

TITLE 532 BOARD OF COMMERCIAL PET BREEDERS
CHAPTER 1 ORGANIZATION, OPERATION, AND PURPOSES

532:1-1-1. Terms defined by statute

Terms defined in 59 O.S., Sections 5009 et seq. shall have the same meanings when used in this Title unless the context or subject matter clearly requires a different interpretation.

532: 1-1-2. Definitions

Unless otherwise is clearly stated, the following definitions will apply to this Chapter.

The “**Board**” shall mean the Board of Commercial Pet Breeders.

“**Regular Business Hours**” shall mean 8:30 a.m. to 5:30 p.m.

“**Requester**” shall mean a person who submits a request to the Board asking the Board to issue a declaratory ruling or issue, amend, or cancel a rule.

532:1-1-3. Board meetings

(a) Regular meetings; notice. The Board shall hold at least one regular meeting each month. The Board shall hold its meetings within the State of Oklahoma during regular business hours. The Chair, or the Vice Chair, if the Chair is unavailable, shall determine the exact time and place of each regular meeting. On or before December 15 of each year the Chair shall give notice in writing to the Secretary of State of the proposed date, time, and location of all regular meetings for the next calendar year. No less than 10 days before a regular meeting will be held, the Board shall provide notice to the Secretary of State of any changes to the date, time, and place of any regular meeting.

(b) Additional meetings; notice. The Chair, Executive Director, or any two members of the Board may call a meeting by giving notice of the meeting to the other members. The Chair, Executive Director, or the members calling a meeting shall cause the Secretary to mail or e-mail a notice of the meeting to each Board member, at the member’s last mailing address or e-mail address of record, no later than the tenth day before the date of the meeting. The notice shall state the time, place, location, and purpose of the additional meeting. Board members may waive notice of any meeting by attending the meeting.

(c) Meeting agenda. Board members may submit to the Chair agenda items to be discussed at the next Board meeting. The Chair shall place on the agenda all items submitted to the Chair no later than 3 days before the date of the meeting. The Chair will transmit the agenda to the Board Members and post a copy of the agenda on the door of the office of the Board and on the Board website no later than 24 hours before the meeting. The Board shall not consider at any meeting any issues or topics that are not included in the meeting agenda, except that the Board may consider “emergency” items, which are items that arose or came to the knowledge of the Board less than 24 hours before the date of a meeting.

(d) Quorum and Voting. A quorum shall consist of a majority of the Board members, excluding the Executive Director. Each Board member, except the Executive Director, may cast one vote on every motion. The Executive Director may not vote. A majority vote of the voting members at a meeting in which a quorum is present shall constitute an action of the Board.

532:1-1-4. Board officers

(a) Election of Board officers. The Board shall elect officers from the members of the Board at the first regular meeting of every calendar year. The Board shall elect a Chair, a Vice Chair, and a Secretary, and it may elect additional officers, as it deems necessary.

(b) Duties of the Chair. The Chair shall perform the following duties:

- (1) preside at all meetings;
- (2) appoint such committees as the Board may authorize or require in the conduct of Board business;
- (3) appoint members and chairpersons of committees; and
- (4) sign all certificates and perform all other duties usually pertaining to the office of Chair and required or permitted by law.

(c) Duties of the Vice Chair. The Vice Chair shall perform the following duties:

- (1) substitute for the Chair and perform Chair responsibilities when the Chair is not available;
- (2) report to the Chair;
- (3) work closely with the Chair and other staff to complete any necessary tasks;
- (4) work closely with the Chair to develop and implement officer transition plans; and
- (5) other responsibilities as assigned by the Board.

(d) Duties of the Secretary. The Secretary shall sign all certificates and other official documents required or permitted by law and perform the following duties:

- (1) maintain records of the Board and ensures effective management of Board's records;
- (2) attend all meetings of the Board and takes minutes or arrange for someone to take minutes in the Secretary's absence;
- (3) manage minutes of Board meetings and ensure minutes are distributed to members shortly after each meeting;
- (4) manage the finances of the organization;
- (5) administrate fiscal matters of the organization;
- (6) provide annual budget to the Board for members' approval; and
- (7) ensure development and board review of financial policies and procedures.

(e) Vacancies. If a vacancy occurs in the office of Chair, Vice Chair, or Secretary the Board shall elect a member of the Board to fill the vacancy at the next board meeting at which there is a quorum.

532:1-1-5. Vacancies in the Board

If a vacancy occurs in the Board, the Chair shall notify the vacancy to the person or entity that appointed the Board member whose resignation caused the vacancy.

532:1-1-7. Filing and disposition of petitions for declaratory rulings

(a) Any person may file a request for a declaratory ruling by the Board as to the application or enforcement of any Rule in this Title or statute in the Act to a given set of circumstances. The requesting party shall pay a \$300.00 non-refundable fee. The request shall be in writing, signed by person seeking the ruling, identify the rule or statute section and subsection involved, and contain a brief and concise statement of facts to which the ruling shall apply. The requester shall

submit the request to the Board in writing by mail and may be in any form. Upon a vote of a majority of the Board members at a meeting in which a quorum is present, the Board may accept requests submitted by electronic mail.

(b) The Chair will add the request to the agenda for the next meeting of the of the Board, unless the next meeting will be held less than 3 days from the date the Board receives the request, or in the opinion of the Chair the agenda for the next Board meeting is already full, in which case the Chair will add the request to the agenda for the meeting of the Board following the next Board meeting. The Board will consider the request at the meeting for which the request is placed on the agenda. If the question posed in the request has been resolved by prior ruling of the Board, the Board will notify the requester of the prior ruling. At the meeting the Board may vote to continue discussions at a future meeting, or it may defer action pending any investigation or hearing which the Board might conduct.

(c) The Board shall issue requested rulings promptly after it reaches a determination, or the Board shall send an explanation to the petitioner stating why a ruling will not be issued. The Board shall issue a determination within 120 days of receiving a request. Unless a ruling states otherwise, Board rulings shall constitute precedent for the purpose of the Board's application and enforcement of the Act and the Rules in this Title until the Board or a court revokes or overrules the ruling. The Board shall index its rulings according to the Act section or Rule in this Title that the ruling interprets. Rulings shall be available for inspection by members of the public at the Board's website.

532:1-1-8. Request for promulgation, amendment, or repeal of rules

(a) Any interested person may request the Board to promulgate, amend, or repeal a rule. The request must be in writing and must state the reasons supporting the proposed rule, amendment, or repeal. The requester shall also state whether the proposal conflicts with any Oklahoma State Statute or rule promulgated in the Oklahoma Administrative Code, and whether it will positively or negatively affect any persons or groups. Further, the requester shall state what statutory provisions are interpreted by the promulgated rule and the proposed rule, if applicable.

(b) Requesters shall submit rules requests to the Board in writing by mail. The Chair shall add requests to the agenda for the next Board meeting, except that if the next Board meeting will be held less than 3 days from the date on which the Board receives the request, or in the opinion of the Chair the agenda for the next Board meeting is already full, the Chair shall add the request to the agenda for the meeting immediately following the next Board meeting. The Board will consider the request at the meeting for which the request is placed on the agenda, but the Board may vote at the meeting to continue the discussion for further consideration. Once the Board makes a determination, it will notify the requester of its decision to approve or deny the request. The Board shall make a determination within 120 days of receiving the request. If the Board approves a request, it shall have 60 days to issue a notice of rule cancellation or notice of proposed rule making, as the case may be.

