

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1359

By: Renegar

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6 AS INTRODUCED

7 An Act relating to animals; amending Section 1,
8 Chapter 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section
9 30.1), which relates to the Commercial Pet Breeders
10 Act of 2012; renaming act to Commercial Pet Breeders
11 and Animal Shelter Licensing Act; amending Section 2,
12 Chapter 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section
13 30.2), which relates to definitions; adding and
14 modifying definitions; amending Section 3, Chapter
15 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section 30.3),
16 which relates to enforcement and administration of
17 the act; updating references to the act; amending
18 Section 4, Chapter 302, O.S.L. 2012 (4 O.S. Supp.
19 2012, Section 30.4), which relates to licenses and
20 requirements; requiring animal shelters to be
21 licensed and inspected; providing cage-size
22 requirements for animal shelters; amending Section 5,
23 Chapter 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section
24 30.5), which relates to application for licensure;
providing for prelicense inspections for animal
shelters; amending Section 6, Chapter 302, O.S.L.
2012 (4 O.S. Supp. 2012, Section 30.6), which relates
to requirements for licensure; providing license
requirements for animal shelters; amending Section 7,
Chapter 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section
30.7), which relates to grounds for denial or
revocation of license; providing for revocation and
suspension of license for animal shelters; amending
Section 8, Chapter 302, O.S.L. 2012 (4 O.S. Supp.
2012, Section 30.8), which relates to license
renewal; providing renewal requirements for animal
shelters; amending Section 9, Chapter 302, O.S.L.
2012 (4 O.S. Supp. 2012, Section 30.9), which relates
to required information updates; requiring animal
shelters to update certain information; amending
Section 10, Chapter 302, O.S.L. 2012 (4 O.S. Supp.

1 2012, Section 30.10), which relates to disclosure of
2 license; requiring display of animal shelter license;
3 amending Section 12, Chapter 302, O.S.L. 2012 (4 O.S.
4 Supp. 2012, Section 30.12), which relates to animal
5 health records; requiring animal shelters to maintain
6 health records; amending Section 13, Chapter 302,
7 O.S.L. 2012 (4 O.S. Supp. 2012, Section 30.13), which
8 relates to prohibited conduct and penalties;
9 prohibiting certain conduct and providing penalties
10 for animal shelters; amending Section 14, Chapter
11 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section 30.14),
12 which relates to state disclosure duties; requiring
13 State Board of Agriculture to maintain directory of
14 animal shelters; amending Section 15, Chapter 302,
15 O.S.L. 2012 (4 O.S. Supp. 2012, Section 30.15), which
16 relates to the effect of act on state and local laws;
17 updating references to the act; amending Section 16,
18 Chapter 302, O.S.L. 2012 (4 O.S. Supp. 2012, Section
19 30.16), which relates to the Commercial Pet Breeders
20 Assistance Revolving Fund; renaming revolving fund to
21 the Commercial Pet Breeders and Animal Shelter
22 Assistance Revolving Fund; providing an effective
23 date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 302, O.S.L.
2012 (4 O.S. Supp. 2012, Section 30.1), is amended to read as
follows:

Section 30.1 This act shall be known and may be cited as the
"Commercial Pet Breeders and Animal Shelter Licensing Act of 2012"
and shall be administered by the State Board of Agriculture.

SECTION 2. AMENDATORY Section 2, Chapter 302, O.S.L.
2012 (4 O.S. Supp. 2012, Section 30.2), is amended to read as
follows:

1 Section 30.2 As used in the Commercial Pet Breeders and Animal
2 Shelter Licensing Act of 2012:

3 1. "Adult animal" means an intact female animal twelve (12)
4 months of age or older;

5 2. "Animal" means a dog or a cat;

6 3. "Animal shelter" means any facility that maintains ten or
7 more dogs and cats operated by or under contract for the state, a
8 county, a municipal corporation, or any other political subdivision
9 of the state for the purpose of impounding or harboring seized,
10 stray, homeless, abandoned or unwanted dogs or cats; and any
11 facility that maintains ten or more dogs and cats operated, owned,
12 or maintained by any person or organization for such purpose, but
13 not including any facility that does not house or harbor dogs or
14 cats on the premises and only operates through a system of fostering
15 in private homes;

