

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 637

By: Wyrick and Brecheen of the
Senate

6 and

7 Renegar of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to commercial pet breeders; amending
11 Sections 2, 4, 5, 14 and 17, Chapter 210, O.S.L. 2010
12 (59 O.S. Supp. 2010, Sections 5002, 5004, 5005, 5014
13 and 5017), which relate to the Commercial Pet
14 Breeders Act; modifying definition; providing for
15 designee to serve on Board of Commercial Pet
16 Breeders; directing election of certain Board
17 leadership from voting members of Board; requiring
18 Board adopt directives; mandating notification to
19 Oklahoma Legislature and State Board of Veterinary
20 Medical Examiners; directing Board to establish toll-
21 free hotline to report animal abuse; requiring
22 permanent rules be submitted for consideration prior
23 to February 1; permitting Board to contract with
24 veterinarian or state agency to conduct licensing
inspections; prohibiting Board from contracting with
certain organization; modifying criteria for denial
of license; exempting certain license holders;
providing for codification; and declaring an
emergency.

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;

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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 directives with notification to the
13 Oklahoma Legislature and State Board of Veterinary Medical Examiners
14 and the rules necessary to enforce and administer the Commercial Pet
15 Breeders Act, including but not limited to rules that:

16 1. Establish application procedures and requirements;

17 2. Establish procedures for renewing licenses;

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

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

22 5. Establish standards of care of animals;

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

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

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

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

11 SECTION 4. AMENDATORY Section 14, Chapter 210, O.S.L.
12 2010 (59 O.S. Supp. 2010, Section 5014), is amended to read as
13 follows:

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

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

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

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

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

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

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

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

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

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

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, revoked, or whose application was refused due
11 to the improper care of animals.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 5030 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A commercial breeder licensed by the United States Department of
16 Agriculture pursuant to the Animal Welfare Act shall be exempt from
17 all licensing requirements of the Commercial Pet Breeders Act.

18 SECTION 7. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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23 53-1-7474 LRB 04/06/11
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