

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1933

By: Brecheen

4  
5 AS INTRODUCED

6 An Act relating to professions and occupations;  
7 creating the Companion Animal Care Act; providing  
8 short title; defining terms; construing law; creating  
9 the Companion Animal Care Program; providing for  
10 Companion Animal Care Program Director and  
11 Coordinator; authorizing Animal Care Program Director  
12 to adopt certain rules and enforce the provisions of  
13 the Companion Animal Care Act; authorizing certain  
14 fees; establishing the Companion Animal Care Permit  
15 and Exemption; authorizing employment of personnel;  
16 authorizing certain disbursements and expenditures;  
17 creating the Companion Animal Care Reserve Fund;  
18 establishing procedure for disbursement of excess  
19 funds; creating the Companion Animal Care Relief  
20 Fund; providing for transfer of certain monies;  
21 requiring certain reports and records; prohibiting  
22 certain contracts; providing for enforcement and  
23 investigations; establishing requirements for permit  
24 or exemption; establishing health certificate  
requirements; authorizing denial and revocation of  
permit or exemption under certain circumstances;  
establishing procedure for permit and exemption  
renewal; setting out certain duties; providing for  
penalties; repealing 59 O.S. 2011, Sections 5001  
through 5029, which relate to the Commercial Pet  
Breeders Act; providing for codification; and  
declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 5101 of Title 59, unless there  
24 is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Companion  
2 Animal Care Act".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 5102 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 As used in the Companion Animal Care Act:

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

9 2. "Animal control facility" means a facility operated by the  
10 state or any political subdivision of the state for the purpose of  
11 impounding or harboring seized, stray, homeless, abandoned, or  
12 unwanted animals;

13 3. "Animal shelter" means a facility which is used to house or  
14 contain animals, which is owned, operated, or maintained by an  
15 incorporated nonprofit humane society, animal welfare society,  
16 society for the prevention of cruelty to animals, or other nonprofit  
17 organization devoted to the welfare, protection, and humane  
18 treatment of companion animals, or a person whose primary purpose is  
19 to act as an animal rescue, to collect and care for unwanted animals  
20 or to offer them for adoption or in exchange for a consideration;

21 4. "Breeder" means a person, other than a sporting or working  
22 dog breeder, engaged in the business of breeding animals for sale or  
23 for exchange in return for a consideration, and who harbors more  
24

1 than six (6) intact females for the primary purpose of breeding  
2 animals for sale;

3 5. "Boarding kennel" means a place or establishment, other than  
4 a pound, animal shelter or licensed veterinary facility, where  
5 animals, not owned by the proprietor, are sheltered, fed, and  
6 watered in return for a consideration. Boarding kennel shall not  
7 include hobby or show breeders who board intact females for a period  
8 of time for the sole purpose of breeding the intact females, and  
9 shall not include individuals who temporarily, and not in the normal  
10 course of business, board or care for animals owned by other  
11 individuals;

12 6. "Cat" means a mammal that is wholly of the species *Felis*  
13 *domesticus*;

14 7. "Commercial kennel" means a kennel which performs grooming  
15 or training services for animals, and may or may not render boarding  
16 services in return for a consideration;

17 8. "Companion animal" means a dog or a cat;

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

23 10. "Dealer" means any person who is engaged in the business of  
24 buying for resale, selling or exchanging animals, as a principal or

1 agent, or who holds himself or herself out to be so engaged or is  
2 otherwise classified as a dealer by the USDA as defined by  
3 regulations of the USDA;

4 11. "Dog" means a mammal that is wholly of the species *Canis*  
5 *familiaris*;

6 12. "Facility" means the premises used for keeping, housing, or  
7 breeding animals. The term includes all buildings, property, and  
8 confinement areas used to conduct business;

9 13. "Intact female animal" means a female animal between the  
10 ages of six (6) months and ten (10) years of age that is capable of  
11 sexual reproduction;

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

13 15. "Person" means any individual, association, trust,  
14 corporation, limited liability corporation, partnership, or other  
15 entity;

16 16. "Pet shop" means any temporary or permanent facility where  
17 animals are bought, sold, exchanged, or offered for retail sale to  
18 the general public;

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

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

21 19. "Sporting or working dog breeder" means a breeder that  
22 actively participates in working competitions or breeds canines  
23 regularly used for lawful hunting or livestock production and/or  
24 management;

1       20. "USDA" means the United States Department of Agriculture;  
2 and

3       21. "Veterinarian" means a person currently licensed to  
4 practice veterinary medicine in Oklahoma.