CHAPTER 10: LICENSING AND SUPERVISION OF COMMERCIAL PET BREEDERS
SUBCHAPTER ONE. GENERAL PROVISIONS

532:10-1-1: Definitions

- (a) **“Adult Animal”** means an animal six months of age or older.
- (b) **“Animal”** means a dog or a cat.
- (c) **“Applicant”** shall mean any person who submits an application to the Board for a commercial pet breeder license.
- (c) **“Application Evaluator”** shall mean, as to a specific licensing application, the Executive Director or the person delegated by the Executive to review the Application.
- (d) **“Association”** shall mean two or more persons who act together in relation to commercial pet breeding activities or mutually undertake pet breeding activities in such a way that they have mutual or shared duties and obligations, shared or mutually available property or employees, shared profits or losses, or act in such a way that the pet breeding activities of one person affect or benefit the other.
- (e) **“Cat”** means a mammal that is wholly or partly of the species *Felis domesticus*.
- (f) **“Commercial pet breeder”** shall mean any person that possesses or has possessed at any time in the last twelve months eleven or more adult intact female animals for use in breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration.
- (g) **“Complainant”** shall mean a person who files a formal or informal complaint with the Board.
- (h) **“Dog”** means a mammal that is wholly or partly of the species *Canis familiaris*.
- (i) **“Entity”** shall mean a corporation, limited liability company, a general partnership, limited partnership, limited liability partnership, limited liability limited partnership, professional corporation, trust or other with a recognized legal existence under the laws of the State of Oklahoma.
- (j) **“Hearing Officer”** shall mean the person appointed by the Executive Director to conduct and hold hearings related to an investigation or other Board action as provided in this Subchapter.
- (k) To **“House”** shall mean to hold an animal or to provide an animal living quarters or shelter for any amount of time, except that it shall not include the holding or transporting of a pet within the state of Oklahoma by a person who is not a resident of Oklahoma and who is in Oklahoma for the sole purpose of attending a competitive show held in Oklahoma.
- (l) **“Licensee”** shall mean a commercial pet breeder that has obtained a temporary or permanent license to operate as a commercial pet breeder from the Board.
- (m) **“Location”** shall mean the actual physical address or known place of business.
- (n) **“Kitten”** shall mean a cat less than six (6) months old.
- (o) **“Oklahoma entity”** shall mean an entity created by filing creation or registration documents with the Oklahoma Secretary of State, or a trust having its legal sites in Oklahoma.
- (p) **“Owner”** shall mean a person who owns 10% or more of the ownership interest in a commercial pet breeder, directly or indirectly, in an entity.
- (q) **“Person”** shall mean an individual, association, trust, or entity.
- (r) **“Pet”** means a dog or cat, including a puppy or kitten.
- (s) **“Possess”** shall mean to have custody of or control over a pet, except that it shall not include having custody or control of a pet within Oklahoma by a person who is not a resident of

Oklahoma and who is in Oklahoma for the sole purpose of attending a competitive show held in Oklahoma.

(t) **“Puppy”** shall mean a dog less than six months old.

(u) The **“Act”** shall mean the Commercial Pet Breeders Act, codified at 59 O.S. § 5001 et. seq.

(v) The **“Board”** shall mean the Commercial Pet Breeders Board, created by 59 O.S. § 5001 et. seq.

(w) **“Respondent”** shall mean a person against whom a complaint is filed under this Subchapter.

(x) These **“Rules”** shall mean the Rules adopted by the Commercial Pet Breeders Board and recorded at Title 532 of the Oklahoma Administrative Code.

SUBCHAPTER 2. LICENSING

532: 10-2-1. Licensing requirements and due dates

(a) **General licensing requirement.** No person shall operate as a commercial pet breeder, including that no commercial pet breeder shall breed pets, advertise, sell, or offer to sell pets unless the person has obtained a permanent or temporary commercial pet breeder license from the Board in accordance with the Act. No commercial pet breeder shall operate any location that is not specifically licensed by the Board.

(b) **Original application due date for commercial pet breeders operating before July 1, 2011.** Persons operating as commercial pet breeders on July 1, 2011 must submit a completed initial licensing application, pay the initial application fee, and pay the initial inspection fee on or before July 15, 2011. Persons who fail to comply with this section will be in violation of the Act, and the Board may impose penalties in accordance with these rules.

(c) **Original application due date for commercial pet breeders not operating before July 1, 2011.** Persons not operating as commercial pet breeders on July 1, 2011 but that desire to operate as commercial pet breeders after July 1, 2011, shall submit an initial licensing application, pay the initial application fee, and pay the initial inspection fee no less than 45 days before the first day of operation as a commercial pet breeder.

(d) **Renewals.** All licensees, including commercial pet breeders operating under a temporary license, must annually renew their commercial pet breeder license by submitting a renewal application and paying the appropriate application fee and inspection fee no less than 60 days before the expiration date of their license. Licenses shall be effective for one year after the date of the first license issued to the licensee in a license period. For each licensee the license period shall begin during every calendar year on the month and day on which the licensee first received a license, which date shall be the earlier of the date on which the licensee received the licensee’s first temporary license or first permanent license after submitting the most recent initial application to the Board. The license period shall end on the date that is one year after the date the license period began. For licensees receiving a permanent license after having received a temporary license during the same licensing period, the permanent license shall expire on the date that is one year after the date of issuance of the temporary license.

(e) **Notice of Renewal.** The Board shall send a notice of renewal to each licensee 90 days before the expiration of the licensee’s license.

532:10-2-2. Requirements for licensing commercial pet breeders

(a) Ownership. Individuals or entities complying with the Act and these Rules may obtain licenses to act as commercial pet breeders. If the commercial pet breeder is an entity, it must be an Oklahoma entity in good standing or an entity licensed to do business in Oklahoma in good standing.

(b) Fixed Place of Business. Each commercial pet breeder 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 at that location. The Board will issue only one license for a specific location, and commercial pet breeders must have a license for each location at which the commercial pet breeder keeps or houses any pets.

(c) Inspections. A Board member or a representative authorized by the Board shall inspect each commercial pet breeder location prior to granting an permanent license for that location, and annually thereafter. Commercial pet breeder shall pay the initial inspection fee and annual inspection fees.

532:10-2-3. Contents of applications

(a) General. Each commercial pet breeder shall submit a completed initial licensing application and fee and an annual renewal application and fee for each location where the commercial pet breeder houses pets. Any person who desires to operate a commercial pet breeder shall submit an application for an initial license on or before the initial application due date on forms provided by the Board.

(b) Initial application. Commercial pet breeders applying for an initial application shall submit to the Board a completed initial application providing or attaching the following information and documents, respectively:

- (1) The current name, previous name, if any, and alias, if any, of the applicant, including any name under which the applicant is doing, has done, or will do business;
- (2) The address of the physical location, the mailing address, and the telephone number of the applicant;
- (3) If the applicant is an entity, the name and address of the owners who own 10% or more of the interest in the entity;
- (4) If the applicant is an entity, a description of the entity form of the applicant, and a statement of whether the applicant is an Oklahoma entity or a foreign entity registered to do business in Oklahoma;
- (5) If the applicant is an entity, a certificate of good standing issued by the Oklahoma Secretary of State and filing number;
- (6) If the commercial pet breeder is a sole proprietorship or a general partnership doing business under a trade name, the trade name registration filed with the Oklahoma Secretary of State;
- (7) The applicant's social security number, or if the applicant is an entity, the applicant's tax identification number;
- (8) A copy of the Oklahoma Sales Tax Permit issued by the Oklahoma Tax Commission and the sales tax identification number;
- (9) The name and address of the managers of the applicant and of the managers of all owners of the manager, if the manager is an entity;
- (10) If the applicant is an entity the applicant shall state or provide a copy of the following:

