

Oklahoma Department of Agriculture, Food, and Forestry



Commercial Pet Breeders and Animal Shelter Law and Rules

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Commercial Pet Breeders and Animal Shelter Licensing Act

Section 30.1 - Short Title

This act shall be known and may be cited as the "Commercial Pet Breeders and Animal Shelter Licensing Act" and shall be administered by the State Board of Agriculture.

Section 30.2 – Definitions

As used in the Commercial Pet Breeders and Animal Shelter Licensing Act:

"**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 nongovernmental 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 Operator**" means any individual, entity, association, trust, or corporation that operates a nongovernmental 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;

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

"**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 or 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;

"**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;

"**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;

"**Puppy**" means a dog less than twelve (12) months old; and

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

Section 30.3 - Enforcement and Administration of Act – Rules

A. The State Board of Agriculture shall enforce and administer the provisions of the Commercial Pet Breeders and Animal Shelter Licensing Act.

B. The Board shall adopt the rules necessary to enforce and administer the Commercial Pet Breeders and Animal Shelter Licensing Act, including but not limited to rules that:

1. Establish standards for care;
2. Establish reasonable and necessary fees;
3. Establish exemptions for intact female animals held solely for the purpose of training and that are not bred, with documentation to include sales and training records;
4. Establish provisions related to initial and renewal applications, revocation or nonrenewal of licenses, procedures for sale of animals, and procedures for making complaints; and
5. Establish any other rules deemed necessary by the Board.

Section 30.4 - License Required - Criteria for Applicants - Cage Size Standards

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 operate as an animal shelter 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. An applicant for an animal shelter or commercial pet breeder license shall meet the criteria established by the State Board of Agriculture through rules promulgated pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act.

D. Any animal shelter operator or commercial pet breeder that applies for an animal shelter or commercial pet breeder license no later than September 1, 2013, shall not be required to meet any cage-size requirement more stringent than United States Department of Agriculture standards. Regardless of license application date, any animal shelter operator or commercial pet breeder replacing or adding cages after September 1, 2013, shall meet the cage-size requirements as of the date of replacement or addition.

Section 30.5 - Prelicense Inspections - Annual Inspections - Inspection Reports - Inspection Upon Complaint

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 animal shelter or commercial pet breeder license for that facility.

1. The Department shall not issue an animal shelter or commercial pet breeder 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.

C. The Department, at least annually, shall arrange for the inspection of each facility of a licensed animal shelter operator or commercial breeder. The inspection shall be conducted during normal business hours and the animal shelter operator, commercial breeder or a representative of the facility 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 animal shelter operator, commercial breeder or the representative.

E. 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.

F. The Department shall not hire any humane society group or member of any humane society group to perform any inspection required by the Commercial Pet Breeders and Animal Shelter Licensing Act.

Section 30.6 - Requirements for Licensure - Duration of License - Nontransferability – Fee

- A. The Oklahoma Department of Agriculture, Food, and Forestry shall issue an animal shelter or commercial pet breeder license to each applicant 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.
- B. An animal shelter operator or commercial pet breeder shall obtain a separate license for each facility where animals are kept. A separate license shall be issued for each facility, regardless of the 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:
1. For commercial pet breeders, eleven or more intact females used for breeding are housed at the facility; or
 2. For animal shelter operators, ten or more cats and dogs are maintained at the facility.
- D. A license issued under the Commercial Pet Breeders and Animal Shelter Licensing Act is valid until July 1 for a commercial pet breeder and January 1 for an animal shelter operator in each calendar year and is nontransferable.
- E. The nonrefundable animal shelter license and renewal fee shall be the same as the fee for a commercial pet breeder with eleven to twenty intact female animals.

Section 30.7 - Grounds for Denial or Revocation of License

The Oklahoma Department of Agriculture, Food, and Forestry may deny a license, or renewal thereof, or revoke a license of any applicant, animal shelter operator or commercial pet breeder 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.

Section 30.8 - License Renewal

- A. An animal shelter operator or commercial pet breeder 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 of the person by:

1. Submitting a renewal application to the Oklahoma Department of Agriculture, Food, and Forestry on the form prescribed by the Department;
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 animal shelter operator or commercial pet breeder at the last-known address according to the records of the Department.

Section 30.9 - Licensee's Duty to Provide Notice of Change of Address, Name, Management, Control, or Ownership

An animal shelter operator or commercial pet breeder 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.

