

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, & FORESTRY

CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

35:55-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

— **"Adult animal"** means an intact female animal twelve (12) months of age or older;

— **"Animal"** means a dog or a cat;

— **"Animal shelter"** means any facility that maintains ten or more dogs and cats operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats; and any facility that maintains ten or more dogs and cats operated, owned, or maintained by any person or organization for such purpose, but not including any facility that does not house or harbor dogs or cats on the premises and only operates through a system of fostering in private homes;

— **"Animal shelter license"** means a license issued to any applicant that qualifies and is licensed as an animal shelter operator;

— **"Animal shelter operator"** means any individual, entity, association, trust, or corporation that operates a facility that maintains ten or more dogs and cats for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats, but not including any facility that does not house or harbor dogs or cats on the premises and only operates through a system of fostering in private homes;

— **"Board"** means the State Board of Agriculture;

— **"Cat"** means a mammal that is wholly or partly of the species *Felis domesticus*;

— **"Commercial breeder"** and **"commercial pet breeder"** mean any individual, entity, association, trust, or corporation who possesses eleven or more intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration;

— **"Commercial pet breeder license"** means a license issued to any person that qualifies and is licensed as a commercial pet breeder;

— **"Department"** means the Oklahoma Department of Agriculture, Food, and Forestry;

— **"Dog"** means a mammal that is wholly or partly of the species *Canis familiaris*;

— **"Facility"** means the premises used by one or more animal shelter operators or commercial breeders. The term includes all buildings, property, and confinement areas in a single location used to conduct the animal shelter commercial breeding business;

— **"Family member"** means the parent, spouse, child, or sibling of an individual;

— **"Humane society"** means a nonprofit organization exempt from federal income taxation as an organization described in Section 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a principal purpose the prevention of animal cruelty or the sheltering of, caring for, and providing of homes for lost, stray, and abandoned animals;

— **"Inspector"** means an authorized agent of the Board or any other qualified person authorized by the Department to conduct inspections;

— **"Intact female animal"** means a female animal, nine (9) months of age or older, and not spayed;

— **"Kitten"** means a cat less than twelve (12) months old;

~~———— "Local animal control authority" means a municipal or county animal control office with authority over the premises in which an animal is kept or, in an area that does not have an animal control office, the county sheriff;~~

~~———— "Marketing" means the solicitation for sale of animals;~~

~~———— "Juvenile" means a puppy or kitten;~~

~~———— "Necessary veterinary care" means at least one personal visual inspection annually by a veterinarian licensed in Oklahoma, guidance from a licensed veterinarian on preventative care, an exercise plan is approved by a licensed veterinarian, normal and prudent attention to skin, coat, and nails, prompt treatment of any illness or injury, and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association. If, during the course of a routine personal visual inspection, the licensed veterinarian detects signs of disease or injury in an animal, then a physical examination of the animal shall be conducted by the licensed veterinarian.~~

~~———— "Noncommercial breeder" means any individual, entity, association, trust, or corporation who possesses ten or fewer intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration;~~

~~———— "Owner" means a person who owns ten percent (10%) or more of the ownership interest in a commercial pet breeder facility, directly or indirectly, in an entity.~~

~~———— "Person" means any individual, association, trust, corporation, limited liability company, partnership, or other entity;~~

~~———— "Pet" means a dog or cat, including a puppy or kitten;~~

~~———— "Possess" means to have custody of or control over, but shall not include custody or control over an animal by a person who is not a resident of Oklahoma and is in Oklahoma for the sole purpose of attending a competitive show or event held in Oklahoma;~~

~~———— "Puppy" means a dog less than twelve (12) months old;~~

~~———— "Recipient" means a purchaser, adopter, or any other person who receives a pet.~~

~~———— "Veterinarian" means a person currently licensed to practice veterinary medicine in Oklahoma.~~

35:55-1-3. License required

~~(a) A person shall not act, offer to act, or hold himself or herself out as a commercial pet breeder or operate an animal shelter in this state unless the person holds a license obtained pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act for each facility that the person owns or operates in this state.~~

~~(b) It shall be unlawful for any person to act as a commercial pet breeder licensee, or to hold himself or herself out as such, unless the person shall have been licensed to do so under the Commercial Pet Breeders and Animal Shelter Licensing Act.~~

~~(c) The commercial pet breeder license shall begin on July 1 and expire on June 30 of each calendar year; each commercial pet breeder shall renew the license prior to June 30 of each calendar year.~~

~~(d)~~(b) The animal shelter license shall begin on January 1 and expire on December 31 of each calendar year; each animal shelter operator shall renew the license prior to December 31 of each calendar year.