- (A) The state and date of incorporation or formation;
 - (B) The name and address of the registered agent or agent appointed to receive service of process;
 - (C) The name, address, and title of each officer, director, general partner, managing member; and employee with managerial authority; and
 - (D) A copy of the certificate of incorporation, articles of organization, or certificate or agreement of formation, and any other document filed with the Oklahoma Secretary of State that allows the entity to do business in Oklahoma.
- (11) State whether the applicant or any individual required to be disclosed under this section, 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, and whether the applicant has been convicted of violating the act with respect to each crime, the applicant shall state:
- (A) The crime and degree, if applicable, of which the applicant was convicted;
 - (B) The date of the conviction or plea;
 - (C) The Court having jurisdiction over the crime; and
 - (D) The Probation officer's name, address, and telephone number, if applicable.
- (12) State whether the applicant or any individual required to be disclosed under this section has 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 including the case number and the name of the court or administrative body in which it was filed.
- (13) A statement indicating whether the applicant, or any individual required to be disclosed under this section, 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, and provide the following:
- (A) Type of Application;
 - (B) Reason for the suspension or revocation;
 - (C) Date of denial or rejection; and
 - (D) Name and address of the state licensing authority that denied or rejected the application.
- (14) A statement indicating whether any commercial pet breeder licensing board, kennel regulation board, or similar agency has ever revoked or suspended a license, registration, certificate, or endorsement of the applicant or any individual required to be disclosed under this section. For each instance, the commercial pet breeder shall state:
- (A) The reason for the suspension or revocation;
 - (B) The date of the suspension or revocation; and
 - (C) The name and address of the state licensing authority that suspended or revoked the license.
- (15) A statement indicating whether the applicant, or any individual required to be disclosed under this section, has ever surrendered a license, registration, certificate, or endorsement to the Board or any state or federal commercial pet breeder or kennel licensing authority, whether located in Oklahoma or elsewhere.
- (16) Proof of surety bond required by these Rules;
- (17) Proof of Worker's Compensation Insurance showing that the applicant is in compliance with Oklahoma Worker's Compensation Laws;

- (18) Affidavit of Lawful Presence in the United States of America, as provided under 56 O.S. Supp. 2007 § 71;
- (19) One original signed copy of the compliance statement provided on the initial license application form;
- (20) A passport size picture of each owner;
- (21) State the number of pets owned by the applicant on the application date and provide a brief description of the applicant's operation;
- (22) The date of commencement of operations at that location; and
- (23) Any other relevant information required by the Board.

(c) Renewal applications. In a renewal application, commercial pet breeders shall disclose to the Board any changes to the information provided in the initial application or the previous renewal application, including that if there has been any change to the information contained in any document that the commercial pet breeder submitted to the Board as part of the initial application or the most recent renewal application, the commercial pet breeders shall submit to the Board an updated version of such document. Licensees shall submit renewal applications annually and pay the renewal application and inspection fee no later than 60 days before the expiration date of the licensee's license.

532:10-2-4. Commercial pet breeder bond

(a) Minimum bond requirement. In order to obtain a commercial pet breeder license, commercial pet breeders must obtain and maintain a surety bond, redeemable by the Board, to ensure compliance with the Act and Chapter 15 of these Rules. The bond shall have a face value of \$5,000 for commercial pet breeders possessing, housing, or maintaining 21 or fewer adult animals; \$10,000 for commercial pet breeders possessing, housing, or maintaining more than 21 but no more than 50 adult animals; or \$50,000 for commercial pet breeders possessing, housing, or maintaining 51 or more adult animals. The commercial pet breeder shall make the surety bond subject to redemption by the Board upon a suspension or revocation of a commercial pet breeder license, for the purpose of paying for the maintenance and care of pets that are seized or otherwise impounded from the commercial pet breeder in accordance with this Chapter.

(b) Waiver of bond requirement. Commercial pet breeders that had a permanent Oklahoma commercial pet breeder license for at least 3 full years and have not been found by the Board to be in violation of the Act or these Rules any time in the preceding 3 years may petition the Board to waive or lower the bond requirement. In such case, the Board may waive or reduce the bond requirement at its discretion.

532:10-2-5. Consideration of applications

(a) Consideration of Complete Applications. The Executive Director or Board staff under the supervision of the Executive Director will consider complete applications. The Application Evaluator will evaluate every complete application and may deny any application if a ground for denial, as defined in these Rules, is present. Before a denial may be issued, the Executive Director must approve any denials recommended by the Application Evaluator. If no Grounds for Refusal of a completed application exist, the Application Evaluator will inform the Executive Director, who will select an investigator or inspector to conduct an inspection of the business location.

(b) Incomplete Applications. If the Application Evaluator determines that an application is incomplete, the Application Evaluator will notify the applicant by mail, facsimile, or electronic mail that the application is incomplete, identifying the numbered items on the application that the applicant failed to complete. The applicant may submit additional information within 20 days to supplement and complete the application. Upon submission of additional information, the Application Evaluator will determine whether the application is complete. If the application remains incomplete, the Application evaluator will again notify the applicant. If the applicant fails to submit all additional information required to complete the application within 20 days of the date of the original Notice, and the date all required information is received by the Board is later than the application due date, the applicant shall pay a late fee before the application is deemed complete. If the application is complete, the Application Evaluator will consider the supplemented application as a complete application.

(c) Inactive Applications. The Board will deem “inactive” and will not consider applications that remain incomplete one year after the submission date. Applicants whose applications become inactive must re-file a complete application packet and must re-pay the application fee.

(d) Withdrawn Applications. If an applicant requests that the applicant's application be withdrawn from consideration, the Application Evaluator will reject the application. In such case, the applicant must submit a new and complete application and fee if the applicant desires further consideration.

532:10-2-6. Grounds for denial, suspension, or revocation of a license

The Board may cancel or revoke a license or refuse to issue an original license or renew a license:

- (a) For any felony conviction;
- (b) For any misdemeanor conviction involving animal cruelty by any individual required to be disclosed under this the initial application or renewal application;
- (c) for convictions of violating the Act more than 3 times;
- (d) If the Applicant has held or applied for a license pursuant to the Animal Welfare Act, and the license was suspended or revoked, or the application was refused due to the improper care of animals.
- (e) For failing to file the annual report by February 1 of any calendar year;
- (f) If the Application Evaluator or the Board finds the application contains false or misleading information;
- (g) If the Application is incomplete or improperly completed and the applicant fails to provide a properly completed application after receiving notice from the Application Evaluator;
- (h) If the applicant fails to pay the license application fee or the inspection fee in a timely manner;
- (i) If the applicant fails to comply with all of the rules and statues adopted or enacted under the Act;
- (j) If the applicant fails three inspections in connection with one application; and
- (k) If the applicant fails to provide any other information as required by the Board.

532: 10-2-7. Inspections and consideration of inspection report

(a) Conduct of Inspection. Except as specifically stated in these Rules, the Board shall not issue a license unless the specific business location to be licensed has been inspected as set forth in these Rules and determined to be in compliance with the Act and these Rules. The inspection shall be conducted by a Board member or an inspecting agent authorized by the Board to conduct inspections. The inspecting agent shall conduct the inspection during the normal business hours of the commercial pet breeder and in a manner that does not unreasonably disturb the business activities of the applicant.

