

1 STATE OF OKLAHOMA

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

3 SENATE BILL 128

By: Schulz

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5
6 AS INTRODUCED

7 An Act relating to the Commercial Pet Breeders Act;
8 amending Section 2, Chapter 210, O.S.L. 2010 (59 O.S.
9 Supp. 2010, Section 5002), which relates to
10 definitions; adding definitions; adding exemption;
11 providing codification; and providing an effective
12 date.

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

14 SECTION 1. 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. "Cat" means a mammal that is wholly or partly of the species
22 *Felis domesticus*;
- 23 4. "Commercial breeder" and "commercial pet breeder" mean any
24 individual, entity, association, trust, or corporation who possesses
eleven or more adult intact female animals for the use of breeding

1 or dealing in animals for direct or indirect sale or for exchange in
2 return for consideration;

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

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

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

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

12 9. "Executive director" means the executive director of the
13 Board;

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

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

20 12. "Humane society" means a nonprofit organization exempt from
21 federal income taxation as an organization described in Section
22 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a
23 principal purpose the prevention of animal cruelty or the sheltering
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1 of, caring for, and providing of homes for lost, stray, and
2 abandoned animals;

3 13. "Hunting dog" means a dog that hunts game;

4 14. "Intact female animal" means a female animal that has not
5 been spayed and is capable of sexual reproduction;

6 ~~14.~~ 15. "Kitten" means a cat less than six (6) months old;

7 ~~15.~~ 16. "Local animal control authority" means a municipal or
8 county animal control office with authority over the premises in
9 which an animal is kept or, in an area that does not have an animal
10 control office, the county sheriff;

11 ~~16.~~ 17. "Marketing" means the solicitation for sale of animals;

12 ~~17.~~ 18. "Noncommercial breeder" means any individual, entity,
13 association, trust, or corporation who possesses ten or less adult
14 intact female animals for the use of breeding or dealing in animals
15 for direct or indirect sale or for exchange in return for
16 consideration;

17 ~~18.~~ 19. "Pet" means a dog or cat, including a puppy or kitten;

18 ~~19.~~ 20. "Possess" means to have custody of or control over;

19 ~~20.~~ 21. "Puppy" means a dog less than six (6) months old;

20 ~~21.~~ 22. "Registered breeder inspector" means an individual
21 certified by the Board to conduct investigations and inspections of
22 facilities; ~~and~~

23 ~~22.~~ 23. "Sporting dog" means a breed group of dogs trained to
24 work with sportsmen when they hunt with guns or those dogs bred to

1 hunt or race including, but not limited to, greyhounds, sled dogs,
2 whippets, and dachshunds;

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

7 25. "Veterinarian" means a person currently licensed to
8 practice veterinary medicine in Oklahoma.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 5003.1 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

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

14 SECTION 3. This act shall become effective November 1, 2011.

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