~~(e)~~(c) Any person who intends to become a commercial pet breeder or intends to operate an animal shelter shall obtain a license prior to operation.

~~(f)~~(d) Any person who does not meet the definition of a commercial pet breeder or animal shelter but chooses to voluntarily obtain a license shall comply with all rules as though they do meet the definition of a commercial pet breeder or animal shelter.

~~(g)~~(e) Each commercial pet breeder and animal shelter shall have a fixed place of business with a specific physical location and shall conform to local zoning ordinances authorizing the occupancy of a commercial pet breeder or animal shelter at that location.

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 license and prelicense inspection fees.

(b) A commercial pet breeder or animal shelter operator shall submit a separate application and 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) An outline, map, or numbering sequence that outlines and identifies clearly the current and or planned kennels, housing and exercise areas; and

(13) 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 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.

35:55-1-5. Grounds for denial, suspension, or revocation of a license

~~—The Oklahoma Department of Agriculture, Food, and Forestry may deny a license, or renewal thereof, or revoke a license of any applicant, commercial pet breeder, or animal shelter operator who fails to meet the standards of animal care or fails to follow the application process adopted by the Department, or if the person:~~

~~(1) Is convicted of a crime involving animal cruelty;~~

- ~~(2) Is convicted of violating the Commercial Pet Breeders and Animal Shelter Licensing Act more than three times;~~
- ~~(3) Is convicted of a type of felony specified by subparagraphs a through pp of paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes;~~
- ~~(4) Is convicted of a felony punishable under the Oklahoma Racketeer-Influenced and Corrupt Organizations Act; or~~
- ~~(5) Has held or applied for a United States Department of Agriculture license pursuant to the Animal Welfare Act and whose license was suspended or revoked, or whose application was refused due to the improper care of animals.~~

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 prelicense inspection without twenty-four (24) notice shall result in a second prelicense inspection fee to be paid prior to arranging another inspection.~~

~~(b) In the event the facility cancels, reschedules, or is not present for an arranged prelicense inspection, another prelicense inspection must be arranged in the next ten (10) working days and prelicense inspection fee paid, if not rescheduled at least twenty-four (24) hours in advance, or the application may be denied.~~

~~(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 inspectionsshall inspect each licensed facility at a minimum annually.~~

~~(1) The Department shall conduct an unannounced inspection during normal working hours or if found to be unavailable during normal working hours shall arrange the annual inspection within a five (5) working day window during daylight hours as the facility is available.~~

~~(2) Failure of the commercial pet breeder, animal shelter operator, or a representative to show for an arranged inspection will result in a fine to be paid and require either an unannounced or another inspection be arranged and a prelicense fee paid no later than five (5) business days after the previously arranged inspection date.~~

~~(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.~~

~~(4)(3) The inspection report shall include an itemized list of violations, if any, and may include recommendations for correction.~~

~~(2)~~(4) 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)~~(5) 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 be submitted to the Department within fourteen (14) calendar days of the request.

———~~(4)~~(d) 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 an~~ additional prelicense fee shall be due.

35:55-1-7. Changes of information

———~~A commercial pet breeder or animal shelter operator shall notify the Oklahoma Department of Agriculture, Food, and Forestry in writing not later than ten (10) days after the date any change occurs in the address, name, management, substantial control, or ownership of the business or operation.~~

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.

35:55-1-10. Renewals

~~(a) A commercial pet breeder or animal shelter operator who is not in violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act may renew the license by:~~

~~(1) Submitting a renewal application to the Oklahoma Department of Agriculture, Food, and Forestry on the form prescribed by the Department containing any changes to the information provided in the initial application.~~

~~(2) Complying with any other renewal requirements adopted by the Department; and~~

~~(3) Paying the required fee.~~

~~(b) Any person who fails to apply for a renewal in a manner prescribed by the Department, and whose license has expired, may not engage in activities that require a license until the license has been renewed.~~

~~(c) Not later than sixty (60) days before the expiration of the license, the Department shall send written notice of the impending license expiration to the commercial pet breeder or animal shelter operator at the last known address according to the records of the Department.~~

35:55-1-11. Complaints

~~(a) On receipt of a valid written complaint alleging a violation of the Commercial Pet Breeders and Animal Shelter Licensing Act, an authorized agent of the State Board of Agriculture, a local animal control authority, or an inspector designated by the Department may investigate the alleged violation.~~

~~(b)~~ Any person may submit a written ~~and signed~~ complaint to the Department alleging a violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or rules promulgated thereunder.

~~(e)~~(b) Upon receipt of a written complaint, the Department notifies the person filing the complaint in writing of its receipt and status within five (5) working days, unless complaint is submitted anonymously.