(b) Inspection report. The inspecting agent shall prepare a report of the inspecting agent's observations within 10 days of the inspection, which report shall include an itemized list of violations, if any, and may include recommendations for improvement. The inspecting agent shall transmit a copy of the inspection report to the Application Evaluator. The Application Evaluator shall transmit a copy of the inspection report to the applicant, with a notice that the applicant shall have 10 calendar days from the date of mailing to respond to the report, in writing, by phone, or by electronic e-mail, if the applicant desires.

(c) Consideration of Report and Approval. The Application Evaluator shall consider the inspection report and the response received from the applicant, if any, and determine whether a license may be issued to the applicant. If an Application Evaluator other than the Executive Director determines that the applicant is in compliance with the Act and these Rules, the Application Evaluator will recommend to the Executive Director that he or she approve the Application. The Executive Director will make the ultimate decision whether to approve the application and issue a license or reject the application. If the Executive Director deems it prudent, the Executive Director may request that the Chair review an application and investigation report and recommend whether a license should be granted or denied. If the Executive Director approves the Application, the Executive Director will issue a license certificate to the commercial pet breeder. If the Executive Director does not approve the application, the Application Evaluator will follow the procedure in subsection d.

(d) Deficiencies, re-inspection. If the Application Evaluator determines that the applicant is not in compliance with the Act or these Rules, the Application Evaluator will send notice to the applicant indicating that the applicant is not in compliance with the Act and these Rules, listing every violation. The Application Evaluator shall send the notice even if the inspecting agent issued a citation to the commercial pet breeder listing all violations. The applicant shall have 45 days to correct the violations. Upon receipt of notice from the applicant that the violations have been corrected, the Application Evaluator may require a re-inspection, or if the Application Evaluator is satisfied that the violations have been corrected, the Application Evaluator may recommend approval of the application without re-inspection. If the Application Evaluator requires a re-inspection, the applicant shall pay the re-inspection fee. The inspector shall re-inspect the facility and issue a re-inspection report within 10 days of the re-inspection. The report shall detail whether the applicant has rectified each violation described in the initial inspection report. The inspector will transmit a copy of the re-inspection report to the Application Evaluator. The Application Evaluator will transmit a copy of the re-inspection report to the applicant, with a notice that the applicant shall have 10 days to respond to the re-inspection report, in writing, if the applicant desires. The Application Evaluator shall consider the re-inspection report and any response submitted by the applicant, if any, and shall recommend approval or rejection of the application, which will be reviewed by the Executive Director. Approvals will be conducted as provided in subsection c. If the Executive Director determines that the application should be rejected, the application will be rejected. If violations

noted in the initial inspection report have not been corrected at the time of re-inspection, the application shall be denied and the Application Evaluator shall send to the applicant a notice of rejection. The notice of rejection shall list each outstanding violation and shall state that the commercial pet breeder is required to cease all operations immediately.

(e) Review and re-application after rejection. An applicant whose application is rejected may request review by the Board by submitting a request in writing to the Board within 20 days of the date of the notice of rejection. The Board's determination will be the final action of the Board. An applicant whose application is rejected may not re-apply for a license for a period of 6 months. In order to reapply, the applicant shall submit a new application packet, application fee, and inspection fee.

532:10-2-8. Temporary licenses

(a) When issued; form. Upon initial review of an initial licensing application, the Board may issue a temporary license to an applicant who has submitted a complete initial application, including the initial application fee and initial inspection fee. A temporary license certificate shall list the name of the commercial pet breeder, the licensed physical address, the temporary license number, the date of issuance of the temporary license, and the date of expiration of the temporary license.

(b) Expiration and renewal. A temporary license shall automatically expire on the expiration date, which shall be no later than one year from the issuance of the temporary license. A holder of a temporary license shall submit a renewal application no later than 60 days before the expiration date of the temporary license. In the renewal application the applicant shall provide the same information required for a renewal of a permanent license. An applicant requesting a renewal of a temporary license shall pay the renewal application fee, including late fees, if applicable, but shall not be required to pay the inspection fee for the first inspection.

(c) Cancellation. A temporary license may be cancelled under the same circumstances as a permanent application.

532:10-2-9. License certificate

(a) The Board shall issue license certificates to commercial pet breeders that complete the application and inspection process and are certified by the Executive Director to comply with the Act and Chapter 15 of these Rules. The certificate will identify the licensee by name, address, and license number, show the effective date, show the expiration date, and acknowledge the licensee's right to act as a commercial pet breeder in the State of Oklahoma.

(b) Licensees shall prominently display the original license certificate or a certified copy of the license certificate at the licensee's place of business. A licensee shall obtain an independent license for each business location.

(c) Licensees shall bring a copy of their license certificate when transporting pets.

(d) Licensees shall include their license number on all of the licensee's invoices, advertisements, or promotions regarding pets, including but not limited to, those in newspapers, the Internet, radio, or in flyers.

(e) The Board will issue duplicate original license certificates if:

(1) After corroboration of Board records Board staff determines that the applicant holds a valid license;

(2) The licensee makes written request for a replacement of certificate;

- (3) The licensee provides an affidavit certifying that the original certificate has been lost, damaged or destroyed; and
- (4) The licensee pays the prescribed fee.

532:10-2-10. Transferability of license

A commercial pet breeder license is not transferable from one person to another, or from one location to another. In case of the sale, lease, or relocation to a new facility of the commercial pet breeder, the commercial pet breeder's license will be immediately revoked on the effective date of the lease, sale, or relocation. The person that will operate the commercial pet breeder facility after the sale, lease, or relocation shall file an initial application and pay the inspection fee 45 days before the effective date of the lease, sale, or relocation; otherwise the person must cease operations and remove all pets before the effective date of the lease or sale. A licensed pet breeder who sells or leases his or her operation shall notify the Board of the sale or lease in writing no later than 10 calendar days after the effective date. In the case of a change of location, the Board shall not issue a license until the new location has been inspected and determined by the Board to be in compliance with the Act and these Rules. The Board may issue to the new owner or lessee, if it so deems appropriate upon an initial review of the application, a temporary license.

532:10-2-11. Changes of information

In case of a change of name or mailing address, or change in management, substantial control, or ownership of a licensee, the licensee shall notify the Board within 10 days of the change. The licensee shall update all information submitted in previous licensing applications to disclose all information required in this Chapter regarding the new owners, managers, members, general partners, or employees with managerial control, as disclosed in licensing applications.

532:10-2-12. Fees

The Board shall charge the following non-refundable fees:

- (a) Initial application fee: \$250.00
- (b) Renewal application fee: \$250.00
- (c) Inspection fee for facility housing up to 21 pets: \$250.00
- (d) Inspection fee for facility housing more than 21 and up to 50 pets: \$550.00
- (e) Inspection fee for facility housing more than 51 and up to 75 pets: \$750.00
- (f) Inspection fee for facility housing more than 76 and up to 100 pets: \$950.00
- (g) Inspection fee for facility housing more than 101 pets: \$1150.00
- (h) Re-Inspection Fee: Half of original fee but not less than \$250.00
- (i) Renewal License Late Fees. If the applicant submits to the Board a renewal application and fee less than sixty days but more than thirty days prior to the license expiration date: \$30.00; if the applicant submits to the Board a renewal application and fee within thirty-days of the license expiration date: \$60.00; and if the applicant submits to the Board a renewal application and fee on or after the expiration date, the applicant will pay double the application fee.
- (j) Change of information Fee: \$30.00 to \$50.00
- (k) Declaratory Ruling: \$300.00

- (l) Failure to timely file notice of change of information form: \$50.00
- (m) Certified Copy of Certificate of Licensure: \$10.00
- (n) Returned check. Any fee paid by a check which is returned to the Board from the bank shall then be paid by money order, cashier's check, or cash within (10) days after the check has been returned from the bank, plus a "returned check processing fee" of \$35.00
- (o) Credit for U.S. Department of Agriculture licensing fees. With respect to all applicants having applied for and obtained a commercial pet breeder license by the U.S. Department of Agriculture, the original application fee and renewal application fee listed above shall be decreased by the amount of the application fee the applicant paid to the U.S. Department of Agriculture during the same year in which the applicant submits the application to the Board if the application to USDA was approved. If the applicant's application becomes inactive and the applicant is required to pay a new application fee, the applicant will not receive credit against the application fee or renewal application fee payable to the Board unless the applicant has paid a new application fee to the U.S. Department of Agriculture. In order to receive credit for the amount paid to the U.S. Department of Agriculture, the applicant must present proof of the payment to the U.S. Department of Agriculture, including the amount of the payment to the Board, and a copy of the applicant's current U.S. Department of Agriculture license.