5       SECTION 3.       NEW LAW       A new section of law to be codified  
6 in the Oklahoma Statutes as Section 5103 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8       A. The Companion Animal Care Act does not affect the  
9 applicability of any other law, rule, order, ordinance, or other  
10 legal requirement of the federal government, this state, or a  
11 political subdivision of this state.

12       B. The Companion Animal Care Act does not limit the ability of  
13 any other political subdivision to pass any laws or rules related to  
14 companion animals.

15       SECTION 4.       NEW LAW       A new section of law to be codified  
16 in the Oklahoma Statutes as Section 5104 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18       A. The Companion Animal Care Program is hereby created, to  
19 continue until July 1, 2015, in accordance with the provisions of  
20 the Oklahoma Sunset Law.

21       B. The Commissioner and Secretary of Agriculture shall appoint  
22 one individual to serve as the Companion Animal Care Program  
23 Director. The State Veterinarian shall appoint one individual to  
24 serve as the Companion Animal Care Program Coordinator.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 5105 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The Companion Animal Care Program Director shall enforce and  
5 administer the provisions of the Companion Animal Care Act.

6 B. The Program Director, with the assistance of the Companion  
7 Animal Care Program Coordinator, shall manage the daily operations  
8 of the program including adopting the policies and procedures  
9 necessary to enforce and administer the Companion Animal Care Act,  
10 including but not limited to rules that:

11 1. Establish exemption application procedures and requirements;

12 2. Establish procedures for renewing exemptions;

13 3. Establish procedures for issuing exemptions to the  
14 requirements of the Companion Animal Care Act;

15 4. Establish policy and procedure relating to verifying the  
16 validity of complaints filed and their investigation;

17 5. Establish policy and procedures related to referring  
18 complaints to local law enforcement agencies to pursue criminal  
19 charges for animal abuse and/or neglect; and

20 6. Establish disposition protocols and plans in the event of a  
21 disaster or facility depopulation.

22 SECTION 6. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 5106 of Title 59, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. Facilities may pay a one-time annual fee of Two Hundred  
2 Fifty Dollars (\$250.00) by the last day of January each year and may  
3 be issued an annual permit.

4       B. Sporting or working dog breeders who provide documentation  
5 of active participation in working competitions sanctioned by a  
6 recognized organization or certification from a veterinarian  
7 currently licensed to practice in the State of Oklahoma may apply  
8 for an annual exemption.

9       C. A permit or exemption issued under the Companion Animal Care  
10 Act is valid until the last day of January each year and is  
11 nontransferable.

12       D. The Companion Animal Care permit or exemption shall include  
13 the expiration date.

14       E. 1. If the one-time annual permit fee is not paid and/or the  
15 facility does not meet exempt requirements, a maximum fee of One  
16 Dollar (\$1.00) per animal will be collected with each health  
17 certificate issued.

18       2. The fee shall be collected by the veterinarian issuing the  
19 health certificate and shall be submitted quarterly to the Oklahoma  
20 Department of Agriculture, Food, and Forestry.

21       3. The veterinarian may collect an amount equal to but not  
22 exceeding the per animal fee to cover the administrative costs  
23 associated with collecting the Companion Animal Care Act health  
24 certificate fee.

1 F. All fees will be reviewed and adjusted as needed every four  
2 (4) years based on multiple factors including economic measures and  
3 program costs.

4 SECTION 7. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 5107 of Title 59, unless there  
6 is created a duplication in numbering, reads as follows:

7 The Companion Animal Care Program Director may employ up to two  
8 (2) additional personnel to carry out the functions and duties of  
9 the Companion Animal Care Program.