~~(d)~~(c) The party whom the complaint is filed against, if known, is notified within five (5) working days.

~~(e)~~(d) The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies appropriate to the circumstances.

~~(f)~~(e) The complainant and commercial pet breeder or animal shelter operator shall be notified in writing within seven (7) working days after the resolution of the complaint, if known.

35:55-1-12. Display of license

~~— A commercial pet breeder or animal shelter operator shall:~~

~~(1) Prominently display a copy of the license at the facility;~~

~~(2) Include the license number in each advertisement for the sale or transfer of an animal by the commercial pet breeder or animal shelter operator; and~~

~~(3) Include the license number in each contract for the sale or transfer of an animal.~~

SUBCHAPTER 3. STANDARDS OF CARE

35:55-3-1. Incorporation by reference

(a) The following provisions of Title 9 of the Code of Federal Regulations and the requirements contained therein pertaining to Animal Welfare, Part 3 (Standards) are, unless otherwise specified, adopted and incorporated by reference in their entirety:

(1) 3.1 (housing facilities, general)

(2) 3.2 (indoor housing facilities)

(3) 3.3 (sheltered housing facilities)

(4) 3.4 (outdoor housing facilities)

(5) 3.5 (mobile or traveling housing facilities)

(6) 3.6 (primary enclosures), except for 3.6 (c)(1)(ii) and (c)(2)

(7) 3.7 (compatible grouping)

(8) 3.8 (exercise for dogs)

(9) 3.9 (feeding)

(10) 3.11 (cleaning, sanitization, housekeeping, and pest control)

(11) 3.12 (employees)

(12) ~~3-13~~3.14 (consignments to carriers and intermediate handlers)

(13) ~~3-14~~3.15 (primary enclosures used to transport live dogs and cats)

(14) ~~3-15~~3.16 (primary conveyances [motor vehicle, rail, air, and marine])

(15) ~~3-16~~3.17 (food and water requirements)

(16) ~~3-17~~3.18 (care in transit)

(17) ~~3-183.19~~ (terminal facilities)

(18) ~~3-193.20~~ (handling)

(b) When reference is made to a federal entity, it shall mean the state counterpart.

35:55-3-3. Compatibility

~~(a) A commercial pet breeder or animal shelter operator shall place only compatible animals in the same primary enclosure and at a minimum shall not place the following animals together in the same primary enclosure:~~

~~(1) Breeding female animals in heat in the same enclosure at the same time with sexually mature male animal, except for breeding purposes;~~

~~(2) Breeding females and their litters in the same enclosure at the same time with other adult dogs;~~

~~(3) Puppies or kittens under four (4) months of age with other adult animals other than their dam or foster dam, unless maintained in breeding colonies; or~~

~~(4) Animals exhibiting vicious or an aggressive disposition with any other animal.~~

~~(b) A commercial pet breeder or animal shelter operator shall not place more than six (6) adult animals simultaneously in any enclosure.~~

35:55-3-6.1. Canine brucellosis

(a) A commercial pet breeder shall have a biosecurity plan in place for the detection and eradication of canine brucellosis. The biosecurity plan shall be developed in consultation with the commercial pet breeder's attending veterinarian and shall include, but not be limited to, the following:

(1) New breeding stock shall be initially quarantined prior to release into the general facility population.

(2) New breeding stock shall test negative on two consecutive brucellosis tests conducted four to six weeks apart prior to exiting the initial quarantine.

(b) If canine brucellosis is confirmed in any dog on the premises of a commercial pet breeder, the premises shall be quarantined by the State Veterinarian. The parameters of the quarantine shall be determined by the State Veterinarian in consultation with the commercial pet breeder's attending veterinarian, and may include, but not be limited to, the following:

(1) Any dog that is confirmed positive for canine brucellosis shall be humanely euthanized.

(2) All dogs six weeks of age or older shall test negative on two consecutive brucellosis tests conducted four to six weeks apart.

(3) Records of each sampling event, including identification of each euthanized dog, identification of each animal tested, laboratory sample results from an approved laboratory, and any other pertinent information, shall be provided to the Department upon request.

(4) Each dog six weeks of age or older that is tested for canine brucellosis shall be identified with an electronic form of identification.

(5) The State Veterinarian may, upon consultation with the commercial pet breeder's attending veterinarian, ~~may~~ modify the quarantine to allow for testing of fewer animals and quarantine of only a portion of the premises.

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)~~(b) 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)~~(c) 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)~~(d) 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)~~(e) 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)~~(f) A commercial pet breeder and animal shelter operator shall maintain all records for a minimum of two (2) years.

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