16 4. "Animal shelter operator" means any individual, entity,
17 association, trust, or corporation that operates a facility that
18 maintains ten or more dogs and cats for the purpose of impounding or
19 harboring seized, stray, homeless, abandoned or unwanted dogs or
20 cats, but not including any facility that does not house or harbor
21 dogs or cats on the premises and only operates through a system of
22 fostering in private homes;

23 5. "Board" means the State Board of Agriculture;
24

1 4. 6. "Cat" means a mammal that is wholly or partly of the
2 species Felis domesticus;

3 5. 7. "Commercial breeder" and "commercial pet breeder" mean
4 any individual, entity, association, trust, or corporation who
5 possesses eleven or more intact female animals for the use of
6 breeding or dealing in animals for direct or indirect sale or for
7 exchange in return for consideration;

8 6. 8. "Commercial pet breeder license" means a license issued
9 to any person that qualifies and is licensed as a commercial pet
10 breeder;

11 7. 9. "Animal shelter license" means a license issued to any
12 applicant that qualifies and is licensed as an animal shelter
13 operator;

14 10. "Department" means the Oklahoma Department of Agriculture,
15 Food, and Forestry;

16 8. 11. "Dog" means a mammal that is wholly or partly of the
17 species Canis familiaris;

18 9. 12. "Facility" means the premises used by one or more animal
19 shelter operators or commercial breeders ~~for keeping, housing, or~~
20 ~~breeding animals~~. The term includes all buildings, property, and
21 confinement areas in a single location used to conduct the animal
22 shelter or commercial breeding business;

23 10. 13. "Family member" means the parent, spouse, child, or
24 sibling of an individual;

1 ~~11.~~ 14. "Humane society" means a nonprofit organization exempt
2 from federal income taxation as an organization described in Section
3 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a
4 principal purpose the prevention of animal cruelty or the sheltering
5 of, caring for, and providing of homes for lost, stray, and
6 abandoned animals;

7 ~~12.~~ 15. "Inspector" means an authorized agent of the Board or
8 any other qualified person authorized by the Department to conduct
9 inspections;

10 ~~13.~~ 16. "Intact female animal" means a female animal, nine (9)
11 months of age or older, and not spayed;

12 ~~14.~~ 17. "Kitten" means a cat less than twelve (12) months old;

13 ~~15.~~ 18. "Local animal control authority" means a municipal or
14 county animal control office with authority over the premises in
15 which an animal is kept or, in an area that does not have an animal
16 control office, the county sheriff;

17 ~~16.~~ 19. "Marketing" means the solicitation for sale of animals;

18 ~~17.~~ 20. "Noncommercial breeder" means any individual, entity,
19 association, trust, or corporation who possesses ten or fewer intact
20 female animals for the use of breeding or dealing in animals for
21 direct or indirect sale or for exchange in return for consideration;

22 ~~18.~~ 21. "Person" means any individual, association, trust,
23 corporation, limited liability company, partnership, or other
24 entity;

1 ~~19.~~ 22. "Pet" means a dog or cat, including a puppy or kitten;

2 ~~20.~~ 23. "Possess" means to have custody of or control over;

3 ~~21.~~ 24. "Puppy" means a dog less than twelve (12) months old;

4 and

5 ~~22.~~ 25. "Veterinarian" means a person currently licensed to
6 practice veterinary medicine in Oklahoma.

7 SECTION 3. AMENDATORY Section 3, Chapter 302, O.S.L.
8 2012 (4 O.S. Supp. 2012, Section 30.3), is amended to read as
9 follows:

10 Section 30.3 A. The State Board of Agriculture shall enforce
11 and administer the provisions of the Commercial Pet Breeders and
12 Animal Shelter Licensing Act of 2012.

13 B. The Board shall adopt the rules necessary to enforce and
14 administer the Commercial Pet Breeders and Animal Shelter Licensing
15 Act of 2012, including but not limited to rules that:

16 1. Establish standards for care;

17 2. Establish reasonable and necessary fees;

18 3. Establish exemptions for intact female animals held solely
19 for the purpose of training and that are not bred, with
20 documentation to include sales and training records;

21 4. Establish provisions related to initial and renewal
22 applications, revocation or nonrenewal of licenses, procedures for
23 sale of animals, and procedures for making complaints; and

24 5. Establish any other rules deemed necessary by the Board.