10 SECTION 8. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5108 of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. The Companion Animal Care Program Director may authorize  
14 disbursements necessary to implement the Companion Animal Care Act,  
15 including disbursements for office expenses, equipment costs, and  
16 other necessary resources.

17 B. The Program budget is limited to obtaining revenue through  
18 health certificate fees collected.

19 C. All unspent funds donated by any source used to fund the  
20 Board of Commercial Pet Breeders shall be immediately returned to  
21 the donor.

22 D. All fees collected by the Companion Animal Care from health  
23 certificates shall be used to administer the provisions of the  
24 Companion Animal Care Act, and shall be deposited in the state



1 treasury to the credit of the "Companion Animal Care Reserve Fund",  
2 which is hereby created. All moneys deposited in the Companion  
3 Animal Care Reserve Fund shall be subject to appropriation for the  
4 use and benefit of the Oklahoma Department of Agriculture, Food, and  
5 Forestry to administer the provisions of the Companion Animal Care  
6 Act.

7 E. Moneys in the Companion Animal Care Reserve Fund shall not  
8 be transferred to the General Revenue Fund at the end of the  
9 biennium.

10 SECTION 9. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5109 of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 If any excess funds remain in the program at the end of the  
14 fiscal period after paying all program administration costs, those  
15 funds are to be used as follows:

16 1. Fifty percent (50%) of the excess shall be placed in a fund  
17 known as the "Companion Animal Care Relief Fund", which is hereby  
18 created. All moneys deposited in this fund shall be allocated to  
19 costs directly related to facility depopulation and/or disaster  
20 relief activities;

21 2. Twenty-five percent (25%) of the excess shall be used to  
22 develop and implement educational programs for regulated facilities;  
23 and

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1           3. Twenty-five percent (25%) of the excess shall be used to  
2 develop and implement marketing strategies to educate the general  
3 public about the Companion Animal Care Act.

4           SECTION 10.           NEW LAW           A new section of law to be codified  
5 in the Oklahoma Statutes as Section 5110 of Title 59, unless there  
6 is created a duplication in numbering, reads as follows:

7           A. The Oklahoma Department of Agriculture, Food, and Forestry  
8 shall maintain and post on its website a map showing the number of  
9 health certificates issued by county pursuant to the Companion  
10 Animal Care Act; and

11           B. The Oklahoma Department of Agriculture, Food, and Forestry  
12 shall post on its website no later than the end of the first fiscal  
13 quarter following the completion of a calendar year an annual report  
14 containing the following information:

15           1. Total number of complaints received; and

16           2. Aggregate data on disposition of all complaints received as  
17 follows:

18           a. no jurisdiction,

19           b. unfounded, not investigated,

20           c. investigated, deemed unfounded,

21           d. investigated, found valid, facility operation  
22 voluntarily ceased,

23           e. investigated, found valid, referred to local law  
24 enforcement, and

1 f. investigated, found valid, assisted local law  
2 enforcement.

3 SECTION 11. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 5111 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The Companion Animal Care Program may not contract with  
7 another state agency, a political subdivision of this state, a local  
8 animal control authority, nongovernmental organization or a  
9 registered breeder inspector to enforce the Companion Animal Care  
10 Act and the rules adopted under the Companion Animal Care Act.

11 B. The Companion Animal Care Program Director does have the  
12 authority to enter into Memorandums of Understanding with federal  
13 and out-of-state government agencies performing like inspections.

14 SECTION 12. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 5112 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. On receipt of a written complaint alleging a violation of  
18 the Companion Animal Care Act, the Commissioner and Secretary of  
19 Agriculture or designee shall investigate the alleged violation.

20 B. The Commissioner and Secretary of Agriculture or designee  
21 will establish a telephone hotline and website for complaints  
22 reports.

1 C. No complaint will be deemed valid unless the complainant  
2 provides full contact information and personally attests to the  
3 veracity of the complaint.

4 SECTION 13. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 5113 of Title 59, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. The Commissioner and Secretary of Agriculture shall issue a  
8 companion animal facility permit or exemption to each facility that:

9 1. Meets the permit or exemption requirements of the Companion  
10 Animal Care Act;

11 2. Applies to the Oklahoma Department of Agriculture, Food, and  
12 Forestry on the form prescribed by the Oklahoma Department of  
13 Agriculture, Food, and Forestry; and

14 3. Pays the required fee.

