, safety, or welfare of the animals is endangered, or the animals are in imminent danger. The reasonable costs of transportation, care, and feeding of seized and impounded animals shall be paid by the person from whom the dogs or cats were seized and impounded.

SECTION 26. AMENDATORY Section 27, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5027), is amended to read as follows:

Section 5027. Not later than January 1, 2011, the Board of Commercial Pet Breeders shall adopt the rules, standards, procedures, and fees necessary to implement the Commercial Pet Breeders Act. Beginning July 1, 2011, the Department of Agriculture, Food, and Forestry shall approve all rules for the Commercial Pet Breeders Act before the rule shall become final.

SECTION 27. AMENDATORY Section 28, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5028), is amended to read as follows:

Section 5028. Notwithstanding anything herein to the contrary, a commercial pet breeder is not required to:

1. Hold a license under the Commercial Pet Breeders Act to act as a commercial pet breeder before July 1, 2011; or

2. Comply with the standards adopted ~~under~~ by the Board of Commercial Pet Breeders pursuant to the Commercial Pet Breeders Act ~~before~~ prior to July 1, 2011.

SECTION 28. AMENDATORY Section 29, Chapter 210, O.S.L. 2010 (59 O.S. Supp. 2010, Section 5029), is amended to read as follows:

Section 5029. A. ~~The change in law made by the~~ The provisions of the Commercial Pet Breeders Act ~~applies only to an~~ and any rule promulgated therefore shall only apply to a regulated act or criminal offense committed on or after July 1, 2011. Licensing of

commercial pet breeders shall not be required until July 1, 2011, and thereafter.

B. An offense committed before July 1, 2011, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

Hunting dogs, sporting dogs, and working dogs shall not be subject to the provisions of the Commercial Pet Breeders Act.

SECTION 30. This act shall become effective July 1, 2011.

SECTION 31. 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.

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