

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

**SUBCHAPTER 1. LICENSING**

**35:55-1-4. License application**

(a) The Oklahoma Department of Agriculture, Food, and Forestry shall issue a license to each commercial pet breeder or animal shelter operator who:

- (1) Meets the requirements of the Commercial Pet Breeders and Animal Shelter Licensing Act;
- (2) Applies to the Department on the form prescribed by the Department; and
- (3) Pays the required ~~fee~~ license and prelicense inspection fees.

(b) A commercial pet breeder or animal shelter operator shall obtain a separate license for each facility where breeding or shelter animals are kept. A separate license shall be issued for each facility of the commercial pet breeder or animal shelter operator, whether or not the facility has the requisite number of animals at each facility.

(c) If a single facility is shared by more than one person, each person shall be required to become individually licensed if the requisite number of animals are housed at the facility, unless all animals are combined on a single license.

(d) An applicant applying for a license shall submit a completed license application signed under oath containing the following information:

- (1) Name, mailing address, telephone number, and email address, if any, of the applicant;
- (2) Name, if different, physical address and telephone number of the facility, including driving directions from the nearest municipality;
- (3) Name, address, telephone number, and email address, if any, of the operator of the facility, if different from the owner;
- (4) If the applicant is an entity, association, trust, or corporation, the name and address of each member with an ownership of ten percent (10%) or more in the facility;
- (5) If the applicant is an entity, the name, address, telephone number, and email address, if any, of the Oklahoma registered agent;
- (6) The sales tax identification number of the commercial pet breeder, unless the commercial pet breeder only sells animals wholesale or the tax exempt identification number of the animal shelter;
- (7) A list of the date, subject matter, and court or government entity for any individual required to be disclosed by this section for each of the following:
  - (A) Has ever been convicted of, or entered a plea of guilty or no contest, to any felony, or any crime involving animal cruelty, abuse, or neglect;
  - (B) Has ever received any adverse ruling from any court of competent jurisdiction or any administrative tribunal involving honesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence in a matter related to commercial pet breeding, or cruelty to animals;
  - (C) Has ever had an application for a license, registration, certificate, or endorsement related to pet breeding or animal care denied or rejected by any state or federal licensing authority in Oklahoma or another state;
  - (D) Whether any commercial pet breeder licensing board, kennel regulation board, animal shelter licensing authority, or similar agency or organization has ever revoked or suspended a license, registration, certificate, or endorsement;

- (E) Has ever surrendered a license, registration, certificate, or endorsement to the Board or any state or federal commercial pet breeder or kennel licensing authority or animal shelter licensing authority, whether located in Oklahoma or elsewhere;
  - (8) Affidavit of Lawful Presence in the United States of America, as provided under 56 O.S. § 71;
  - (9) A notarized statement swearing that the information submitted on the application is true and correct;
  - (10) State the total number of animals owned by the commercial pet breeder on the date of application and identify how many of the animals are intact female animals, males, and juveniles or state the capacity of the animal shelter;
  - (11) The date of commencement of operations at that location; and
  - (12) Any other relevant information required by the Board.
- (e) If an applicant submits an incomplete application or the Department requests additional information, the Department shall notify the applicant that the application is incomplete and identify the information on the application that is incomplete or needs additional information. The applicant ~~may~~ shall submit additional information within twenty (20) working days to supplement and complete the application. If the applicant does not respond to the request for additional information in a timely manner, the application shall be denied.
- (f) An application may be withdrawn from consideration by the applicant at any time.
- (g) Any commercial pet breeder or animal shelter operator whose application is denied due to failure to submit information in a timely manner or who withdrew the application may submit a new application and appropriate fees.
- (h) Any license commercial pet breeder that intends to expand their operation's capacity to a higher level of license category shall submit notice to the Department within ten (10) days of the expansion.
- (1) The notification shall be submitted on the application form prescribed by the Department.
  - (2) Payment shall be included with the application to pay the increase in license category due to the expansion and a prelicense inspection fee.

### **35:55-1-6. Inspections**

- (a) The Oklahoma Department of Agriculture, Food, and Forestry may contract with a local veterinarian licensed by the state, other state agency or any other qualified person to conduct or assist in an initial prelicense inspection and annual inspections.
- (b) The Department shall arrange for an inspection at a facility prior to issuance of an initial license for that facility.
  - (1) The Department shall not issue a license to any person until the Department receives an initial prelicense inspection report from the inspector in a format approved by the Department certifying that the facility meets the requirements of the Commercial Pet Breeders and Animal Shelter Licensing Act.
  - (2) Prior to the initial prelicense inspection, each applicant shall pay to the Department a nonrefundable inspection fee.
  - (3) Failure of the owner or operator to be present for the arranged inspection without twenty-four (24) notice shall result in a second prelicense inspection fee to be prior to arranging another inspection.
- (c) The Department, at least annually, shall arrange for the inspection of each licensed facility. The inspection shall be conducted during normal business hours and the commercial pet breeder, animal shelter operator, or a representative shall be present during the inspection.

(d) The inspector shall submit an inspection report to the Department not later than ten (10) days after the date of the inspection on a form prescribed by the Department and provide a copy of the report to the commercial breeder, animal shelter operator, or the representative.

(1) The inspection report shall include an itemized list of violations, if any, and may include recommendations for correction.

(2) A copy of the inspection report shall be sent to the commercial pet breeder or animal shelter operator who shall have thirty (30) calendar days to correct any deficiencies.