532:10-2-13. Reapplication or reinstatement after license denial or revocation

If a license is denied or revoked, the applicant or licensee may not re-apply for a license for a period of six months after the date of the notice of denial or revocation. In order to obtain a license, the commercial per breeder must submit an initial license application, and pay the application fee, inspection fee and any other outstanding fees and penalties. The applicant shall also appear before the Board and respond to Board inquiries regarding the correction of the previous violations and to any other reasonable inquiries from the Board.

532:10-2-14. Annual Report

No later than February 1 of every calendar year, commercial pet breeders shall submit to the Board by mail or electronic mail an annual report detailing the number of adult animals at each facility, and providing a brief summary of their operations and any other information requested by the Board.

SUBCHAPTER 3. VIOLATIONS, COMPLAINTS, INVESTIGATIONS, AND
ENFORCEMENT

532:10-3-1. Complaints

(a) Filing of signed complaint. Any person, including a Board member or a Board employee, may submit a complaint to the Board alleging a violation of the Act or these Rules. All formal complaints must be written, and signed by the complainant. A formal complaint shall identify the complainant and the alleged violator, and shall include a brief summary of the alleged violation.

(b) Unsigned complaint. Any person may anonymously file a complaint by phone, electronic media, or by delivering an unsigned written complaint to the Board.

(c) Complaint log. Upon receipt of a signed or unsigned complaint, the Board shall record each complaint in a log maintained for that purpose. The complaint log shall contain a record of each

complainant's name and address on signed complaints, the name and address of the alleged violator, a brief description of the alleged violation, the date each complaint was received by the Board, and the disposition of the complaint.

(d) Acknowledgement. Within 20 days of receipt of a signed complaint, the Board shall send the complainant a written acknowledgement of the complaint.

532:10-3-2. Investigations and citations

(a) Commencement of investigations. Upon receipt of a complaint or upon receiving a request to investigate from a member of the Board, the Executive Director will determine whether to commence an investigation.

(b) Determination to investigate and to take emergency action. Upon receipt of a complaint or upon the request of a Board member for an investigation, the Executive Director shall notify the Chair or Vice-Chair of the Board that a complaint or request for investigation has been received and shall determine whether the investigation of the complaint or request falls within the Board's jurisdiction and whether to conduct an investigation. If the Executive Director determines that an investigation is warranted, the Executive Director or designee shall conduct an investigation. If the Executive Director deems it prudent, the Executive Director may request the Board to vote on whether an investigation will be conducted. If the Executive Director does not request that the Board vote, the Executive Director will make a determination and will notify the Chair or Vice-Chair of the Board of whether the Executive Director has initiated an investigation. If the Executive Director determines that an investigation is not necessary, upon the request of any Board member, including the requesting Board member if the determination arises from a Board member request, the Board may hold a vote at the next Board meeting to determine whether an investigation will be conducted. If the Board determines that an investigation is necessary, the Executive Director will initiate an investigation. If the Executive Director initiates an investigation, the Executive Director shall also determine whether emergency action is necessary and may undertake any emergency actions in accordance with these rules. The Executive Director or the Board may request information from the respondent or the complainant or may allow the respondent to respond to the complaint before voting on whether to conduct an investigation.

(c) No Investigation. If it is determined that no investigation and no action is necessary on a complaint, the Executive Director shall note the disposition of the complaint on the Complaint Log, notify the complainant of the disposition of the complaint, and notify the respondent that a complaint was filed but no action will be taken.

(d) Conduct of investigation. The Executive Director will determine the scope and manner of execution of investigations after considering the facts of the alleged violation. The Executive Director may contract with other state agencies, a political subdivision of the state, a local animal control authority, humane societies, societies for the prevention of cruelty to animals, registered breeder inspectors, investigators, or other professionals to assist in the conduct of investigations.

(f) Cooperation with investigation. Commercial pet breeders shall cooperate with the Board's investigation of an alleged violation. Commercial pet breeders shall allow Board members, or other state agencies, a political subdivision of the state, a local animal control authority, registered breeder inspectors, investigators, or other Board authorized representatives assisting the Board in the conduct of an investigation to enter onto their premises, during regular business hours, to investigate alleged violations. If a commercial pet breeder refuses to allow investigators to enter the premises for purposes of investigation or inspection, the Board may revoke or suspend the commercial pet breeder's license, if the commercial pet breeder is licensed, and the Board may

impose penalties upon the commercial pet breeder, as authorized by the Act and these Rules.

(g) Investigation report. The investigator shall prepare an investigation report within 10 days of the visit, a copy of which shall be placed in the commercial pet breeder's file. The Board shall provide a copy of the report to the commercial pet breeder upon request. The investigation report shall summarize the investigation, list whether violations were found, whether the investigator issued a citation, and list each violation.

(h) Exclusion of requesting Board member. If an investigation arises from the request of a Board member, the Board member shall recuse himself or herself from any further Board proceedings, determinations, or decisions regarding the investigation, except that, if the Board holds an initial vote to determine whether to investigate the complain, the requesting member may participate in the initial vote to determine whether to investigate.

532:10-3-3. Hearing on emergency Board action

(a) Hearing. If the Executive Director or the Board at any time determines that an emergency exists for which immediate action is warranted, including but not limited to suspension or revocation of a license, the Executive Director may convene an emergency hearing to take action on such license.

(b) Notice. No later than 4 days before the date of the hearing, the Executive Director or the Board shall send the respondent a notice of the emergency hearing, which shall list the location, date, and time of the hearing, and shall state the nature of the alleged violation, providing citations to the rules and statutes that have allegedly been violated. The notice shall provide the following statement: "Failure to appear at the hearing may result in immediate revocation or suspension of your commercial pet breeder license or in other adverse actions." The Executive Director will also send notice to the complainant of the hearing.

(c) Hearing officer. The hearing officer will preside at the hearing. The hearing officer will review the complaint, hear testimony from the respondent and any parties with knowledge, and review any evidence presented at the hearing. All evidence presented at the hearing will become part of the record. Based on the record, the hearing officer will determine whether emergency action should be taken and what action should be taken, which action may include a temporary suspension of the commercial pet breeder's license and immediate removal of all pets located at the facility. The hearing officer will enter an order with the determination.

532:10-3-4. Citations

(a) By Investigator or Inspector. Any Board authorized inspector or investigator who inspects a commercial pet breeder's facility and finds a violation of the Act or these Rules may issue a citation to the commercial pet breeder. The inspector or investigator shall obtain the signature of the commercial pet breeder or representative on the stub or copy of the citation. The citation shall list the violation and state that the commercial pet breeder has the right to request a hearing before a hearing officer.

