

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 773

6 By: Fields

7 COMMITTEE SUBSTITUTE

8 An Act relating to the commercial pet breeders;  
9 amending Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
10 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,  
11 26, 27, 28 and 29, Chapter 210, O.S.L. 2010 (59 O.S.  
12 Supp. 2010, Sections 5001, 5002, 5004, 5005, 5006,  
13 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015,  
14 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024,  
15 5025, 5026, 5027, 5028 and 5029), which relate to  
16 the Commercial Pet Breeders Act; updating reference;  
17 modifying and adding definitions; adding designee for  
18 certain Board member; prohibiting certain person from  
19 being an officer of the Board; requiring rules to be  
20 approved by the Department of Agriculture, Food and  
21 Forestry; modifying scope of rules; setting fees by  
22 rule; providing fee exemption for federally licensed  
23 pet breeder; making certain employment subject to  
24 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

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

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

7 SECTION 1. AMENDATORY Section 1, Chapter 210, O.S.L.  
8 2010 (59 O.S. Supp. 2010, Section 5001), is amended to read as  
9 follows:

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

14 SECTION 2. AMENDATORY Section 2, Chapter 210, O.S.L.  
15 2010 (59 O.S. Supp. 2010, Section 5002), is amended to read as  
16 follows:

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

- 18 1. "Adult animal" means an animal six (6) months of age or  
19 older;
- 20 2. "Animal" means a dog or a cat;
- 21 3. "Animal shelter" means a facility which is used to house or  
22 contain certain animals which is owned, operated, or maintained by  
23 an incorporated non-profit humane society, animal welfare society,  
24 society for the prevention of cruelty to animals, or other non-

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

5 ~~3.~~ 4. "Cat" means a mammal that is wholly ~~or partly~~ of the  
6 species *Felis domesticus*;

7 ~~4.~~ 5. "Commercial breeder" and "commercial pet breeder" mean  
8 any individual, entity, association, trust, or corporation who  
9 possesses eleven or more adult intact female animals for the use of  
10 breeding or dealing in animals for direct or indirect sale or for  
11 exchange in return for consideration;

12 ~~5.~~ 6. "Person" means any individual, association, trust,  
13 corporation, limited liability company, partnership, or other  
14 entity;

15 ~~6.~~ 7. "Board" means the Board of Commercial Pet Breeders;

16 ~~7.~~ 8. "Commercial pet breeder license" means a license issued  
17 by the Board of Commercial Pet Breeders to any person that qualifies  
18 ~~and is~~ to be licensed as a commercial pet breeder;

19 9. "Contract kennel" means any facility operated by any person  
20 or entity other than the state or any political subdivision of the  
21 state, for the purpose of impounding or harboring seized, stray,  
22 homeless, abandoned or unwanted animals, on behalf of and pursuant  
23 to a contract with the state or any political subdivision;  
24

1       ~~8.~~ 10. "Dog" means a mammal that is wholly ~~or partly~~ of the  
2 species Canis familiaris;

3       ~~9.~~ 11. "Executive director" means the executive director of the  
4 Board of Commercial Pet Breeders;

5       ~~10.~~ 12. "Facility" means the premises used by a commercial  
6 breeder for keeping, housing, or breeding animals. The term  
7 includes all buildings, property, and confinement areas in a single  
8 location used to conduct the commercial breeding business;

9       ~~11.~~ 13. "Family member" means the parent, spouse, child, or  
10 sibling of an individual;

11       ~~12.~~ 14. "Humane society" means a nonprofit organization exempt  
12 from 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       15. "Hunting dog" means an animal that hunts game;

18       ~~13.~~ 16. "Intact female animal" means a female animal that has  
19 not been spayed and is capable of sexual reproduction;

20       ~~14.~~ 17. "Kitten" means a cat less than six (6) months old;

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

1       ~~16.~~ 19. "Marketing" means the solicitation for sale of animals;

2       ~~17.~~ 20. "Noncommercial breeder" means any individual, entity,  
3 association, trust, or corporation who possesses ten or less adult  
4 intact female animals for the use of breeding ~~or~~ and dealing in  
5 animals for direct or indirect sale ~~or for exchange in return for~~  
6 ~~consideration~~;

7       ~~18.~~ 21. "Pet" means a dog or cat, including a puppy or kitten;

8       ~~19.~~ 22. "Possess" means to have custody of or control over;

9       ~~20.~~ 23. "Puppy" means a dog less than six (6) months old;

10       ~~21.~~ 24. "Registered breeder inspector" means an individual  
11 certified by the Board to conduct investigations and inspections of  
12 facilities;

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

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

21       ~~22.~~ 27. "Veterinarian" means a person currently licensed to  
22 practice veterinary medicine in Oklahoma.