(3) Following the thirty (30) calendar days to correct deficiencies, the inspector may conduct an unannounced follow-up inspection during normal business hours, or may request documentation of corrections to the Department within fourteen (14) calendar days of the request.

(4) During the prelicense or expansion prelicense inspection, if observed enclosures do not meet the requested capacity, the license or expansion shall not be approved. Prior to scheduling a follow-up inspection, and additional prelicense fee shall be due.

### **35:55-1-8. Fees**

The Board shall charge the following nonrefundable license or renewal fees:

(1) One (1) to ten (10) intact female animals: \$125.00

(2) Eleven (11) to twenty (20) intact female animals: \$200.00

(3) Twenty one (21) to fifty (50) intact female animals: \$350.00

(4) Fifty one (51) to one hundred (100) intact female animals: \$500.00

(5) One hundred and one (101) or more intact female animals: \$650.00

(6) Animal shelter: \$200.00

(7) If the commercial pet breeder or animal shelter operator submits a renewal application and fee after the expiration date, the commercial pet breeder or animal shelter operator shall pay double the renewal fee as a late charge and the filing of a late application shall be deemed a violation.

(8) Prelicense inspection fee for new or expanding: \$100.

### **35:55-1-9. Annual report**

~~(a) Not later than February 1 of each year, a commercial pet breeder shall submit to the Oklahoma Department of Agriculture, Food, and Forestry an annual report on a form prescribed by the Department setting forth the number of adult intact female animals held at the facility at the end of the prior year and such other information regarding the commercial pet breeder's prior year's operations as required by the Department.~~

~~(1) Number of animals at the facility on December 31;~~

~~(2) Number of animals sold during the previous calendar year;~~

~~(3) Number of animals added to the facility during the previous calendar year;~~

~~(4) Number of animals removed from the facility during the previous calendar year;~~

~~(5) Number of mortalities during the previous calendar year;~~

~~(6) List of type, date of occurrence and number of mortalities due to any animal disease at the facility during the previous calendar year; and~~

~~(7) Number of animals exchanged or refunded from the facility.~~

~~(b) The commercial pet breeder shall keep a copy of the annual report at the facility of the commercial pet breeder and, on request, make the report available to the authorized agent of the Board, a local animal control authority, or any other inspector designated by the Department.~~

~~(c) A license holder that has more than one facility shall keep separate records and file a separate report for each facility.~~

## SUBCHAPTER 3. STANDARDS OF CARE

### 35:55-3-2. Watering

(a) If potable water is not continually available to the animals, it shall be offered to the animals as often as necessary to ensure their health and wellbeing, but not less than three (3) times daily for at least one (1) hour each time, unless restricted by the attending veterinarian.

(b) For animals housed in non-temperature controlled environments, potable water shall be continuously available when temperatures reach ninety-five (95) degrees Fahrenheit, unless restricted by the attending veterinarian.

## SUBCHAPTER 7. RECORDKEEPING AND SALES

### 35:55-7-1. Records

(a) A commercial pet breeder or animal shelter operator shall maintain a separate health record for each animal in the facility documenting the healthcare of the animal that shall include:

- (1) The breed, sex, color, and identifying marks of the animal; and
- (2) A record of all inoculations, medications, and other veterinary medical treatment received by the animal while in the possession of the commercial pet breeder or animal shelter operator.

(b) The commercial pet breeder or animal shelter operator shall make the health records available on request to the Oklahoma Department of Agriculture, Food, and Forestry, an authorized agent of the Board, a local animal control authority, or any other inspector designated by the Department.

(c) Commercial pet breeders or animal shelter operators shall create, maintain, and keep records of operations consisting of a list describing all pets that have been born, housed or kept in the facility at any time, and stating the disposition of all pets listed. In describing the disposition of any pet, the commercial pet breeder and animal shelter operator shall record the following:

- (1) If the animal was sold or otherwise transferred, the manner and location of the sale, transfer, or other disposition, and the recipient's name and address, if the commercial pet breeder or animal shelter operator shipped or otherwise transported the animal to the recipient;
- (2) That the pet is still on the premises, or
- (3) If the pet died while at the facility, the date of death and cause of the death.

(d) Commercial pet breeders and animal shelter operators shall keep the following records of all sales or disposition of pets owned or has housed at the licensed facility:

- (1) A description of each sold or disposed pet; and
- (2) With respect to each pet list the date of transaction, the location of the transaction, whether the commercial pet breeder or animal shelter operator transported or shipped the pet for delivery, including the location of the recipient, the age of the pet, and the name and address of the recipient.

(e) Commercial pet breeders and animal shelter operators shall keep at their facility records of all pets purchased or otherwise acquired at any time during the preceding two (2) years, which record shall include the date of the transaction, the name and address of the seller, and a description of each pet received, including the age of each pet at the time it was acquired by the commercial pet breeder or animal shelter operator.

(f) Commercial pet breeders and animal shelter operators, if applicable, shall keep at their facility breeding records, which, for each adult female animal shall list the dates she was bred, the dates on which her puppies or kittens were born, and the number of puppies or kittens in each litter.

(g) For each pet, commercial pet breeders and animal shelter operators shall keep copies of documents evidencing the information that shall be contained in the pet breeder's records, including veterinary reports, sales receipts, and shipping invoices.

(h) A commercial pet breeder and animal shelter operator shall maintain all records for a minimum of two (2) years.

(i) Sanitization records shall include the date of sanitization and the method used.