

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 950

 By: Leewright of the Senate

 and

 Pfeiffer of the House

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8
9 **[animals - creating the Pet Store Licensing Act -**
10 **requiring the Department to promulgate rules -**
11 **making pet shop regulation, licensing or permitting**
12 **the exclusive jurisdiction of the Department of**
13 **Agriculture, Food, and Forestry - effective date]**

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 33.1 of Title 4, unless there is
19 created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Pet Store
21 Licensing Act" and shall be administered by the State Board of
22 Agriculture.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 33.2 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Animal rescue for dogs" means an individual or organization
6 that houses and maintains dogs and that is dedicated to the welfare,
7 health, safety and protection of dogs, provided that the individual
8 or organization does not operate for profit, does not sell dogs for
9 a profit, does not breed dogs and does not purchase more than nine
10 dogs in any given calendar year unless the dogs are purchased from
11 an animal control officer of a municipality or county, a humane
12 society or another animal rescue for dogs. The term shall include
13 an individual or organization that offers spayed or neutered dogs
14 for adoption and charges reasonable adoption fees to cover the costs
15 of the individual or organization, including, but not limited to,
16 costs related to spaying or neutering dogs;

17 2. "Animal shelter" as defined in Section 30.2 of Title 4 of
18 the Oklahoma Statutes;

19 3. "Commercial breeder" and "commercial pet breeder" as defined
20 in Section 30.2 of Title 4 of the Oklahoma Statutes;

21 4. "Commissioner" means the Commissioner of the Oklahoma
22 Department of Agriculture, Food, and Forestry;

23 5. "Department" means the Oklahoma Department of Agriculture,
24 Food, and Forestry;

1 6. "Dog wholesaler" means a person who buys, sells or offers to
2 sell dogs to another at wholesale for resale or who sells or gives
3 one or more dogs to a pet store annually. The term does not include
4 an animal rescue for dogs, an animal shelter, a humane society, a
5 medical kennel for dogs, a research kennel for dogs, a pet store or
6 a veterinarian;

7 7. "High volume registered breeder" means an out-of-state
8 breeder that is:

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

1 delivering, bartering, auctioning, brokering, giving
2 away, transferring or selling a dog;

3 8. "Medical kennel for dogs" means a facility that is
4 maintained by a licensed veterinarian and operated primarily for the
5 treatment of sick or injured dogs;

6 9. "Noncommercial breeder" as defined in Section 30.2 of Title
7 4 of the Oklahoma Statutes;

8 10. "Pet store" means an individual retail store to which meets
9 the following conditions:

10 a. the store is a commercial outlet engaged in the retail
11 sale of dogs, and

12 b. with regard to the sale of a dog from the store, the
13 salesperson, the buyer of a dog and the dog for sale
14 are physically present during the sales transaction so
15 that the buyer may personally observe the dog and
16 ensure its health prior to taking custody.

17 The term does not include an animal rescue for dogs, an animal
18 shelter, a humane society, a medical kennel for dogs or a research
19 kennel for dogs. A person who sells only dogs that they have bred
20 and raised on that premises shall not be considered a pet store;

21 11. "Qualified breeder" means the following:

22 a. a noncommercial breeder,

23 b. a licensed commercial pet breeder located in this
24 state, or

1 c. a high volume registered breeder;

2 12. "Research kennel for dogs" means a facility housing dogs
3 that is maintained exclusively for research purposes; and

4 13. "Veterinarian" means either a veterinarian licensed to
5 practice under the laws of this state or the laws of another state.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 33.3 of Title 4, unless there is
8 created a duplication in numbering, reads as follows:

9 A. An owner, manager, or employee of a pet store may not
10 knowingly display, offer for sale, deliver, barter, auction, broker,
11 give away, transfer, or sell any live dog from a pet store to a
12 person unless the dog was obtained from one of the following
13 sources:

14 1. An animal rescue for dogs;

15 2. An animal shelter;

16 3. A dog wholesaler, provided that the dog wholesaler
17 originally obtained the dog from a qualified breeder; and

18 4. A qualified breeder.

19 B. An owner, manager or employee of a pet store shall not
20 knowingly sell, deliver, barter, auction, broker, give away or
21 transfer any of the following:

22 1. A dog that is less than eight (8) weeks old;

23 2. A dog without a certificate of veterinarian inspection
24 signed by a veterinarian;

1 3. A dog that does not have a permanent implanted
2 identification microchip that is approved for use by the
3 Commissioner under rules adopted by the department;

4 4. A dog to a person who is younger than eighteen (18) years of
5 age as verified by a state issued identification or United States
6 Passport;

7 5. A dog acquired from a qualified breeder or a dog wholesaler,
8 unless the owner, manager, or employee provides to the person
9 acquiring the dog, at a time prior to the transaction for the
10 acquisition of the dog, a written certification that includes all of
11 the following information:

12 a. the name of the breeder that bred the dog,

13 b. the address, if available, of the breeder that bred
14 the dog,

15 c. if applicable, the United States Department of
16 Agriculture license number of the breeder that bred
17 the dog, and a copy of the most current United States
18 Department of Agriculture inspection report for the
19 breeder,