532:10-3-5. Stipulation, agreed settlement, consent order, or default

(a) Stipulation, agreed settlement, consent order or default. Any investigation may be disposed of without a hearing by a written, signed, and notarized Stipulation, Agreed settlement, consent order, or default entered into by the respondent and the Executive Director, on behalf of the Board. Before entering into the stipulation, agreed settlement, or consent order, the Executive Director will notify the Chair or Vice-Chair of the Board.

(b) Statement of facts. The stipulation, agreed settlement, consent order, or default shall contain a statement of facts agreed upon by both the respondent and the Executive Director, on behalf of Board; any penalties that will be imposed shall be based on the agreed facts.

(c) Waiver of hearing. The stipulation, agreed settlement, consent order, or default shall state that the respondent was advised of the respondent's right to request a hearing but the respondent chooses to waive the right and enter into the stipulation, agreed settlement, consent order, or default.

(d) Final Disposition. Neither the Board nor the respondent is required to enter into a stipulation, agreed settlement, consent order, or default, but once agreed to by the respondent and the Executive Director, on behalf of the Board, and signed and notarized, it shall become final and binding on all parties and shall become the final disposition of the investigation.

532:10-3-6. Legal counsel

The respondent shall be entitled to representation by legal counsel. The respondent shall pay all expenses for such legal counsel.

532:10-3-7. Hearing officer and ban on ex parte communications

(a) Hearing officer. The Executive Director shall designate a hearing officer who will serve as decision maker at hearings requested by respondents. After the Board receives a complaint and the Executive Director appoints the hearing officer, the hearing officer shall recuse himself or herself from all discussions regarding the complaint and the investigation.

(b) Ban on ex parte communications. The hearing officer shall not communicate with any person, including Board members, Board staff, the complainant, and the respondent, about an investigation or complaint with respect to which he or she is the hearing officer unless the Executive Director, or a Board member or attorney designated by the Executive Director, and the respondent, or the respondent's attorney or representative, are present in the conversation, except at a hearing or other proceeding of which all parties have been notified. Except as otherwise expressly stated herein, the members or the Board shall not communicate with any person, including each other, about pending investigations, unless the respondent or the respondent's representative is present.

532:10-3-8. Hearings

(a) Notice. If the respondent requests a hearing, the hearing on a complaint shall be held at a time and place designated by the hearing officer. The hearing officer shall send notice of the time and place of the hearing to the respondent at least 20 days before the date of the scheduled hearing, unless upon a motion from the Executive Director the hearing officer finds that exigent circumstances exist that merit an earlier hearing.

(b) Written Statement of the Case. No later than 10 days before the hearing, the Executive Director and the respondent shall submit to the hearing officer a brief written statement of the case and attach records, documents, or other evidence to support the party's position.

(c) Administrative Procedures Act. All hearings shall be conducted in accordance with the Administrative Procedures Act.

(d) Hearing officer authority. The hearing officer shall have the power and authority to conduct

the hearing and shall conduct the hearing in the name of the Board.

(e) Evidence. At the hearing, the parties may introduce evidence, question and cross-examine witnesses, and make a brief oral statement of their case. Formal rules of evidence will not apply at the hearing. The hearing officer will rule on the admissibility of evidence.

(f) Transcript. The hearing may be transcribed upon the request of any party. The requesting party shall pay all costs of such transcription.

(g) Subpoenas. At the request of either party, the hearing officer will subpoena witnesses and evidence deemed necessary to conduct the hearing.

(h) Continuance. The hearing officer may grant continuances at his or her discretion. Parties shall file requests for continuance of a scheduled hearing in writing with the hearing officer at least 48 hours, holidays and weekends excepted, prior to the time of the scheduled hearing.

(i) Record. The Statements of the Case, hearing transcript, if any, inspection reports, and any other documents, records, or other evidence submitted by the respondent and the Executive Director for consideration by the hearing officer shall become part of the record.

(i) Findings; order, notice. The hearing officer shall make findings of fact and conclusions of law based on clear and convincing evidence at the close of a hearing, and shall enter an order thereon. The findings of fact, conclusions of law, and order shall be based upon the record and shall state clearly the actions to be taken by the Board, including any penalties to be imposed. A written order shall be given to all parties. Upon receipt of a written request, the hearing officer shall provide a copy of the order to any person appearing at the hearing. The order of the hearing officer shall become the final order of the Board if the order is not appealed.

532:10-3-9. Appeal of hearing officer's order

By filing a notice of appeal with the Board within 10 calendar days of the issuance of the hearing officer's order, the respondent may appeal the hearing officer's order to the Board, which will review the order. In the notice of appeal, the respondent shall set forth a summary of the reasons why the Board should review and amend the hearing officer's order. The Board shall review the order based on the administrative record. The Board may affirm the hearing officer's order, **revise** the hearing officer's order and enter a new ruling or remand the cause to the hearing officer with instructions for the conduct of further proceedings. In either case, the Board will issue an order summarizing its findings of fact and the reasons why it affirms, revises, or remands the cause. An affirming or revised ruling issued by the Board will be the final Board order. If the Board remands the cause, the hearing officer will conduct further proceedings as instructed and will issue a new order. The hearing officer's order will be subject to review under this section.

532:10-3-10. Appeal of the Board's order

The respondent may appeal the Board's order to a court of competent jurisdiction, pursuant to the Administrative Procedures Act provided the appeal is filed within thirty (30) days after the issuance of the Board's Final Order.

532:10-3-11. Penalties available to the Board

(a) Board Costs. The Board is authorized, at its discretion, to take such action as the nature of the violation requires. In addition to any penalty listed below, the Board shall have the authority to impose on any person who violates any statutory or rule provision of the Board the payment of

costs expended by the Board in investigating and prosecuting said cause. The costs may include but are not limited to staff time, salary, and travel expenses, witness fees and attorney fees, and the same shall be considered part of the order of the Board.

(b) Revoke licenses. After holding a hearing or if the respondent enters into a stipulation, agreed settlement, consent order, or default, the Board may revoke any or all licenses, registrations, or certificates issued by the Board.

(c) Lesser penalty. After holding a hearing, the Board may impose any lesser penalty than those in (a) and (b) of this Section so long as it is reasonable.

(d) Fines and penalties. The Board may impose administrative fines and penalties as allowed by the Act.

532:10-3-12. Delegation by the Executive Director

The Executive Director may personally perform all duties assigned to the Executive Director under this Part, or the Executive Director may delegate any part of the Executive Director's duties under this Chapter to another person.

532:10-3-13. Investigators and inspectors qualifications and training

(a) General Requirements. All Board investigators and inspectors must have a G.E.D. or high school diploma, valid driver's licenses issued by any state of the United States, the District of Columbia, or Puerto Rico, and must pass a background check. Investigations and inspectors may not have been convicted of any felonies, or any acts of domestic violence or animal cruelty, regardless of whether the conviction was a felony or misdemeanor.

(b) Investigators. Investigators shall be full time employees of the Board. Investigators shall have all of the authority granted to inspectors by the Act and Rules. Investigators shall have a minimum of 3 years experience with a law enforcement agency, and be certified as full-time peace officers by the Council of Law Enforcement Education and Training. Investigators shall obtain a minimum of 30 hours of continuing education annually, at least 4 hours of which must be dedicated to classes discussing animal cruelty, animal inspection, animal investigation, or animal welfare. Investigators shall comply with the annual Council of Law Enforcement Education and Training requirements to maintain their status as a full-time peace officer.

(c) Inspectors. Inspectors may be full-time or part time employees of the Board, or independent contractors. Inspectors shall maintain their professional standards according to their individual professional licensure, if any. Inspectors shall have a minimum of 3 years experience in their individual professions.