1 SECTION 4. AMENDATORY Section 4, Chapter 302, O.S.L.
2 2012 (4 O.S. Supp. 2012, Section 30.4), is amended to read as
3 follows:

4 Section 30.4 A. A person shall not act, offer to act, or hold
5 himself or herself out as a commercial pet breeder or operate an
6 animal shelter in this state unless the person holds a ~~commercial~~
7 ~~pet breeder~~ license obtained pursuant to the Commercial Pet Breeders
8 and Animal Shelter Licensing Act of 2012 for each facility that the
9 person owns or operates in this state.

10 B. It shall be unlawful for any person to act as a commercial
11 pet breeder licensee, or operate as an animal shelter licensee, or
12 to hold himself or herself out as such, unless the person shall have
13 been licensed to do so under the Commercial Pet Breeders and Animal
14 Shelter Licensing Act of 2012.

15 C. An applicant for an animal shelter or commercial pet breeder
16 license shall meet the criteria established by the State Board of
17 Agriculture through rules promulgated pursuant to the Commercial Pet
18 Breeders and Animal Shelter Licensing Act of 2012.

19 D. Any animal shelter operator or commercial pet breeder that
20 applies for a an animal shelter or commercial pet breeder license no
21 later than September 1, ~~2012~~ 2013, shall not be required to meet any
22 cage-size requirement more stringent than United States Department
23 of Agriculture standards. Regardless of license application date,
24 any animal shelter operator or commercial pet breeder replacing or

1 adding cages after September 1, ~~2012~~ 2013, shall meet the cage-size
2 requirements as of the date of replacement or addition.

3 SECTION 5. AMENDATORY Section 5, Chapter 302, O.S.L.
4 2012 (4 O.S. Supp. 2012, Section 30.5), is amended to read as
5 follows:

6 Section 30.5 A. The Oklahoma Department of Agriculture, Food,
7 and Forestry may contract with a local veterinarian licensed by the
8 state, other state agency or any other qualified person to conduct
9 or assist in an initial prelicense inspection and annual
10 inspections.

11 B. The Department shall arrange for an inspection at a facility
12 prior to issuance of an initial animal shelter or commercial pet
13 breeder license for that facility.

14 1. The Department shall not issue ~~a~~ an animal shelter or
15 commercial pet breeder license to any person until the Department
16 receives an initial prelicense inspection report from the inspector
17 in a format approved by the Department certifying that the facility
18 meets the requirements of the Commercial Pet Breeders and Animal
19 Shelter Licensing Act of ~~2012~~.

20 2. Prior to the initial prelicense inspection, each applicant
21 shall pay to the Department a nonrefundable inspection fee.

22 C. The Department, at least annually, shall arrange for the
23 inspection of each facility of a licensed animal shelter operator or
24 commercial breeder. The inspection shall be conducted during normal

1 business hours and the animal shelter operator, commercial breeder
2 or a representative of the ~~commercial breeder~~ facility shall be
3 present during the inspection.

4 D. The inspector shall submit an inspection report to the
5 Department not later than ten (10) days after the date of the
6 inspection on a form prescribed by the Department and provide a copy
7 of the report to the animal shelter operator, commercial breeder or
8 the representative.

9 E. On receipt of a valid written complaint alleging a violation
10 of the Commercial Pet Breeders and Animal Shelter Licensing Act ~~of~~
11 ~~2012~~, an authorized agent of the State Board of Agriculture, a local
12 animal control authority, or an inspector designated by the
13 Department may investigate the alleged violation.

14 F. The Department shall not hire any humane society group or
15 member of any humane society group to perform any inspection
16 required by the Commercial Pet Breeders and Animal Shelter Licensing
17 Act ~~of 2012~~.

18 SECTION 6. AMENDATORY Section 6, Chapter 302, O.S.L.
19 2012 (4 O.S. Supp. 2012, Section 30.6), is amended to read as
20 follows:

21 Section 30.6 A. The Oklahoma Department of Agriculture, Food,
22 and Forestry shall issue ~~a~~ an animal shelter or commercial pet
23 breeder license to each ~~commercial pet breeder~~ applicant who:
24

1 1. Meets the requirements of the Commercial Pet Breeders and
2 Animal Shelter Licensing Act of 2012;

3 2. Applies to the Department on the form prescribed by the
4 Department; and

5 3. Pays the required fee.

