

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1581

By: Dollens

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5
6 AS INTRODUCED

7 An Act relating to animals; prohibiting the sale or
8 display of cats or dogs in a pet store under certain
9 circumstances; defining terms; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 33 of Title 4, unless there is
14 created a duplication in numbering, reads as follows:

15 A. An owner, manager or employee of a pet store may not
16 knowingly display, offer for sale, deliver, barter, auction, broker,
17 give away, transfer or sell any live cat or dog from a pet store to
18 a person unless the cat or dog was obtained from one of the
19 following sources:

- 20 1. An animal rescue;
21 2. An animal shelter;
22 3. A cat or dog wholesaler, provided that the cat or dog
23 wholesaler originally obtained the animal from a qualified breeder;
24 or

1 4. A qualified breeder.

2 B. This section does not apply to any cat or dog that is being
3 sold, delivered, bartered, auctioned, given away, brokered or
4 transferred from the premises where the cat or dog was bred and
5 raised.

6 C. As used in this section:

7 1. "Animal rescue" means an individual or organization that
8 houses and maintains cats or dogs and that is dedicated to the
9 welfare, health, safety and protection of animals, provided that the
10 individual or organization does not operate for profit, does not
11 sell animals for a profit and does not breed animals. The term
12 shall include an individual or organization that offers spayed or
13 neutered cats or dogs for adoption and charges reasonable adoption
14 fees to cover the costs of the individual or organization,
15 including, but not limited to, costs related to spaying or neutering
16 cats or dogs;

17 2. "Animal shelter" shall have the same meaning as provided in
18 Section 30.2 of Title 4 of the Oklahoma Statutes;

19 3. "Commercial breeder" and "commercial pet breeder" shall have
20 the same meaning as provided in Section 30.2 of Title 4 of the
21 Oklahoma Statutes;

22 4. "Cat or dog wholesaler" means a person who buys, sells or
23 offers to sell cats or dogs to another at wholesale for resale or
24 who sells or gives one or more cats or dogs to a pet store annually.

1 The term does not include an animal rescue, an animal shelter, a
2 humane society, a medical kennel, a research kennel, a pet store or
3 a veterinarian;

4 5. "High volume registered breeder" means an out-of-state
5 breeder that:

- 6 a. is licensed by the United States Department of
7 Agriculture under 7 U.S.C., Section 2133,
- 8 b. if required, is licensed by the state where the
9 breeder is located,
- 10 c. has not been issued a report of a direct noncompliance
11 violation by the United States Department of
12 Agriculture under the federal Animal Welfare Act for a
13 period of three (3) years prior to offering for sale,
14 delivering, bartering, auctioning, brokering, giving
15 away, transferring or selling a cat or dog, and
- 16 d. has not had three or more noncompliance violations
17 documented in any report issued by the United States
18 Department of Agriculture under the federal Animal
19 Welfare Act for a period of twelve (12) months prior
20 to offering for sale, delivering, bartering,
21 auctioning, brokering, giving away, transferring or
22 selling a cat or dog;

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1 6. "Medical kennel" means a facility that is maintained by a
2 licensed veterinarian and operated primarily for the treatment of
3 sick or injured cats or dogs;

4 7. "Noncommercial breeder" shall have the same meaning as
5 provided in Section 30.2 of Title 4 of the Oklahoma Statutes;

6 8. "Pet store" means an individual retail store that meets the
7 following conditions:

- 8 a. the store sells cats or dogs to the public, and
- 9 b. with regard to the sale of a cat or dog from the
10 store, the salesperson, the buyer of a cat or dog and
11 the cat or dog for sale are physically present during
12 the sales transaction so that the buyer may personally
13 observe the cat or dog and ensure its health prior to
14 taking custody.

15 The term does not include an animal rescue, an animal shelter, a
16 humane society, a medical kennel or a research kennel;

17 9. "Qualified breeder" means the following:

- 18 a. a noncommercial breeder,
- 19 b. a licensed commercial pet breeder located in this
20 state, or
- 21 c. a high volume registered breeder;

22 10. "Research kennel" means a facility housing cats or dogs
23 that is maintained exclusively for research purposes; and

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1 11. "Veterinarian" means either a veterinarian licensed to
2 practice under the laws of this state or the laws of another state.

3 SECTION 2. This act shall become effective November 1, 2021.
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