ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1403 By: Pfeiffer of the House

and

Allen of the Senate

An Act relating to animals; creating the Care and Disposition of Disaster Animals Act; providing purpose; defining terms; requiring animal shelters to keep certain animals according to the applicable holding period; providing exception; authorizing animal shelter to dispose of certain animals under certain circumstances; stating that certain animals will be considered abandoned; granting new owner unencumbered title to the animal; providing holding periods; authorizing animal shelter to provide certain veterinary care; limiting performance of certain procedures under certain circumstances; authorizing animal shelter to provide certain housing if certain conditions are met; prohibiting awarding title to a disaster animal under certain circumstances; authorizing an owner to request certain extension; authorizing certain costs; requiring certain treatment of certain animals under certain circumstances; providing that certain transfers of title are voidable; requiring certain notification; requiring certain persons transfer disaster animals; prohibiting the removal of disaster animals from the state; providing penalty; providing exemptions; authorizing enforcement; providing for codification; and declaring an emergency.

AUTHOR: Add the following House Coauthor: Biggs

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to animals; creating the Care and Disposition of Disaster Animals Act; providing purpose; defining terms; requiring animal shelters to keep certain animals according to the applicable holding period; providing exception; authorizing animal shelter to dispose of certain animals under certain circumstances; stating that certain animals will be considered abandoned; granting new owner unencumbered title to the animal; providing holding periods; authorizing animal shelter to provide certain veterinary care; limiting performance of certain procedures under certain circumstances; authorizing animal shelter to provide certain housing if certain conditions are met; prohibiting awarding title to a disaster animal under certain circumstances; authorizing an owner to request certain extension; authorizing certain costs; requiring certain treatment of certain animals under certain circumstances; providing that certain transfers of title are voidable; requiring certain notification; requiring certain persons transfer disaster animals; prohibiting the removal of disaster animals from the state; providing penalty; providing exemptions; authorizing enforcement; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 701 of Title 4, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Care and Disposition of Disaster Animals Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 702 of Title 4, unless there is created a duplication in numbering, reads as follows:

As used in the Care and Disposition of Disaster Animals Act:

1. "Animal shelter" means a physical facility or entity, including those utilizing private homes, operating for the purpose of providing temporary or long-term animal shelter to lost, unwanted or abandoned animals, that is recognized and approved by the state or local authority;

2. "Approved website" means a website approved by the State Veterinarian;

3. "Class #1 Event" means a state-declared emergency for a county or portion of a county requiring companion animals' owners to leave their residences for more than twenty-four (24) hours;

4. "Class #2 Event" means a federally declared disaster requiring companion animals' owners to leave their residences for more than twenty-four (24) hours;

5. "Companion animals" means domesticated animals, such as a dog, cat, bird, rabbit, rodent or turtle, that are traditionally kept in the home for pleasure rather than for commercial purposes, can travel in commercial carriers and be housed in temporary facilities. Companion animals do not include reptiles other than turtles, amphibians, fish, insects, arachnids, farm animals including, but not limited to, horses, animals kept for racing purposes or animals held by a registered research facility under the federal Animal Welfare Act. Feral animals, animals covered by the federal Animal Welfare Act or by regulations issued under that act

and any other animals held for use in or used in research are excluded from the Care and Disposition of Disaster Animals Act;

6. "Disaster animals" means domesticated companion animals that have become separated from an owner as the result of a Class #1 Event or Class #2 Event. Disaster animals include those found on private property or running at large, as well as owner-surrendered or relinquished companion animals. Feral animals are excluded from the Care and Disposition of Disaster Animals Act;

7. "Extension by contract" means extensions of the mandated holding period based upon an agreement between the owner and animal shelter for an additional time period;

8. "Feral animals" means animals that do not have an owner;

9. "Holding period" means the length of time that disaster animals are cared for by an animal shelter and not disposed of;

10. "Owner" means the person having title to companion animals;

11. "Reclaim" means the taking back of possession of disaster animals by the owner or an agent of the owner;

12. "Shelter animals" means companion animals living at an animal shelter before a Class #1 Event or Class #2 Event; and

