

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 55th Legislature (2015)

4   HOUSE BILL 1403

                                  By: Pfeiffer

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7                                   AS INTRODUCED

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

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

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

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

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

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

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

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

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

21        6. "Disaster animals" means domesticated companion animals that  
22 have become separated from an owner as the result of a Class #1 or  
23 Class #2 Event. Disaster animals include those found on private  
24 property or running at large, as well as owner surrendered or

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

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

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

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

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

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

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

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

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

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

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

13 B. Holding periods:

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

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

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

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

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

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

9 6. If an animal shelter becomes inoperative because of a Class  
10 #1 Event or Class #2 Event, all the companion animals removed from  
11 the animal shelter shall be treated as disaster animals by whoever  
12 takes control of the companion animals, unless records that  
13 accompany the shelter animals demonstrate that it was lawfully  
14 permissible to transfer title to the shelter animals before a Class  
15 #1 or Class #2 Event. If these records are available, then the  
16 shelter animals shall not be treated as disaster animals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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6 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,  
7 dated 02/11/2015 - DO PASS.

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