

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2149

By: Pfeiffer

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to pet stores; creating the Pet Store
10 Licensing Act; defining terms; prohibiting the sale
11 or display of dogs in a pet store under certain
12 circumstances; prohibiting the sale of dogs to a
13 person of a certain age; prohibiting the sale of dogs
14 of a certain age; requiring certification,
15 documentation and chip implantation to sell a dog in
16 a pet store; providing exception; authorizing the
17 Department of Agriculture, Food, and Forestry to
18 issue a pet store license under certain conditions;
19 authorizing the Department to deny, revoke or suspend
20 a license for violations; providing valid term of
21 licenses issued; requiring fee revenue to be
22 deposited in certain fund; requiring a license to
23 sell or display dogs in a pet store; creating the Pet
24 Store License Revolving Fund; providing for deposits;
 setting forth limitations on monies deposited in the
 fund; prohibiting transfer of funds; stating uses for
 fund; providing for administrative penalties;
 requiring penalty assessments to be deposited in
 certain fund; requiring the Department to promulgate
 rules; making pet shop regulation, licensing or
 permitting the exclusive jurisdiction of the
 Department; providing for codification; and providing
 an effective date.

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

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

4 This act shall be known and may be cited as the "Pet Store
5 Licensing Act" and shall be administered by the State Board of
6 Agriculture.

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

10 As used in the Pet Store Licensing Act:

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

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

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

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

6 5. "Department" means the Oklahoma Department of Agriculture,
7 Food, and Forestry;

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

14 7. "High volume registered breeder" means an out-of-state
15 breeder that:

- 16 a. is licensed by the United States Department of
17 Agriculture under 7 U.S.C. Section 2133,
- 18 b. if required, is licensed by the state where the
19 breeder is located,
- 20 c. has not been issued a report of a direct noncompliance
21 violation by the United States Department of
22 Agriculture under the federal Animal Welfare Act for a
23 period of three (3) years prior to offering for sale,
24

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

- 3 d. has not had three or more noncompliance violations
4 documented in any report issued by the United States
5 Department of Agriculture under the federal Animal
6 Welfare Act for a period of twelve (12) months prior
7 to offering for sale, delivering, bartering,
8 auctioning, brokering, giving away, transferring or
9 selling a dog;

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

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

15 10. "Pet store" means an individual retail store that meets the
16 following conditions:

- 17 a. the store sells dogs to the public, and
18 b. with regard to the sale of a dog from the store, the
19 salesperson, the buyer of a dog and the dog for sale
20 are physically present during the sales transaction so
21 that the buyer may personally observe the dog and
22 ensure its health prior to taking custody.

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

4 11. "Qualified breeder" means the following:

- 5 a. a noncommercial breeder,
- 6 b. a licensed commercial pet breeder located in this
7 state, or
- 8 c. a high volume registered breeder;

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

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

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

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

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

1 4. A qualified breeder.

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

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

6 2. A dog without a certificate of veterinarian inspection
7 signed by a veterinarian;

8 3. A dog that does not have a permanent implanted
9 identification microchip that is approved for use by the
10 Commissioner under rules adopted by the Department;

11 4. A dog to a person who is younger than eighteen (18) years of
12 age as verified by a state-issued identification or United States
13 passport;

14 5. A dog acquired from a qualified breeder or a dog wholesaler,
15 unless the owner, manager or employee provides to the person
16 acquiring the dog, at a time prior to the transaction for the
17 acquisition of the dog, a written certification that includes all of
18 the following information:

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

20 b. the address, if available, of the breeder that bred
21 the dog,

22 c. if applicable, the United States Department of
23 Agriculture license number of the breeder that bred
24 the dog and a copy of the most current United States

1 Department of Agriculture inspection report for the
2 breeder,

3 d. the dog's birth date,

4 e. the date that the pet store took possession of the
5 dog,

6 f. the breed, gender, color and any identifying marks of
7 the dog,

8 g. a document signed by a veterinarian that describes any
9 known disease, illness or congenital or hereditary
10 condition that adversely affects the health of the dog
11 at the time of the examination, and