Section 30.10 - Display of License - Use of License Number in Ads and Contracts

An animal shelter operator and commercial pet breeder shall prominently display a copy of the animal shelter license or commercial pet breeder license at the facility of the animal shelter or commercial pet breeder. A commercial pet breeder shall include the commercial pet breeder license number in each advertisement for the sale or transfer of an animal by the commercial pet breeder. A commercial pet breeder shall include in each contract for the sale or transfer of an animal by the commercial pet breeder the commercial pet breeder license number.

Section 30.11 - Annual Reports

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.

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.

Section 30.12 - Animal Health Records

- A. An animal shelter operator and commercial pet breeder shall maintain a separate health record for each animal in the facility of the animal shelter operator and commercial breeder documenting the healthcare of the animal.
- B. The health record 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 animal shelter operator and commercial pet breeder.
- C. The animal shelter operator and commercial pet breeder 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.

Section 30.13 - Violations - Offenses – Penalties

- A. After notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule promulgated or order issued pursuant thereto, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation. During each license year of the facility, a facility shall not be subject to more than Ten Thousand Dollars (\$10,000.00) in administrative penalties assessed pursuant to this subsection.
- B. A person commits an offense if the person violates the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act. Each animal to which a violation applies and each day that violation continues constitutes a separate offense. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.
- C. A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.
- D. An unlicensed commercial pet breeder commits an offense if the breeder advertises animals for sale. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.
- E. An animal shelter or commercial pet breeder commits an offense if the animal shelter or commercial breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Pet Breeders and Animal Shelter Licensing Act or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.
- F.
 - 1. Any violation of subsection B, C, or D of this section shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

2. Any violation of subsection E of this section shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

G. In addition to penalties and fines, the Board shall have authority to obtain injunctions against anyone who violates the Commercial Pet Breeders and Animal Shelter Licensing Act, and shall have authority to obtain or impose civil monetary penalties on anyone who violates the Commercial Pet Breeders and Animal Shelter Licensing Act, and upon obtaining a court order, shall have authority to seize and impound animals in the possession, custody, or care of that person if there is reason to believe that the health, safety, or welfare of the animals is endangered, or the animals are in imminent danger. The reasonable costs of transportation, care, and feeding of seized and impounded animals shall be paid by the person from whom the dogs or cats were seized and impounded.

H. Nothing in the Commercial Pet Breeders and Animal Shelter Licensing Act shall preclude the Board from seeking penalties in district court in the maximum amount allowed by law. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum civil or criminal penalties for violations of the Commercial Pet Breeders and Animal Shelter Licensing Act and rules promulgated pursuant thereto.

I. Any person assessed an administrative or civil penalty may be required to pay, in addition to the penalty amount and interest thereon, attorney fees and costs associated with the collection of the penalties.

J. If any person refuses, denies or interferes with any right of access, the Board shall have the right to apply to and obtain from a district court an administrative or other warrant as necessary to enforce the right of access and inspection.

Section 30.14 - Public Directory of Licensed Animal Shelters and Commercial Pet Breeders, and License Denials and Revocations

The State Board of Agriculture shall maintain and post on its website the directory of animal shelters and commercial pet breeders licensed pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act. The Board shall post on its website the directory of animal shelters and commercial pet breeders who have been denied licensing, or whose licenses have been revoked.

Section 30.15 - Effect of Act on State and Local Laws, Rules, and Ordinances

A. The Commercial Pet Breeders and Animal Shelter Licensing Act shall not affect the applicability of any other law, rule, order, ordinance, or other legal requirement of the federal government, this state, or a political subdivision of this state.

B. The Commercial Pet Breeders and Animal Shelter Licensing Act shall not prevent a municipality or county from prohibiting or further regulating by order or ordinance, the possession, breeding, or selling of dogs or cats.

Section 30.16 - Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture, Food, and Forestry to be designated the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund. All monies accruing to the credit of the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund are hereby

appropriated and may be budgeted and expended by the Department for the purposes set forth in subsection C of this section. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of:

1. All monies received by the Department for sheltering of seized animals pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act; and
2. Money received by the Department in the form of gifts, grants, reimbursements, or from any other source intended to be used for the purposes specified by or collected pursuant to the provisions of this section of the Commercial Pet Breeders and Animal Shelter Licensing Act.

B. The monies deposited in the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund shall be excluded from budget and expenditure limitations and shall at no time become part of the general budget of the Department or any other state agency. Except as provided for in this section, no monies from the Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund shall be transferred for any purpose to any other state agency or any account of the Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

C. The Commercial Pet Breeders and Animal Shelter Assistance Revolving Fund shall be utilized for defraying veterinary costs for animals in the event of a removal of animals from an animal shelter or commercial pet breeder. The fund may, in the discretion of the State Board of Agriculture, also be used to defray costs associated with care of animals including, but not limited to, feed and shelter.