15 SECTION 14. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 5114 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. A health certificate in compliance with USDA and/or state  
19 requirements must be issued for every companion animal offered in  
20 exchange for a consideration.

21 1. Health certificates for companion animals travelling outside  
22 the State of Oklahoma shall be governed by federal law.

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1           2. Health certificates for companion animals travelling inside  
2 the State of Oklahoma shall be governed by the State Veterinarian or  
3 designee.

4           3. All health certificates shall be valid for a maximum period  
5 of thirty (30) days.

6           4. All health certificates must contain verification of  
7 positive identification of the individual presenting the companion  
8 animal for the issuance of the health certificate.

9           SECTION 15.       NEW LAW       A new section of law to be codified  
10 in the Oklahoma Statutes as Section 5115 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12           The Commissioner and Secretary of Agriculture or designee may  
13 deny a permit or exemption, or renewal thereof, or revoke the  
14 exemption of an applicant who:

15           1. Is convicted or enters a plea of guilty or no contest to a  
16 crime involving animal cruelty and/or neglect; or

17           2. Gave material and deliberate misstatements in the  
18 application for any original exemption or for any renewal exemption.

19           SECTION 16.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 5116 of Title 59, unless there  
21 is created a duplication in numbering, reads and exemption renewal

22           A. A permit or exemption holder who is not in violation of the  
23 Companion Animal Care Act may renew the permit or exemption of the  
24 facility by:

1 1. Submitting a renewal application to the Oklahoma Department  
2 of Agriculture, Food, and Forestry on the form prescribed by the  
3 Department; and

4 2. Paying the required fee.

5 B. Not later than sixty (60) days before the expiration of the  
6 permit or exemption, the Department shall send written notice of the  
7 impending permit or exemption expiration to the person at the last  
8 known address of the person according to the records of the Oklahoma  
9 Department of Agriculture, Food, and Forestry.

10 SECTION 17. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5117 of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 Each contract for the sale or transfer of an animal shall  
14 include the Companion Animal Facility permit or exemption number if  
15 issued, and shall provide contact information for the Oklahoma  
16 Department of Agriculture, Food, and Forestry complaint telephone  
17 line, website and e-mail address.

18 SECTION 18. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 5118 of Title 59, unless there  
20 is created a duplication in numbering, reads as follows:

21 A companion animal facility shall notify the Oklahoma Department  
22 of Agriculture, Food, and Forestry in writing not later than ten  
23 (10) days after the date any change occurs in the address, name,  
24

1 management, substantial control, or ownership of the business or  
2 operation.

3 SECTION 19. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 5119 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A person is subject to the administrative penalties as provided  
7 in Section 5 of this act if the person violates the Companion Animal  
8 Care Act or a rule adopted under the Companion Animal Care Act.

9 SECTION 20. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 5120 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. A person commits an offense if the person knowingly  
13 falsifies information in an exemption application required under the  
14 Companion Animal Care Act. An offense under this subsection is a  
15 misdemeanor punishable as provided in subsection C of this section.

16 B. A companion animal facility commits an offense if it  
17 interferes with, hinders, or thwarts any inspection or investigation  
18 under the Companion Animal Care Act or refuses to allow any  
19 designated personnel full access to all areas of the facility where  
20 animals are kept or cared for. An offense under this subsection is  
21 a misdemeanor punishable as provided in subsection C of this  
22 section.

23 C. Any violation of subsection A or B of this section shall be  
24 punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or

1 imprisonment in the county jail for not to exceed one (1) year, or  
2 by both such fine and imprisonment.

3 D. In addition to the above, the Commissioner and Secretary of  
4 Agriculture have authority to obtain injunctions against anyone who  
5 violates the Companion Animal Care Act and shall have authority to  
6 obtain or impose civil monetary penalties on anyone who violates the  
7 Companion Animal Care Act.

8 SECTION 21. REPEALER 59 O.S. 2011, Sections 5001  
9 through 5029, are hereby repealed.

10 SECTION 22. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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