13. "Tracking information" means available information about the owner, physical description and health history of the disaster animal, photographs of the disaster animal, information about where the disaster animal was found and transported to, recommended course

of treatment and communications with an owner, including a holding period extension by contract.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 703 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. Disaster animals taken from a disaster area or delivered to an animal shelter following a Class #1 Event or Class #2 Event shall be kept by the animal shelter that receives the disaster animals according to the applicable holding period, unless the owner of the disaster animals agrees otherwise in writing. After the applicable holding period has passed for disaster animals, the animal shelter has the authority to dispose of the disaster animals as allowed under state law when there is no Class #1 Event or Class #2 Event, unless the owner has an extension by contract with the animal shelter for additional time. An owner who does not retake possession of their disaster animals by the end of the applicable holding period plus any extension by contract thereof has abandoned the disaster animals, and any new owner shall have unencumbered title to the disaster animals.

B. Holding periods:

1. Class #1 Event: Disaster animals brought in to an animal shelter shall be kept by the animal shelter for a minimum of thirty (30) days;

2. Class #2 Event: Disaster animals brought to an animal shelter shall be kept for a minimum of thirty (30) days up to ninety (90) days as determined by the State Veterinarian after photograph and tracking information about the disaster animals sufficient to give notice to owners is posted on an approved website. The holding period for the animal shelter shall be six (6) months if posting on an approved website does not occur. This requirement may be modified by the State Veterinarian or as otherwise determined by the State Veterinarian;

3. During the holding period, the animal shelter is fully authorized to provide or arrange for necessary veterinary health services that are in the best interests of the disaster animals as may be determined by a veterinarian, up to and including humane euthanasia. A disaster animal that exhibits ownership by the presence of a tag or identification chip or was removed from a private residence, including fenced adjacent land, may not be spayed or neutered without the written permission of the owner unless it is medically necessary as may be determined by a veterinarian;

4. During the holding period, an animal shelter may place a disaster animal in a private home or other animal shelter either in the state or out of the state so long as available tracking information is kept and any transfer out of state is authorized by the State Veterinarian. In no case shall title to a disaster animal

be awarded to a new owner until after the holding period has expired, together with any extension by contract thereof;

5. If an owner of a disaster animal contacts an animal shelter about disaster animals but is unable to assume possession of the disaster animal by the end of the applicable holding period, the owner may request the animal shelter to keep the disaster animal for up to an additional thirty (30) days, if the owner is willing to pay the cost of care as established by the animal shelter for the disaster animal during an extension by contract. The animal shelter may require payment of the costs as a condition of extending the holding period. If by the end of the extension by contract the disaster animal has not been reclaimed by the owner, the animal shelter may treat the holding period as expired. The animal shelter shall advise an owner of the dates of the required holding period and opportunity for extensions by contract, if any owner inquiry is made;

6. If an animal shelter becomes inoperative because of a Class #1 Event or Class #2 Event, all the companion animals removed from the animal shelter shall be treated as disaster animals by whoever takes control of the companion animals, unless records that accompany the shelter animals demonstrate that it was lawfully permissible to transfer title to the shelter animals before a Class #1 Event or Class #2 Event. If these records are available, then the shelter animals shall not be treated as disaster animals;

7. If an owner of a disaster animal has contacted the animal shelter responsible for the owner's disaster animal before the end of the holding period to reclaim the disaster animal, but the animal shelter or other possessor of the disaster animal refuses to return the disaster animal, any transfer of title agreement by the animal shelter to a new owner is voidable by court order; and

8. Prior to the scheduling of any adoption event for the adoption of unclaimed disaster animals from a Class #1 Event or Class #2 Event, the animal shelter shall notify the State Veterinarian and request approval of the adoption event. Any transfer of title agreement by the animal shelter to a new owner is voidable by court order if the adoption event is not approved by the State Veterinarian.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 704 of Title 4, unless there is created a duplication in numbering, reads as follows:

Any individual who is not working under the authority of an animal shelter and who takes possession of disaster animals shall transfer the disaster animals as quickly as reasonably possible to an animal shelter along with available tracking information.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 705 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. No disaster animal may be removed from the state without the permission of the State Veterinarian or by satisfying such requirements as might be established by the State Veterinarian.

