

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1403

By: Pfeiffer

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6 AS INTRODUCED

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

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 701 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 This act shall be known as and may be cited as the "Care and
5 Disposition of Disaster Animals Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 702 of Title 4, unless there is
8 created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 B. Holding periods:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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