(d) Board training. The Board will offer to investigators and inspectors training on inspection of commercial pet breeders and the requirements of the Act and the standards and procedural requirements set forth in these Rules. The Board may require investigators and inspectors to take and pass an oral or written examination.

CHAPTER 15: COMMERCIAL PET BREEDER OPERATIONS GUIDELINES
SUBCHAPTER 1. GENERAL PROVISIONS

532: 15-1-1. Minimum standards of care generally

Commercial pet breeders shall provide that level of care to pets, including sufficient food and water, regular exercise, veterinary care, adequate grooming, natural or artificial light during daylight hours, adequate space in living quarters, protection from the elements and extreme temperatures, and adequate resting time between breeding cycles, that ensures the general health and well-being of all pets the commercial pet breeder owns. All commercial pet breeders shall comply with the standards of care set forth in this Chapter and shall at all times be able and encouraged to provide conditions improved beyond the minimum standards set forth by this Chapter. With regard to care elements not specifically addressed in this Chapter, commercial pet breeders shall be guided by the generally accepted standards of breeding and husbandry. The provisions of this Chapter are in addition to, and not in lieu of, any other state and federal laws regarding animal welfare. This Chapter is not intended to limit any state law or regulation governing the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in addition to this section.

532: 15-1-2. Definitions

- (a) “**Adult Animal**” means an animal six months of age or older.
- (b) “**Animal**” means a dog or a cat.
- (c) “**Applicant**” shall mean any person who submits an application to the Board for a commercial pet breeder license.
- (d) “**Application Evaluator**” shall mean the Board if the Board does not delegate to the Application Committee the consideration of an application and the conduct of an inspection, but it shall mean the Application Committee if the Board delegated the consideration of an application and the conduct of an inspection to the Application Committee.
- (e) “**Association**” shall mean two or more persons who act together in relation to commercial pet breeding activities or mutually undertake pet breeding activities in such a way that they have mutual or shared duties and obligations, shared or mutually available property or employees, shared profits or losses, or act in such a way that the pet breeding activities of one person affect or benefit the other.
- (f) “**Carrier**” shall mean commercial carriers and intermediate handlers.
- (g) “**Cat**” means a mammal that is wholly or partly of the species *Felis domesticus*.
- (h) “**Commercial pet breeder**” shall mean any person that possesses or has possessed at any time in the last twelve months eleven or more adult intact female animals for use in breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration.
- (i) “**Describing**” a pet or the “**description**” of a pet as used in this part shall mean a description of the breed, gender, color, any distinctive qualities, date of birth, and the pet identification numbers required under these Rules.
- (j) “**Dog**” means a mammal that is wholly or partly of the species *Canis familiaris*.
- (k) “**Entity**” shall mean a corporation, limited liability company, a general partnership, limited partnership, limited liability partnership, limited liability limited partnership, professional

corporation, trust or other with a recognized legal existence under the laws of the State of Oklahoma.

(l) To “**House**” shall mean to hold an animal or to provide an animal living quarters or shelter for any amount of time, except that it shall not include the holding or transporting of a pet within the state of Oklahoma by a person who is not a resident of Oklahoma and who is in Oklahoma for the sole purpose of attending a competitive show held in Oklahoma.

(m) “**Housing Facility**” shall mean the location that houses the primary enclosures holding pets, and may consist of interior space or exterior shelters, or the space in which pets are held, if the pets are not held inside a primary enclosure.

(n) “**Licensee**” shall mean a commercial pet breeder that has obtained a temporary or permanent license to operate as a commercial pet breeder from the Board.

(o) “**Location**” shall mean the actual physical address or known place of business.

(p) “**Kitten**” shall mean a cat less than six (6) months old.

(q) “**Oklahoma entity**” shall mean an entity created by filing creation or registration documents with the Oklahoma Secretary of State, or a trust having its legal sites in Oklahoma.

(r) “**Owner**” shall mean a person who owns 10% or more of the ownership interest in a commercial pet breeder, directly or indirectly, in an entity.

(s) “**Person**” shall mean an individual, association, trust, or entity.

(t) “**Pet**” means a dog or cat, including a puppy or kitten.

(u) “**Possess**” shall mean to have custody of or control over, except that it shall not include having custody or control of a pet within Oklahoma by a person who is not a resident of Oklahoma and who is in Oklahoma for the sole purpose of attending a competitive show held in Oklahoma.

(v) “**Primary Enclosures**” shall mean the primary structure that restricts a pet’s ability to move in a limited amount of space, such as a room, cage or compartment.

(w) “**Puppy**” shall mean a dog less than six months old.

(x) The “**Act**” shall mean the Commercial Pet Breeders Act, codified at 59 O.S. § 5001 et. seq.

(y) The “**Board**” shall mean the Commercial Pet Breeders Board, created by 59 O.S. § 5001 et. seq.

(z) “**Recipient**” shall mean the person to whom a commercial pet breeder ships a pet using a carrier.

(aa) These “**Rules**” shall mean the Rules adopted by the Commercial Pet Breeders Board and recorded at Title 32 of the Oklahoma Administrative Code.

SUBCHAPTER 2. MINIMUM HOUSING AND CARE STANDARDS.

532: 15-2-1. Food and water requirements; storage of food

(a) **Water.** Commercial pet breeders shall provide pets unfettered access to clean and unfrozen water at all times.

(b) **Feeding.** Commercial pet breeders shall feed pets at least once each day, but they shall feed pets more than once each day if required in order to provide adequate veterinary care. Commercial pet breeders shall feed pets food that is uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the

animal, according to the pet's breed, age, and condition. Commercial pet breeders shall refrigerate perishable food.

(c) Food and water receptacles. Commercial pet breeders shall use food and water receptacles to deliver food and water to pets. Commercial pet breeders shall make food and water receptacles readily accessible to each pet, and shall place food and water receptacles in a location where the receptacle and its contents will not become contaminated by excreta, pests, or otherwise, and where food will be protected from the elements. Food and water receptacles must be disposable, or they must be made of a durable material that can be easily cleaned and sanitized. Commercial pet breeders shall keep food receptacles clean at all times in which they contain food, and shall clean and sanitize water receptacles daily. Commercial pet breeders shall discard disposable receptacles after one use.

(d) Storage. Commercial pet breeder shall store food supplies in a manner that protects the food from spoilage, contamination, molding, caking, and vermin infestation and prevents deterioration of the food's nutritive value.

532:15-2-2. Housing facilities

(a) General. Commercial pet breeders shall house pets in housing facilities that at all times keep the pets dry, protect pets from exposure to the elements, extreme weather conditions, or hazards that could endanger the pets, contain the pets securely, and restrict other animals from entering the housing facility. Commercial pet breeders shall keep the housing facilities in good repair.

(b) Cover, shade, and temperatures. Commercial pet breeders shall house animals in housing facilities that shelter pets from direct sunlight and extreme heat. Housing facilities shall include shaded or covered areas large enough to fit all pets simultaneously and protect pets from the elements. Commercial pet breeders shall use ventilation, heating, and cooling, as necessary, to prevent the temperature in a housing facility in which pets are housed or located to fall below 50 degrees Fahrenheit or rise above 85 degrees Fahrenheit at all times. When exterior temperatures are below 50 degrees Fahrenheit or above 85 degrees Fahrenheit, commercial pet breeders shall provide pets unfettered access to interior shelters, which the commercial pet breeder shall maintain at a temperature between 50 degrees Fahrenheit and 85 degrees Fahrenheit. Commercial pet breeders shall provide dry bedding to pets when outside temperatures are below 50 degrees Fahrenheit in order to allow pets to conserve body heat.

