

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

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

**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 (consignments to carriers and intermediate handlers)
- (13) 3.14 (primary enclosures used to transport live dogs and cats)
- (14) 3.15 (primary conveyances [motor vehicle, rail, air, and marine])
- (15) 3.16 (food and water requirements)
- (16) 3.17 (care in transit)
- (17) 3.18 (terminal facilities)
- (18) 3.19 (handling)

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

~~(c) When reference is made to 9 C.F.R. it means, unless otherwise specified, the volume of 9 C.F.R. as published on July 1 (2021).~~

**SUBCHAPTER 9. SEIZURE AND IMPOUNDMENT**

**35:55-9-1. Seizure and impoundment**

(a) The Department may seize and impound any animal in the possession, custody, or care of any person who violates the Commercial Pet Breeders and Animal Shelter Licensing Act if there is reason to believe that the health, safety, or welfare of the animal is endangered or the animal is believed to be in imminent danger pursuant to paragraph G of Section 30.13 of Title 4 of the Oklahoma Statutes.

(b) When the Department believes there is reason to seize and impound an animal under the Commercial Pet Breeders and Animal Shelter Licensing Act, the Department may obtain a court order through the district court in the county where the animal is located, take custody of the animal, and impound the animal in a safe and appropriate location.

(1) The Department shall have seven (7) days from the date of seizure of the animal to petition the district court in the county where the animal was seized for a hearing regarding the health, safety and welfare of the animal and the costs of seizure and impound. The pet breeder or animal shelter shall be given notice of the hearing.

(2) The court may assess the costs of seizure and impound of an animal against the pet breeder or animal shelter who was in possession, custody, or care of the animal. Reasonable costs may include, but are not limited to, transportation, medical care, including spay or neuter procedures, boarding of the animal during its impoundment, euthanasia, if determined necessary by a licensed veterinarian of this state, and any cost associated with adoption of the animal.

(c) If the court finds the Department did not have a reasonable belief that the health, safety, or welfare of an animal was endangered or was in imminent danger, the court may order immediate return of the animal to the pet breeder or animal shelter and the Department may be ordered to bear the costs of seizure and impound and return of the animal.

(d) Nothing in this section shall prevent the euthanasia of a seized animal or the provision of any therapy or procedure to a seized animal as determined necessary by a licensed veterinarian of this state.