6 B. A An animal shelter operator or commercial pet breeder shall
7 obtain a separate license for each facility where ~~breeding~~ animals
8 are kept. A separate license shall be issued for each facility ~~of~~
9 ~~the commercial pet breeder, whether or not the breeder has eleven or~~
10 ~~more intact female,~~ regardless of the number of animals at each
11 facility.

12 C. If a single facility is shared by more than one person, each
13 person shall be required to become individually licensed if:

14 1. For commercial pet breeders, eleven or more intact females
15 used for breeding are housed at the facility; or

16 2. For animal shelter operators, ten or more cats and dogs are
17 maintained at the facility.

18 D. A license issued under the Commercial Pet Breeders and
19 Animal Shelter Licensing Act of 2012 is valid until July 1 of each
20 calendar year and is nontransferable.

21 SECTION 7. AMENDATORY Section 7, Chapter 302, O.S.L.
22 2012 (4 O.S. Supp. 2012, Section 30.7), is amended to read as
23 follows:

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1 Section 30.7 The Oklahoma Department of Agriculture, Food, and
2 Forestry may deny a license, or renewal thereof, or revoke a license
3 of any applicant, animal shelter operator or commercial pet breeder
4 who fails to meet the standards of animal care or fails to follow
5 the application process adopted by the Department, or if the person:

6 1. Is convicted of a crime involving animal cruelty;

7 2. Is convicted of violating the Commercial Pet Breeders and
8 Animal Shelter Licensing Act of 2012 more than three times;

9 3. Is convicted of a type of felony specified by subparagraphs
10 a through pp of paragraph 2 of Section 571 of Title 57 of the
11 Oklahoma Statutes;

12 4. Is convicted of a felony punishable under the Oklahoma
13 Racketeer-Influenced and Corrupt Organizations Act; or

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

18 SECTION 8. AMENDATORY Section 8, Chapter 302, O.S.L.
19 2012 (4 O.S. Supp. 2012, Section 30.8), is amended to read as
20 follows:

21 Section 30.8 A. ~~A~~ An animal shelter operator or commercial pet
22 breeder who is not in violation of the Commercial Pet Breeders and
23 Animal Shelter Licensing Act of 2012 or any rule adopted under the
24

1 Commercial Pet Breeders and Animal Shelter Licensing Act of 2012 may
2 renew the license of the person by:

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

6 2. Complying with any other renewal requirements adopted by the
7 Department; and

8 3. Paying the required fee.

9 B. Any person who fails to apply for a renewal in a manner
10 prescribed by the Department, and whose license has expired, may not
11 engage in activities that require a license until the license has
12 been renewed.

13 C. Not later than sixty (60) days before the expiration of the
14 license, the Department shall send written notice of the impending
15 license expiration to the animal shelter operator or commercial pet
16 breeder at the last-known address according to the records of the
17 Department.

18 SECTION 9. AMENDATORY Section 9, Chapter 302, O.S.L.
19 2012 (4 O.S. Supp. 2012, Section 30.9), is amended to read as
20 follows:

21 Section 30.9 ~~A~~ An animal shelter operator or commercial pet
22 breeder shall notify the Oklahoma Department of Agriculture, Food,
23 and Forestry in writing not later than ten (10) days after the date
24

1 any change occurs in the address, name, management, substantial
2 control, or ownership of the business or operation.

3 SECTION 10. AMENDATORY Section 10, Chapter 302, O.S.L.
4 2012 (4 O.S. Supp. 2012, Section 30.10), is amended to read as
5 follows:

6 Section 30.10 A An animal shelter operator and commercial pet
7 breeder shall:

8 ~~1. Prominently~~ prominently display a copy of the animal shelter
9 license or commercial pet breeder license at the facility of the
10 animal shelter or commercial pet breeder.

11 ~~2. Include~~ A commercial pet breeder shall include the
12 commercial pet breeder license number in each advertisement for the
13 sale or transfer of an animal by the commercial pet breeder, ~~and~~.

14 ~~3. Include~~ A commercial pet breeder shall include in each
15 contract for the sale or transfer of an animal by the commercial pet
16 breeder the commercial pet breeder license number.