**TITLE 35 - OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 55. COMMERCIAL PET BREEDERS
AND ANIMAL SHELTERS**

SUBCHAPTER 1. LICENSING

35:55-1-1. Purpose

These rules regulate commercial pet breeders and animal shelters pursuant to Section 30.1 et seq. of Title 4 of the Oklahoma Statutes known as the Commercial Pet Breeders and Animal Shelter Licensing Act. The administration of the Commercial Pet Breeders and Animal Shelter Licensing Act shall be performed by the Oklahoma Department of Agriculture, Food, and Forestry and the State Board of Agriculture. Administration of the Act shall conform to the Administrative Procedures Act, Title 2 of the Oklahoma Statutes, and procedural rules found in Title 35 of the Oklahoma Administrative Code as promulgated by the State Board of Agriculture.

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;

"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) 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) 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) 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) 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 fee.

(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 is 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 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.

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.
- (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.

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 animal(s): \$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.

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.

(c) 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.

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

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

(f) 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.

5:55-1-12. 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.

35:55-1-13. Exemption for Training Animals

- (a) Intact female animals held solely for the purpose of training that are not bred shall be exempt from the licensing requirements of these rules.
- (b) Any person who holds intact female animals solely for the purpose of training shall provide documentation to the Department showing the training of the animal. Documentation may include, but not be limited to the following:
 - (1) Sales records showing the animals were trained and sold as trained;
 - (2) Training records and certifications provided with the animals or provided to purchasers of the trained animals; and
 - (3) Any other documentation that substantiates that the animals were held solely for training purposes and were not bred.

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, 2019.

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.

35:55-3-4. Primary Enclosures

(a) Any commercial pet breeder or animal shelter operator that applies for a license no later than September 1, 2013, shall not be required to meet any cage size requirement more stringent than United States Department of Agriculture standards. Regardless of license application date, any commercial pet breeder or animal shelter operator replacing or adding cages after September 1, 2013, shall meet the cage size requirements as of the date of replacement or addition.

(b) After September 1, 2013, any new facility or any replacement or additions of cages for a previously licensed facility shall meet the following primary enclosure size requirements for dogs.

(1) Commercial pet breeders and animal shelter operators may house up to six (6) dogs removed from their whelping box in the same primary enclosure, but the primary enclosure shall provide at least the following amount of square feet of floor space:

(A) For an enclosure containing one dog, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 2. Mathematically, the space the commercial pet breeder shall provide for the first dog equals $2 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(B) For an enclosure containing two dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 3. Mathematically, the space the commercial pet breeder shall provide for the first dog equals $3 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(C) For an enclosure containing three dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 4. Mathematically, the space the commercial pet breeder shall provide for the first dog equals $4 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(D) For an enclosure containing four dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 5. Mathematically, the space the commercial pet breeder shall provide for the first dog equals $5 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(E) For an enclosure containing five dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 6. Mathematically, the space the commercial pet breeder shall provide for the first dog equals $6 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

- (F) For an enclosure containing six dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 7. Mathematically, the space the commercial pet breeder shall provide for the first dog equals $7 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.
- (2) Commercial pet breeders or animal shelter operators shall provide each female dog with nursing puppies the amount of floor space calculated pursuant to (b)(1) of this section plus sufficient floor space to allow for a whelping box and the litter, based on the intact female's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian but at a minimum large enough to allow the mother to stretch out on her side, permitting all the puppies to nurse.
- (A) If the additional amount of floor space for each nursing puppy is less than five percent (5%) of the minimum requirement for the female dog, the commercial pet breeder or animal shelter operator shall obtain approval by the attending veterinarian.
- (B) As soon as the puppies are able to leave the whelping box, the calculations for additional dogs as specified in (b)(1) of this section shall apply.
- (C) Any whelping box or enclosure shall provide for enough room to allow the female dog to separate from the pups in the box or enclosure.
- (D) Minimum floor space required by this section shall be calculated excluding floor space taken up of by food pans, water pans, and litter boxes.
- (E) Nothing in this section shall require separation of litter mates.
- (c) If the floor of a primary enclosure is composed of wire, the commercial pet breeder or animal shelter operator shall provide temporary or permanent covers or inserts creating a solid surface within the primary enclosure equal to twenty five percent (25%) of the minimum size of the enclosure, as calculated under (b)(1) of this section.

