

1 **SENATE FLOOR VERSION**

2 April 6, 2015

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1403

By: Pfeiffer and Biggs of the
House

6 and

7 Allen of the Senate

8
9 An Act relating to animals; creating the Care and
10 Disposition of Disaster Animals Act; providing
11 purpose; defining terms; requiring animal shelters to
12 keep certain animals according to the applicable
13 holding period; providing exception; authorizing
14 animal shelter to dispose of certain animals under
15 certain circumstances; stating that certain animals
16 will be considered abandoned; granting new owner
17 unencumbered title to the animal; providing holding
18 periods; authorizing animal shelter to provide
19 certain veterinary care; limiting performance of
20 certain procedures under certain circumstances;
21 authorizing animal shelter to provide certain housing
22 if certain conditions are met; prohibiting awarding
23 title to a disaster animal under certain
24 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:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 701 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 "Care and
5 Disposition of Disaster Animals Act".

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

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

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

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

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

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

23 5. "Companion animals" means domesticated animals, such as a
24 dog, cat, bird, rabbit, rodent or turtle, that are traditionally

1 kept in the home for pleasure rather than for commercial purposes,
2 can travel in commercial carriers and be housed in temporary
3 facilities. Companion animals do not include reptiles other than
4 turtles, amphibians, fish, insects, arachnids, farm animals
5 including, but not limited to, horses, animals kept for racing
6 purposes or animals held by a registered research facility under the
7 federal Animal Welfare Act. Feral animals, animals covered by the
8 federal Animal Welfare Act or by regulations issued under that act
9 and any other animals held for use in or used in research are
10 excluded from the Care and Disposition of Disaster Animals Act;

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

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

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

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

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

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

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

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

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

14 A. Disaster animals taken from a disaster area or delivered to
15 an animal shelter following a Class #1 Event or Class #2 Event shall
16 be kept by the animal shelter that receives the disaster animals
17 according to the applicable holding period, unless the owner of the
18 disaster animals agrees otherwise in writing. After the applicable
19 holding period has passed for disaster animals, the animal shelter
20 has the authority to dispose of the disaster animals as allowed
21 under state law when there is no Class #1 Event or Class #2 Event,
22 unless the owner has an extension by contract with the animal
23 shelter for additional time. An owner who does not retake
24 possession of their disaster animals by the end of the applicable

1 holding period plus any extension by contract thereof has abandoned
2 the disaster animals, and any new owner shall have unencumbered
3 title to the disaster animals.

4 B. Holding periods:

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

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

17 3. During the holding period, the animal shelter is fully
18 authorized to provide or arrange for necessary veterinary health
19 services that are in the best interests of the disaster animals as
20 may be determined by a veterinarian, up to and including humane
21 euthanasia. A disaster animal that exhibits ownership by the
22 presence of a tag or identification chip or was removed from a
23 private residence, including fenced adjacent land, may not be spayed

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1 or neutered without the written permission of the owner unless it is
2 medically necessary as may be determined by a veterinarian;

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

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

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1 6. If an animal shelter becomes inoperative because of a Class
2 #1 Event or Class #2 Event, all the companion animals removed from
3 the animal shelter shall be treated as disaster animals by whoever
4 takes control of the companion animals, unless records that
5 accompany the shelter animals demonstrate that it was lawfully
6 permissible to transfer title to the shelter animals before a Class
7 #1 Event or Class #2 Event. If these records are available, then
8 the shelter animals shall not be treated as disaster animals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
21 April 6, 2015 - DO PASS AS AMENDED
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