17 SECTION 11. AMENDATORY Section 12, Chapter 302, O.S.L.
18 2012 (4 O.S. Supp. 2012, Section 30.12), is amended to read as
19 follows:

20 Section 30.12 A. A An animal shelter operator and commercial
21 pet breeder shall maintain a separate health record for each animal
22 in the facility of the animal shelter operator and commercial
23 breeder documenting the healthcare of the animal.

24 B. The health record shall include:

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

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

7 C. The animal shelter operator and commercial pet breeder shall
8 make the health records available on request to the Oklahoma
9 Department of Agriculture, Food, and Forestry, an authorized agent
10 of the Board, a local animal control authority, or any other
11 inspector designated by the Department.

12 SECTION 12. AMENDATORY Section 13, Chapter 302, O.S.L.
13 2012 (4 O.S. Supp. 2012, Section 30.13), is amended to read as
14 follows:

15 Section 30.13 A. After notice and opportunity for a hearing in
16 accordance with the Administrative Procedures Act, if the State
17 Board of Agriculture finds any person in violation of the Commercial
18 Pet Breeders and Animal Shelter Licensing Act ~~of 2012~~ or any rule
19 promulgated or order issued pursuant thereto, the Board shall have
20 the authority to assess an administrative penalty of not less than
21 One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars
22 (\$10,000.00) for each violation. Each animal, each action, or each
23 day a violation continues may constitute a separate and distinct
24 violation. During each license year of the facility, a facility

1 shall not be subject to more than Ten Thousand Dollars (\$10,000.00)
2 in administrative penalties assessed pursuant to this subsection.

3 B. A person commits an offense if the person violates the
4 Commercial Pet Breeders and Animal Shelter Licensing Act ~~of 2012~~ or
5 any rule adopted under the Commercial Pet Breeders and Animal
6 Shelter Licensing Act ~~of 2012~~. Each animal to which a violation
7 applies and each day that violation continues constitutes a separate
8 offense. An offense under this subsection is a misdemeanor
9 punishable as provided in subsection F of this section.

10 C. A person commits an offense if the person knowingly
11 falsifies information in a license application, annual report, or
12 record required under the Commercial Pet Breeders and Animal Shelter
13 Licensing Act ~~of 2012~~. An offense under this subsection is a
14 misdemeanor punishable as provided in subsection F of this section.

15 D. An unlicensed commercial pet breeder commits an offense if
16 the breeder advertises animals for sale. An offense under this
17 subsection is a misdemeanor punishable as provided in subsection F
18 of this section.

19 E. ~~A~~ An animal shelter or commercial pet breeder commits an
20 offense if the animal shelter or commercial breeder interferes with,
21 hinders, or thwarts any inspection or investigation under the
22 Commercial Pet Breeders and Animal Shelter Licensing Act ~~of 2012~~ or
23 refuses to allow an inspector full access to all areas of the
24 facility where animals are kept or cared for and all records

1 required to be kept under the Commercial Pet Breeders and Animal
2 Shelter Licensing Act of 2012 or any rule adopted under the
3 Commercial Pet Breeders and Animal Shelter Licensing Act of 2012.
4 An offense under this subsection is a misdemeanor punishable as
5 provided in subsection F of this section.

6 F. 1. Any violation of subsection B, C or D of this section
7 shall be punishable by a fine not to exceed Five Hundred Dollars
8 (\$500.00).

9 2. Any violation of subsection E of this section shall be
10 punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

11 G. In addition to penalties and fines, the Board shall have
12 authority to obtain injunctions against anyone who violates the
13 Commercial Pet Breeders and Animal Shelter Licensing Act of 2012,
14 and shall have authority to obtain or impose civil monetary
15 penalties on anyone who violates the Commercial Pet Breeders and
16 Animal Shelter Licensing Act of 2012, and upon obtaining a court
17 order, shall have authority to seize and impound animals in the
18 possession, custody, or care of that person if there is reason to
19 believe that the health, safety, or welfare of the animals is
20 endangered, or the animals are in imminent danger. The reasonable
21 costs of transportation, care, and feeding of seized and impounded
22 animals shall be paid by the person from whom the dogs or cats were
23 seized and impounded.