12 h. a document signed by the owner, manager or employee of
13 the pet store certifying that all information required
14 to be provided to the person acquiring the dog under
15 this subsection is accurate. A pet store shall keep a
16 copy of the certification for a period of at least two
17 (2) years from the date of acquisition. The owner,
18 manager or employee of the pet store shall make the
19 copy of the certification available for inspection or
20 duplication by the Department; and

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

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

- b. the address, if available, of the breeder that bred the dog,
- c. if applicable, the United States Department of Agriculture license number of the breeder that bred the dog,
- d. the dog's birth date, and
- e. the breed of the dog.

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

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

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

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

- 1. Applies for a license in accordance with this section and rules promulgated by the Department pursuant to this act;
- 2. Affirms in writing that the owner or operator will comply with the applicable requirements established under this act and rules adopted by the Department; and

1 3. Submits with the application for a pet store a license fee
2 set by the Department.

3 B. The Department may deny, suspend or revoke a license issued
4 under this act for a violation of the provisions of this act or
5 rules promulgated by the Department pursuant to this act. The
6 denial, suspension or revocation of a license is not effective until
7 the applicant or licensee is given written notice of the violation
8 and a reasonable amount of time to correct the violation, if
9 possible.

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

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

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

22 F. An owner, operator or manager of a pet store may not
23 negligently display, offer for sale, deliver, barter, auction,
24 broker, give away, transfer or sell any live dog from a pet store in

1 this state unless a license has been issued for the pet store by the
2 Department in accordance with this act.

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

6 A. There is hereby created in the State Treasury a revolving
7 fund for the Oklahoma Department of Agriculture, Food, and Forestry
8 to be designated the "Pet Store License Revolving Fund". All monies
9 accruing to the credit of the Pet Store License Revolving Fund are
10 hereby appropriated and may be budgeted and expended by the
11 Department for the purposes set forth in subsection C of this
12 section. The fund shall be a continuing fund not subject to fiscal
13 year limitations and shall consist of:

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

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

20 B. The monies deposited in the Pet Store License Revolving Fund
21 shall be excluded from budget and expenditure limitations and shall
22 at no time become part of the general budget of the Department or
23 any other state agency. Except as provided for in this section, no
24 monies from the Pet Store License Revolving Fund shall be

1 transferred for any purpose to any other state agency or any account
2 of the Department or be used for the purpose of contracting with any
3 other state agency or reimbursing any other state agency for any
4 expense.

5 C. The Pet Store License Revolving Fund shall be utilized for
6 defraying veterinarian costs for animals in the event of a removal
7 of animals from a pet store and enforcing the provisions of this
8 act. The fund may, in the discretion of the State Board of
9 Agriculture, also be used to defray costs associated with the care
10 of animals including, but not limited to, food and shelter.

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

14 A. The Oklahoma Department of Agriculture, Food, and Forestry
15 may assess an administrative penalty against a person that violates
16 the provisions of this act or the rules promulgated in accordance
17 with this act.

18 B. The administrative penalty may be assessed in the following
19 amounts:

20 1. Up to Five Hundred Dollars (\$500.00) for a first violation;

21 2. Up to Two Thousand Five Hundred Dollars (\$2,500.00) for a
22 second violation; and

23 3. Up to Ten Thousand Dollars (\$10,000.00) for a third or
24 subsequent violation.

1 C. Any person assessed an administrative penalty under the
2 provisions of this section shall pay the amount prescribed to the
3 Department.

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

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

10 The Oklahoma Department of Agriculture, Food, and Forestry shall
11 promulgate rules for the implementation and administration of this
12 act.

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

16 Notwithstanding any other provision of law, the regulation,
17 licensing or permitting of pet stores is within the exclusive
18 jurisdiction of the Oklahoma Department of Agriculture, Food, and
19 Forestry as set forth in this act and any rules promulgated by the
20 Department consistent with this act.

21 SECTION 9. This act shall become effective November 1, 2019.
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23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
24 dated 02/19/2019 - DO PASS, As Amended.