1 SECTION 3. AMENDATORY Section 4, Chapter 210, O.S.L.  
2 2010 (59 O.S. Supp. 2010, Section 5004), is amended to read as  
3 follows:

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

- 10 B. 1. The Board shall consist of eight (8) members as follows:
- 11 a. one member who represents the dog or cat breeding  
12 industry appointed by the Governor for an initial term  
13 of office of two (2) years,
  - 14 b. one member who represents an animal welfare  
15 association appointed by the Governor for an initial  
16 term of office of two (2) years,
  - 17 c. one member who represents the Oklahoma Veterinary  
18 Medical Association appointed by the President Pro  
19 Tempore of the Senate for an initial term of office of  
20 two (2) years,
  - 21 d. one member at large appointed by the Governor for an  
22 initial term of office of three (3) years,
  - 23 e. the State Veterinarian or designee,
- 24

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

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

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

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

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

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

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

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

6 G. The Board, annually, shall elect a chair, vice-chair, and  
7 secretary. The executive director shall not be eligible to be  
8 elected as an officer of the Board. A quorum of the Board shall  
9 consist of a majority of the full Board excluding the executive  
10 director.

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

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

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

18 SECTION 4. AMENDATORY Section 5, Chapter 210, O.S.L.  
19 2010 (59 O.S. Supp. 2010, Section 5005), is amended to read as  
20 follows:

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



1 B. The Board shall ~~adopt the~~ promulgate rules, procedures and  
2 forms necessary to enforce and administer the Commercial Pet  
3 Breeders Act. All rules shall be approved by the Department of  
4 Agriculture, Food and Forestry prior to the rules becoming final  
5 rules, including but not limited to rules that establish:

- 6 1. ~~Establish application~~ Application procedures and  
7 requirements;
- 8 2. ~~Establish procedures~~ Procedures for renewing licenses;
- 9 3. ~~Establish conditions~~ Conditions under which licenses are  
10 revoked, denied, or denied renewal;
- 11 4. ~~Establish qualifications and training for registered breeder~~  
12 ~~inspectors~~;
- 13 5. ~~Establish standards~~ Standards of care of animals;
- 14 6. ~~5. Establish procedures~~ Procedures for sale of animals,  
15 including a health certificate provided by a licensed veterinarian  
16 in every sale, and prohibiting marketing in retail or public parking  
17 lots; and
- 18 7. ~~6. Establish penalties~~ Administrative penalties for rule  
19 violations of ~~this act~~ the Commercial Pet Breeders Act.

20 SECTION 5. AMENDATORY Section 6, Chapter 210, O.S.L.  
21 2010 (59 O.S. Supp. 2010, Section 5006), is amended to read as  
22 follows:

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

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

7 SECTION 6. AMENDATORY Section 7, Chapter 210, O.S.L.  
8 2010 (59 O.S. Supp. 2010, Section 5007), is amended to read as  
9 follows:

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

14 SECTION 7. AMENDATORY Section 8, Chapter 210, O.S.L.  
15 2010 (59 O.S. Supp. 2010, Section 5008), is amended to read as  
16 follows:

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

21 SECTION 8. AMENDATORY Section 9, Chapter 210, O.S.L.  
22 2010 (59 O.S. Supp. 2010, Section 5009), is amended to read as  
23 follows:

24

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

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

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

19 SECTION 9. AMENDATORY Section 10, Chapter 210, O.S.L.  
20 2010 (59 O.S. Supp. 2010, Section 5010), is amended to read as  
21 follows:

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

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

4 SECTION 10. AMENDATORY Section 11, Chapter 210, O.S.L.  
5 2010 (59 O.S. Supp. 2010, Section 5011), is amended to read as  
6 follows:

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

13 SECTION 11. AMENDATORY Section 12, Chapter 210, O.S.L.  
14 2010 (59 O.S. Supp. 2010, Section 5012), is amended to read as  
15 follows:

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

24

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

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

15 SECTION 12. AMENDATORY Section 13, Chapter 210, O.S.L.  
16 2010 (59 O.S. Supp. 2010, Section 5013), is amended to read as  
17 follows:

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

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

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

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

9 SECTION 13. AMENDATORY Section 14, Chapter 210, O.S.L.  
10 2010 (59 O.S. Supp. 2010, Section 5014), is amended to read as  
11 follows:

12 Section 5014. A. The Board of Commercial Pet Breeders shall  
13 inspect a facility before an initial commercial pet breeder license  
14 is issued for that facility or at any time the Board determines that  
15 cause exists for an inspection.