B. Except as provided in subsection A of this section, anyone who knowingly removes disaster animals from the state is subject to a civil fine of up to One Thousand Dollars ($1,000.00) per offense. Each disaster animal, each action or each day a violation continues may constitute a separate and distinct offense.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 706 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. The Care and Disposition of Disaster Animals Act shall not limit an animal control authority or agent thereof from humanely euthanizing an animal in accordance with existing state law.

B. The Care and Disposition of Disaster Animals Act does not impose any affirmative duty on an animal shelter to admit disaster animals.

C. The Care and Disposition of Disaster Animals Act shall not restrict or interfere with the general powers of the State Veterinarian, including the power to quarantine or to restrict the movement of disaster animals or to exercise powers provided by law.

D. The Care and Disposition of Disaster Animals Act shall not be construed as preventing veterinary care for disaster animals either before or after they are brought to an animal shelter.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 707 of Title 4, unless there is created a duplication in numbering, reads as follows:

Violations of the Care and Disposition of Disaster Animals Act may be enforced by the State Board of Agriculture pursuant to its enforcement authority and all remedies found in the Oklahoma Agricultural Code for the enforcement of Title 2 of the Oklahoma Statutes.

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

Passed the Senate the 15th day of April, 2015.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

_____
Presiding Officer of the House of Representatives

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SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 702 of Title 4, unless there is created a duplication in numbering, reads as follows:

The purpose of the Care and Disposition of Disaster Animals Act is to provide certainty of ownership for disaster animals by providing an owner with a specific time frame by which the owner shall reclaim companion animals following a declared federal disaster or state emergency and to provide an animal shelter with specific guidelines as to how long disaster animals shall be held prior to their disposition.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 703 of Title 4, unless there is created a duplication in numbering, reads as follows:

As used in the Care and Disposition of Disaster Animals Act:

1. "Animal shelter" means a physical facility or entity, including those utilizing private homes, operating for the purpose of providing temporary or long-term animal shelter to lost, unwanted or abandoned animals, that is recognized and approved by the state or local authority;

2. "Approved website" means a website approved by the State Veterinarian;

3. "Class #1 Event" means a state-declared emergency for a county or portion of a county requiring companion animals' owners to leave their residences for more than twenty-four (24) hours;

4. "Class #2 Event" means a federally declared disaster requiring companion animals' owners to leave their residences for more than twenty-four (24) hours;

5. "Companion animals" means domesticated animals, such as a dog, cat, bird, rabbit, rodent or turtle, that are traditionally kept in the home for pleasure rather than for commercial purposes, can travel in commercial carriers and be housed in temporary facilities. Companion animals do not include reptiles other than turtles, amphibians, fish, insects, arachnids, farm animals including, but not limited to, horses, animals kept for racing purposes or animals held by a registered research facility under the federal Animal Welfare Act. Feral animals, animals covered by the federal Animal Welfare Act or by regulations issued under that act and any other animals held for use in or used in research are excluded from the Care and Disposition of Disaster Animals Act;

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relinquished companion animals. Feral animals are excluded from the Care and Disposition of Disaster Animals Act;

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9. "Holding period" means the length of time that disaster animals are cared for by an animal shelter and not disposed of;

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11. "Reclaim" means the taking back of possession of disaster animals by the owner or an agent of the owner;

12. "Shelter animals" means companion animals living at an animal shelter before a Class #1 or Class #2 Event; and

13. "Tracking information" means available information about the owner, physical description and health history of the disaster animal, photographs of the disaster animal, information about where the disaster animal was found and transported to, recommended course of treatment and communications with an owner, including a holding period extension by contract.