20 d. the dog's birth date,

21 e. the date that the pet store took possession of the
22 dog,

23 f. the breed, gender, color and any identifying marks of
24 the dog,

1 g. a document signed by a veterinarian that describes any
2 known disease, illness or congenital or hereditary
3 condition that adversely affects the health of the dog
4 at the time of the examination, and

5 h. a document signed by the owner, manager or employee of
6 the pet store certifying that all information required
7 to be provided to the person acquiring the dog under
8 this subsection is accurate. A pet store shall keep a
9 copy of the certification for a period of at least two
10 (2) years from the date of acquisition. The owner,
11 manager or employee of the pet store shall make the
12 copy of the certification available for inspection or
13 duplication by the Department;

14 6. A dog acquired from a qualified breeder or a dog wholesaler,
15 unless all of the following information regarding the dog is
16 available to the general public at the pet store:

- 17 a. the name of the breeder that bred the dog,
18 b. the address, if available, of the breeder that bred
19 the dog,
20 c. if applicable, the United States Department of
21 Agriculture license number of the breeder that bred
22 the dog,
23 d. the dog's birth date, and
24 e. the breed of the dog.

1 C. An owner, manager, or employee of a pet store may not
2 recklessly alter or provide false information on a certification
3 provided under paragraph 5 of subsection B of this section.

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

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 33.4 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 A. The Oklahoma Department of Agriculture, Food, and Forestry
11 may issue a pet store license to an owner or operator of a pet store
12 when the owner or operator satisfies the following conditions:

13 1. Applies for a license in accordance with this section and
14 rules promulgated by the Department pursuant to this act;

15 2. Affirms in writing that the owner or operator will comply
16 with the applicable requirements established under this act and
17 rules adopted by the Department; and

18 3. Submits with the application for a pet store a license fee
19 set by the Department.

20 B. The Department may deny, suspend or revoke a license issued
21 under this act for a violation of the provisions of this act or
22 rules promulgated by the department pursuant to this act. The
23 denial, suspension or revocation of a license is not effective until
24 the applicant or licensee is given written notice of the violation

1 and a reasonable amount of time to correct the violation, if
2 possible.

3 C. The Department may refuse to issue a license of this section
4 if the applicant has violated subsection A, B or C of Section 3 of
5 this act or the rules promulgated by the department pursuant to this
6 act during the thirty-six-month period preceding submission of an
7 application for a license.

8 D. Any license issued under this section is valid for a period
9 of one (1) year from the date of issuance. A pet store license must
10 be renewed annually according to the rules promulgated by the
11 Department.

12 E. Monies collected by the Department from each application fee
13 submitted pursuant to this act shall be deposited in the Pet Store
14 License Revolving Fund created in Section 5 of this act.

15 F. An owner operator, or manager of a pet store may not
16 negligently display, offer for sale, deliver, barter, auction,
17 broker, give away, transfer or sell any live dog from a pet store in
18 this state unless a license has been issued for the pet store by the
19 Department in accordance with this act.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 33.5 of Title 4, unless there is
22 created a duplication in numbering, reads as follows:

23 A. There is hereby created in the State Treasury a Revolving
24 Fund for the Oklahoma Department of Agriculture, Food, and Forestry

1 to be designated the Pet Store License Revolving Fund. All monies
2 accruing to the credit of the Pet Store License Revolving Fund are
3 hereby appropriated and may be budgeted and expended by the
4 Department for the purposes set forth in subsection C of this
5 section. The fund shall be a continuing fund not subject to fiscal
6 year limitations and shall consist of:

7 1. All monies received by the Department for licensing of pet
8 stores pursuant to this act; and

9 2. Money received by the Department in the form of gifts,
10 grants, reimbursements, administrative penalties or from any other
11 source intended to be used for the purposes specified by or
12 collected pursuant to the provisions of this section.

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

22 C. The Pet Store License Revolving Fund shall be utilized for
23 defraying veterinarian costs for animals in the event of a removal
24 of animals from a pet store and enforcing the provisions of this

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

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 33.6 of Title 4, unless there is
6 created a duplication in numbering, reads as follows:

7 A. The Oklahoma Department of Agriculture, Food, and Forestry
8 may assess an administrative penalty against a person that violates
9 the provisions of this act or the rules promulgated in accordance
10 with this act.

11 B. The administrative penalty may be assessed in the following
12 amounts:

- 13 1. Up to Five Hundred Dollars (\$500.00) for a first violation;
- 14 2. Up to Two Thousand Five Hundred Dollars (\$2,500.00) for a
15 second violation; and
- 16 3. Up to Ten Thousand Dollars (\$10,000.00) for a third or
17 subsequent violation.

18 C. Any person assessed an administrative penalty under the
19 provisions of this section shall pay the amount prescribed to the
20 Department.

21 D. The Department shall deposit all money collected under the
22 provisions of this section in the Pet Store License Revolving Fund
23 created in Section 5 of this act.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 33.7 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Agriculture, Food, and Forestry shall
5 promulgate rules for the implementation and administration of this
6 act.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 33.8 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 Notwithstanding any other provision of law, the regulation,
11 licensing or permitting of pet stores is within the exclusive
12 jurisdiction of the Oklahoma Department of Agriculture, Food, and
13 Forestry as set forth in this act and any rules promulgated by the
14 Department consistent with this act.

15 SECTION 9. This act shall become effective November 1, 2019.

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17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS,
18 As Amended.

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