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

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

1 D. Before the initial prelicense inspection may be conducted,  
2 each applicant shall pay to the Board a nonrefundable inspection fee  
3 in an amount established by the rules of the Board. A person  
4 currently licensed by the U.S. Department of Agriculture as a  
5 commercial pet breeder shall be exempt from the prelicense  
6 inspection fee.

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

15 SECTION 14. AMENDATORY Section 15, Chapter 210, O.S.L.  
16 2010 (59 O.S. Supp. 2010, Section 5015), is amended to read as  
17 follows:

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

- 20 1. Meets the requirements of the Commercial Pet Breeders Act or  
21 any rule promulgated thereto;
- 22 2. ~~Applies~~ Makes application to the Board on the form  
23 prescribed by the Board; and
- 24 3. Pays the required fee.

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

5 SECTION 15. AMENDATORY Section 16, Chapter 210, O.S.L.  
6 2010 (59 O.S. Supp. 2010, Section 5016), is amended to read as  
7 follows:

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

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

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

- 23 1. Convicted of a crime involving animal cruelty;
- 24



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

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

8 SECTION 17. AMENDATORY Section 18, Chapter 210, O.S.L.  
9 2010 (59 O.S. Supp. 2010, Section 5018), is amended to read as  
10 follows:

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

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

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

18 3. Paying the required fee.

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

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

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

3 SECTION 18. AMENDATORY Section 19, Chapter 210, O.S.L.  
4 2010 (59 O.S. Supp. 2010, Section 5019), is amended to read as  
5 follows:

6 Section 5019. A commercial pet breeder shall:

7 1. Prominently display the license or a copy of the commercial  
8 pet breeder 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 19. AMENDATORY Section 20, Chapter 210, O.S.L.  
16 2010 (59 O.S. Supp. 2010, Section 5020), is amended to read as  
17 follows:

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

23

24

1 SECTION 20. AMENDATORY Section 21, Chapter 210, O.S.L.  
2 2010 (59 O.S. Supp. 2010, Section 5021), is amended to read as  
3 follows:

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

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

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

19 SECTION 21. AMENDATORY Section 22, Chapter 210, O.S.L.  
20 2010 (59 O.S. Supp. 2010, Section 5022), is amended to read as  
21 follows:

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

1 B. The health record must include:

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

3 and

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

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

11 SECTION 22. AMENDATORY Section 23, Chapter 210, O.S.L.  
12 2010 (59 O.S. Supp. 2010, Section 5023), is amended to read as  
13 follows:

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

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

1 SECTION 23. AMENDATORY Section 24, Chapter 210, O.S.L.  
2 2010 (59 O.S. Supp. 2010, Section 5024), is amended to read as  
3 follows:

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

11 SECTION 24. AMENDATORY Section 25, Chapter 210, O.S.L.  
12 2010 (59 O.S. Supp. 2010, Section 5025), is amended to read as  
13 follows:

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

21 SECTION 25. AMENDATORY Section 26, Chapter 210, O.S.L.  
22 2010 (59 O.S. Supp. 2010, Section 5026), is amended to read as  
23 follows:  
24

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

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

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

17 D. A commercial pet breeder commits ~~an~~ a criminal offense if  
18 the commercial breeder interferes with, hinders, or thwarts any  
19 inspection or investigation under the Commercial Pet Breeders Act or  
20 refuses to allow an inspector full access to all areas of the  
21 facility where animals are kept or cared for and all records  
22 required to be kept under the Commercial Pet Breeders Act or any  
23 rule adopted under the Commercial Pet Breeders Act. An offense  
24

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

3 E. 1. Any violation of subsection A, B, or C of this section  
4 shall be punishable by a fine not to exceed Five Hundred Dollars  
5 (\$500.00), upon conviction.

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

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

21 SECTION 26. AMENDATORY Section 27, Chapter 210, O.S.L.  
22 2010 (59 O.S. Supp. 2010, Section 5027), is amended to read as  
23 follows:  
24

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

7 SECTION 27. AMENDATORY Section 28, Chapter 210, O.S.L.  
8 2010 (59 O.S. Supp. 2010, Section 5028), is amended to read as  
9 follows:

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

- 12 1. Hold a license under the Commercial Pet Breeders Act to act  
13 as a commercial pet breeder before July 1, 2011; or
- 14 2. Comply with the standards adopted ~~under~~ by the Board of  
15 Commercial Pet Breeders pursuant to the Commercial Pet Breeders Act  
16 ~~before~~ prior to July 1, 2011.

17 SECTION 28. AMENDATORY Section 29, Chapter 210, O.S.L.  
18 2010 (59 O.S. Supp. 2010, Section 5029), is amended to read as  
19 follows:

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

24



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

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

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

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

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

12 SECTION 31. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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