24

1 H. Nothing in the Commercial Pet Breeders and Animal Shelter
2 Licensing Act of 2012 shall preclude the Board from seeking
3 penalties in district court in the maximum amount allowed by law.
4 The assessment of penalties in an administrative enforcement
5 proceeding shall not prevent the subsequent assessment by a court of
6 the maximum civil or criminal penalties for violations of the
7 Commercial Pet Breeders and Animal Shelter Licensing Act of 2012 and
8 rules promulgated pursuant thereto.

9 I. Any person assessed an administrative or civil penalty may
10 be required to pay, in addition to the penalty amount and interest
11 thereon, attorney fees and costs associated with the collection of
12 the penalties.

13 J. If any person refuses, denies or interferes with any right
14 of access, the Board shall have the right to apply to and obtain
15 from a district court an administrative or other warrant as
16 necessary to enforce the right of access and inspection.

17 SECTION 13. AMENDATORY Section 14, Chapter 302, O.S.L.
18 2012 (4 O.S. Supp. 2012, Section 30.14), is amended to read as
19 follows:

20 Section 30.14 The State Board of Agriculture shall maintain and
21 post on its website the directory of animal shelters and commercial
22 pet breeders licensed pursuant to the Commercial Pet Breeders and
23 Animal Shelter Licensing Act of 2012. The Board shall post on its
24

1 website the directory of animal shelters and commercial pet breeders
2 who have been denied licensing, or whose licenses have been revoked.

3 SECTION 14. AMENDATORY Section 15, Chapter 302, O.S.L.
4 2012 (4 O.S. Supp. 2012, Section 30.15), is amended to read as
5 follows:

6 Section 30.15 A. The Commercial Pet Breeders and Animal
7 Shelter Licensing Act of 2012 shall not affect the applicability of
8 any other law, rule, order, ordinance, or other legal requirement of
9 the federal government, this state, or a political subdivision of
10 this state.

11 B. The Commercial Pet Breeders and Animal Shelter Licensing Act
12 of 2012 shall not prevent a municipality or county from prohibiting
13 or further regulating by order or ordinance, the possession,
14 breeding, or selling of dogs or cats.

15 SECTION 15. AMENDATORY Section 16, Chapter 302, O.S.L.
16 2012 (4 O.S. Supp. 2012, Section 30.16), is amended to read as
17 follows:

18 Section 30.16 A. There is hereby created in the State Treasury
19 a revolving fund for the Oklahoma Department of Agriculture, Food,
20 and Forestry to be designated the Commercial Pet Breeders and Animal
21 Shelter Assistance Revolving Fund. All monies accruing to the
22 credit of the Commercial Pet Breeders and Animal Shelter Assistance
23 Revolving Fund are hereby appropriated and may be budgeted and
24 expended by the Department for the purposes set forth in subsection

1 C of this section. The fund shall be a continuing fund not subject
2 to fiscal year limitations and shall consist of:

3 1. All monies received by the Department for sheltering of
4 seized animals pursuant to the Commercial Pet Breeders and Animal
5 Shelter Licensing Act of 2012; and

6 2. Money received by the Department in the form of gifts,
7 grants, reimbursements, or from any other source intended to be used
8 for the purposes specified by or collected pursuant to the
9 provisions of this section of the Commercial Pet Breeders and Animal
10 Shelter Licensing Act of 2012.

11 B. The monies deposited in the Commercial Pet Breeders and
12 Animal Shelter Assistance Revolving Fund shall be excluded from
13 budget and expenditure limitations and shall at no time become part
14 of the general budget of the Department or any other state agency.
15 Except as provided for in this section, no monies from the
16 Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund
17 shall be transferred for any purpose to any other state agency or
18 any account of the Department or be used for the purpose of
19 contracting with any other state agency or reimbursing any other
20 state agency for any expense.

21 C. The Commercial Pet Breeders and Animal Shelter Assistance
22 Revolving Fund shall be utilized for defraying veterinary costs for
23 animals in the event of a removal of animals from a an animal
24 shelter or commercial pet breeder. The fund may, in the discretion

1 of the State Board of Agriculture, also be used to defray costs
2 associated with care of animals including, but not limited to, feed
3 and shelter.

4 SECTION 16. This act shall become effective July 1, 2013.

5 SECTION 17. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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