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A. Disaster animals taken from a disaster area or delivered to an animal shelter following a Class #1 or Class #2 Event shall be

kept by the animal shelter that receives the disaster animals according to the applicable holding period, unless the owner of the disaster animals agrees otherwise in writing. After the applicable holding period has passed for disaster animals, the animal shelter has the authority to dispose of the disaster animals as allowed under state law when there is no Class #1 or Class #2 Event, unless the owner has an extension by contract with the animal shelter for additional time. An owner who does not retake possession of their disaster animals by the end of the applicable holding period plus any extension by contract thereof has abandoned the disaster animals, and any new owner shall have unencumbered title to the disaster animals.

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modified by the State Veterinarian or as otherwise determined by the State Veterinarian;

3. During the holding period, the animal shelter is fully authorized to provide or arrange for necessary veterinary health services that are in the best interests of the disaster animals as may be determined by a veterinarian, up to and including humane euthanasia. A disaster animal that exhibits ownership by the presence of a tag or identification chip or was removed from a private residence, including fenced adjacent land, may not be spayed or neutered without the written permission of the owner unless it is medically necessary as may be determined by a veterinarian;

4. During the holding period, an animal shelter may place a disaster animal in a private home or other animal shelter either in the state or out of the state so long as available tracking information is kept, and any transfer out of state is authorized by the State Veterinarian. In no case shall title to a disaster animal be awarded to a new owner until after the holding period has expired, together with any extension by contract thereof;

5. If an owner of a disaster animal contacts an animal shelter about disaster animals but is unable to assume possession of the disaster animal by the end of the applicable holding period, the owner may request the animal shelter to keep the disaster animal for up to an additional thirty (30) days, if the owner is willing to pay the cost of care as established by the animal shelter for the

disaster animal during an extension by contract. The animal shelter may require payment of the costs as a condition of extending the holding period. If by the end of the extension by contract the disaster animal has not been reclaimed by the owner, the animal shelter may treat the holding period as expired. The animal shelter shall advise an owner of the dates of the required holding period and opportunity for extensions by contract, if any owner inquiry is made;

6. If an animal shelter becomes inoperative because of a Class #1 Event or Class #2 Event, all the companion animals removed from the animal shelter shall be treated as disaster animals by whoever takes control of the companion animals, unless records that accompany the shelter animals demonstrate that it was lawfully permissible to transfer title to the shelter animals before a Class #1 or Class #2 Event. If these records are available, then the shelter animals shall not be treated as disaster animals;

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8. Prior to the scheduling of any adoption event for the adoption of unclaimed disaster animals from a Class #1 or Class #2

Event, the animal shelter shall notify the State Veterinarian and request approval of the adoption event. Any transfer of title agreement by the animal shelter to a new owner is voidable by court order if the adoption event is not approved by the State Veterinarian.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 705 of Title 4, unless there is created a duplication in numbering, reads as follows:

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SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 706 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. No disaster animal may be removed from the state without the permission of the State Veterinarian or by satisfying such requirements as might be established by the State Veterinarian.

B. Except as provided in subsection A of this section, anyone who knowingly removes disaster animals from the state is subject to a civil fine of up to One Thousand Dollars ($1,000.00) per offense. Each disaster animal, each action, or each day a violation continues may constitute a separate and distinct offense.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 707 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. The Care and Disposition of Disaster Animals Act shall not limit an animal control authority or agent thereof from humanely euthanizing an animal in accordance with existing state law.

B. The Care and Disposition of Disaster Animals Act does not impose any affirmative duty on an animal shelter to admit disaster animals.

C. The Care and Disposition of Disaster Animals Act shall not restrict or interfere with the general powers of the State Veterinarian, including the power to quarantine or restrict the movement of disaster animals, or to exercise powers provided by law.

D. The Care and Disposition of Disaster Animals Act shall not be construed as preventing veterinary care for disaster animals either before or after they are brought to an animal shelter.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 708 of Title 4, unless there is created a duplication in numbering, reads as follows:

Violations of the Care and Disposition of Disaster Animals Act may be enforced by the State Board of Agriculture pursuant to their enforcement authority and all remedies found in the Oklahoma Agricultural Code for the enforcement of Title 2 of the Oklahoma Statutes.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 2nd day of March, 2015.

_____
Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2015.

_____
Presiding Officer of the Senate