35:55-3-5. Waste Management

- (a) A commercial pet breeder or animal shelter operator shall remove all animals from enclosures during cleaning and sanitization and shall hold them in an enclosure satisfying the minimum space requirements in this subchapter or in an exercise area.
- (b) A commercial pet breeder or animal shelter operator shall comply with all waste disposal practices required by the Oklahoma Department of Agriculture, Food, and Forestry and other applicable municipal ordinances, state statutes, and federal codes for disposal of pet waste.
- (c) A commercial pet breeder or animal shelter operator shall conduct regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead pets, in a manner that minimizes contamination and disease risks.
- (d) A commercial pet breeder or animal shelter operator shall equip housing facilities and primary enclosures with disposal facilities and drainage systems that rapidly eliminate pet waste and allow animals to remain clean and dry at all times.
- (1) A commercial pet breeder or animal shelter operator shall properly construct, install, and maintain all drains.
- (2) If a commercial pet breeder or animal shelter operator uses a closed drainage system, the drains shall be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor or any surface that animals might touch.
- (3) If a commercial pet breeder or animal shelter operator uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system shall be located far

enough away from the pet area of the housing facility holding pets to prevent odors, diseases, pests, and vermin infestation.

- (e) Trash containers in housing facilities and in food storage and food preparation areas shall be leak proof and have tightly fitted lids on them at all times.
- (f) A commercial pet breeder or animal shelter operator shall ensure carcass disposal meets all state and local requirements.
- (g) A commercial pet breeder or animal shelter operator shall not keep or allow to be kept animal carcasses or animal waste in food storage or preparation areas, food freezers, food refrigerators, or areas that animals may touch or reach.
- (h) Cleaning and treatment of all waste including water shall be done in such a manner that there shall be no adverse effect on any animal in the area.
- (i) A commercial pet breeder or animal shelter operator may stack primary enclosures containing animals over other primary enclosures containing animals so long as there is a barrier or drainage system between the upper and lower enclosures that prevents all waste and debris from falling into the lower enclosures.
- (j) A commercial pet breeder or animal shelter operator shall maintain ammonia levels at all locations in housing facilities at a level that does not interfere with human or animal health or wellbeing.

35:55-3-6. Veterinary Care

- (a) A commercial pet breeder or animal shelter operator shall provide animals with necessary veterinary care to ensure animals' wellbeing.
- (b) A commercial pet breeder or animal shelter operator shall provide a sick or injured animal appropriate veterinary care within twenty four (24) hours, unless on weekends, in which case a commercial pet breeder or animal shelter operator shall provide a sick or injured animal veterinary care on the next business day.
- (c) A commercial pet breeder or animal shelter operator shall follow the directives of the veterinary doctor for care of the animal, including that a commercial pet breeder or animal shelter operator shall provide to the animals any medications prescribed by the veterinarian and additional food, water, exercise, or any other direction of the veterinarian.
- (d) Rabies vaccine may only be administered by or under the supervision of an Oklahoma licensed veterinarian and shall be administered in compliance with rules of the Oklahoma Department of Health.

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.

35:55-3-7. Grooming

- (a) Commercial pet breeders or animal shelter operators shall provide grooming to all dogs, including brushing, tangle removal, nail trims, and hair trimming, and bathing frequently enough to maintain good skin health and odor control, and no signs of long standing dirt and grime.
- (b) The dog's coat shall not be matted to the point that it impedes normal bodily functions, including but not limited to breeding, seeing, eating, drinking, standing, sitting, laying, and waste excretion.

35:55-3-8. Quarantine

In order to minimize the dissemination of disease, commercial pet breeders or animal shelter operators shall separate from other animals those animals that are under quarantine or receiving treatment for a suspected communicable disease.

35:55-3-9. Animal Identification

- (a) A commercial pet breeder shall identify each animal two (2) months of age or older and each pet prior to sale or transfer of ownership, if before two (2) months of age, with a form of permanent identification, including but not limited to an implanted permanent pet identification number microchip, tattoo, or other similar mechanism, mark, or devise approved by the Department.
- (b) A commercial pet breeder may tattoo in accordance with a registering organization or Federal USDA licensing guidelines.
- (c) A commercial pet breeder shall insure that the permanent identification that is placed on the animal matches their sales and breeding records.
- (d) A commercial pet breeder that chooses to tattoo, but is not tattooing according to any national guidelines or regulations from a registration agency or other licensing agency shall tattoo in accordance with the following method: OK "License Number"-"Pet Tracking Number." Example: OK123-12.
- (e) A commercial pet breeder may request an exception from permanent identification from the Department. The Department shall review the request and determine on a case by case basis if the commercial pet breeder may use another form of identification on the animals.

35:55-3-10. Euthanasia Procedures

Animals owned or housed by a commercial pet breeder or animal shelter operator may only be euthanized by a veterinarian licensed in Oklahoma or an Oklahoma Registered Veterinary Technician under the order of an Oklahoma licensed Veterinarian following the Oklahoma Veterinary Practice Act pursuant to accepted euthanasia protocol.

35:55-3-11. Breeding

- (a) A commercial pet breeder shall not breed a female animal unless she is healthy and has reached her second estrus cycle.
- (b) An animal shelter operator shall not breed pets under any circumstances.
- (c) An animal shelter operator shall comply with the provisions of the Dog and Cat Sterilization Act at Title 4 of the Oklahoma Statutes, section 4-499 et seq. and the provisions are hereby incorporated by reference.

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.

35:55-7-2. Pet Health History Provided to Recipient; Sale of Unhealthy Pets

- (a) At the time of the sale or other transfer, commercial pet breeders and animal shelter operators shall provide to recipients of pets a written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered to the purchased pet thirty (30) days prior to the sale. The disclosure shall describe the pet and describe the product used, the dosage, and the medication or product administered to the animal.
- (b) Commercial pet breeders and animal shelter operators shall not knowingly sell a diseased or sick pet without fully disclosing the pet's condition to the recipient.
- (c) At the time they offer a pet for sale, commercial pet breeders shall disclose to the purchaser whether the offered animal has any known diseases, defects, or health conditions.
 - (1) If, within ten (10) days after receipt of a pet by the purchaser, a veterinarian states, in writing, that the pet has an undisclosed health problem or disease which existed in the animal at the time of delivery, or if within one year after receipt of the animal by the purchaser, a veterinarian states, in writing, that the pet has died or is ill due to an undisclosed hereditary or congenital defect, or is not of the breed type represented, the pet shall be considered to have been unfit for sale at the time of sale.
 - (A) If the animal died, the purchaser shall provide necropsy and lab results to the commercial pet breeder.
 - (B) If the animal is ill, the commercial pet breeder may request an additional veterinary examination by a veterinarian in the vicinity of the purchaser selected by the commercial pet breeder.
 - (C) If the animal is not of the breed type represented, the purchaser shall provide DNA analysis verifying the determination.
 - (2) A purchaser shall be entitled to return to the commercial pet breeder a pet that was unfit for sale and obtain full reimbursement of the purchase price, except that if the unfit pet has died within one year of delivery the purchaser may obtain a reimbursement of the purchase price without returning the pet upon providing proof that the pet has died.
 - (3) For purposes of cost reimbursement under this subsection, purchaser shall also include the consumer who ultimately purchases the pet if the commercial pet breeder sells the pet to an intermediary or retailer if consumer obtains a veterinary statement indicating that the pet

had pre-existing health problems, as described in subsection (c), and if the commercial pet breeder failed to disclose the pre-existing health problems to the intermediary that purchased the pet from the commercial pet breeder. In such case, recovery would be limited to the price paid to the commercial pet breeder. Commercial pet breeders shall not be liable to consumers if they disclose pre-existing health problems to the intermediary or retailer that ultimately sells the pet to the consumer.

35:55-7-3. Sales Invoice or Statement

At the time of the sale, the commercial pet breeder or animal shelter operator shall provide the recipient a sales statement in which the commercial pet breeder or animal shelter operator shall describe the pet, list the date of the transaction, the sales price, the name of the recipient, the location of the sale and the method of delivery, the commercial pet breeder's license number where applicable, and list any health problem disclosures made to the recipient. If the commercial pet breeder or animal health operator transports or otherwise ships the pet to the recipient, the commercial pet breeder or animal shelter operator shall list the recipient's address on the sales statement.

35:55-7-4. Location of Sales

- (a) Commercial pet breeders or animal shelter operators shall not market or sell or offer to sell any pets in retail parking lots or public parking lots, from the side of any road, or from any location that the person does not own if the person has not obtained the proper permit or credentials to sell from the location.
- (b) Notwithstanding the foregoing, if while located at a location from which the commercial pet breeder or animal shelter operator may legally sell pets the commercial pet breeder or animal shelter operator communicates with a recipient, through phone, fax, email, or other form of communication, and agrees to sell and deliver a pet to a recipient, the commercial pet breeder or animal shelter operator may deliver the sold pet to the recipient to any location upon which the commercial pet breeder or animal shelter operator and recipient agree.

35:55-7-5. Prohibition on the Purchase, Sale, or Transportation of Stolen Pets

No commercial pet breeder or animal shelter operator shall buy, sell, or transport any stolen pet.

35:55-7-6. Other Requirements or Acts Prohibited

Commercial pet breeders or animal shelter operators shall comply with all applicable state and federal laws, municipal ordinances, and reasonable requirements of the Board.