(c) Surfaces. All surfaces in housing facilities that pets might touch, reach, or otherwise come in contact with shall be constructed of materials that allow the surfaces to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Commercial pet breeders shall keep all surfaces that pets might touch, reach, or otherwise come in contact with clean and sanitized. All surfaces that pets may reach, touch, or otherwise come in contact with must be free of jagged, sharp, or rough edges that might cause the pets injury; specifically, any metal surfaces that come into contact with the pets must be covered in a protective plastic or rubber coating and slatted surfaces shall not allow the pets' feet to pass through or get caught or trapped.

(d) Ventilation. Commercial pet breeders shall provide sufficient ventilation to the enclosed or sheltered part of a housing facility to minimize the spread of any airborne contagion or vector, odors, drafts, ammonia levels, and moisture condensation. Ventilation rates shall be measured in cubic feet per minute (CFM) per pet, and the volumetric airflow rate shall be at least 100 CFM per pet. Commercial pet breeders may re-circulate air inside housing facilities, but at least 30 CFM of the air in a housing facility containing pets shall at all times be fresh air. The ventilation systems must be of a type that physically moves air with a fan. The air must be filtered and

filtration shall be by a disposable filter rated at a minimum efficiency reporting value (MERV) of at least 8. Commercial pet breeders shall position the ventilation system or the pets so that air circulates at the height the commercial pet breeder holds or keeps the pets. Commercial Pet Breeders shall maintain the humidity level between 30-70% when the temperatures inside the facility is below 85 degrees Fahrenheit. When temperatures in any housing facility containing pets rises above 85 degrees Fahrenheit, commercial pet breeders shall adjust the humidity level or temperature inside the housing facility to achieve a Heat Index value of 85 (85 HI) or lower. A Heat Index value takes into account the temperature and humidity levels to calculate what the temperature of a structure feels like when heat and humidity levels are combined. Within 4 hours of the time when the temperature inside a housing facility containing pets rises above 85 degrees Fahrenheit, the commercial pet breeder shall adjust the humidity-temperature combination to achieve a heat index of 85 HI. However, at no time shall the Heat Index in a housing facility containing pets exceed 90 HI. Commercial pet breeders may provide ventilation by using vents, fans, or air conditioning, but they shall use auxiliary ventilation, such as blowers or fans when ambient temperatures inside the housing facility approximate 80 degrees Fahrenheit. Commercial pet breeders shall use carbon monoxide detectors to monitor carbon monoxide levels in areas of the housing facility where the commercial pet breeder utilizes devices that emit carbon monoxide. Commercial pet breeders shall maintain ammonia levels at less than 10 parts per million at all locations within the housing facility. Ammonia levels for the housing facility will be measured by taking measurements at various locations in the facility. The number of measurements to be taken shall be equal to the number that is 10% of the total number of pets housed in the facility. The measurements shall be taken at the shoulder height of randomly selected pets located throughout the housing facility. Ammonia in a primary enclosure shall be measured no sooner than 30 minutes after the completion of active cleaning of that primary enclosure.

(e) Running Water and Electricity. Commercial pet breeders shall provide or secure the provision of adequate running potable water to housing facilities to allow the commercial pet breeder to clean and sanitize, and to provide drinking water to the pets. Commercial pet breeders shall provide or secure the provision of reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with these rules.

(f) Outdoor floors. Outside floor areas in contact with pets and exposed to direct sun shall consist of compacted earth, absorbent bedding, sand, gravel, grass, or other material that does not transfer heat and become hot to the touch. Outdoor floors are subject to sanitization requirements, and commercial pet breeders shall remove feces and debris from the floor and clean as necessary on a daily basis.

(g) General maintenance. Commercial pet breeders shall keep housing facilities free of accumulations of trash, junk, waste products, and discarded matter, and they shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the pets.

(h) Pest control. Commercial pet breeders shall adopt and use an effective program for the control of insects, vermin, external parasites affecting pets, and other pests, and to reduce contamination by pests in animal areas.

(i) Light. Commercial pet breeders shall provide all areas housing animals a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the pets.

Commercial pet breeders shall arrange or place primary enclosures in a manner that protects the pets from excessive light.

(j) Compatibility. Commercial pet breeders may place only compatible pets in the same primary enclosure. Commercial pet breeders shall not place breeding female animals in heat in the same enclosure at the same time with sexually mature male animal, except for breeding purposes; breeding females and their litters in the same enclosure at the same time with other adult dogs; puppies or kittens under four months of age with other adult animals other than their dam or foster dam; or animals exhibiting vicious or an aggressive disposition with any other animal. Notwithstanding the foregoing, breeding colonies are permitted.

532: 15-2-3. Primary enclosures

(a) Size requirements for dogs. Commercial pet breeders shall house dogs in primary enclosures large enough to allow each dog to lie down, fully extend the dog's limbs, and stretch freely without touching any side of the enclosure or another dog; tall enough to allow at least one foot of headroom above the head of the tallest dog while standing in the enclosure; and containing at least 12 square feet of indoor floor space per each dog up to 25 inches long contained inside, at least 20 square feet of indoor floor space per each dog between 25 and 35 inches long contained inside, and at least 30 square feet of indoor floor space per each dog for dogs 35 inches and longer contained inside, with the length of the dog measured from the tip of the nose to the base of the tail. Commercial pet breeders shall provide each bitch with nursing puppies an additional amount of floor space, allowing for a whelping box, sized based on the bitch'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. At such time as the puppies reach 7 weeks of age and are able to leave the whelping box, the calculations for additional dogs as specified immediately above shall apply. Any whelping box or enclosure shall provide for enough room to allow the bitch to separate from the pups in the box or enclosure. Minimum floor space required by this section shall be calculated excluding floor space taken up of by food pans, water pans, and litter boxes.

(b) Additional space requirements for cats. Commercial pet breeders shall house cats in primary enclosures at least 24 inches high; containing a resting surface or surfaces large enough to hold all the occupants of the primary enclosure at the same time comfortably; and containing at least 3.0 square feet of floor space for each cat weighing up to 8.8 pounds, at least 4.0 square feet of floor space for each cat more than 8.8 pounds. Additionally, commercial pet breeders shall provide each queen with nursing kittens an additional amount of floor space per nursing kitten, based on the queen's breed and behavioral characteristics and in accordance with generally accepted husbandry practices, which per kitten additional floor space shall be in no event less than 5% of the minimum space requirement for the queen. Low resting surfaces that do not allow a cat to comfortably occupy the space under them will not be counted as part of the floor space. Minimum floor space required by this section shall be calculated excluding floor space taken up of by food pans, water pans, and litter boxes.

(c) Flooring requirements. Commercial pet breeders shall only use primary enclosures that have a solid or slatted floor through which pets' paws do not fit and on which the pets cannot get caught or stuck. Specifically, primary enclosure flooring shall consist of solid flooring or slatted flooring, with the space between the slats being no greater than one half inch on any side, and the slat itself be no less than 3.5 inches in width and be level with the slat next to it within a single primary enclosure. Additionally the slats on primary enclosure flooring can run the length of the

cage or width of the cage but not both. In no event may the floor of a primary enclosure containing any pet be made of wire or metal strand, whether coated or not.

(d) Stacking of dog enclosures prohibited. Commercial pet breeders shall not place primary enclosures containing dogs on top of or above any other primary enclosure containing a pet, but they may stack primary enclosures containing cats on top of other enclosures containing cats or dogs.

532:15-2-4. Waste removal and sanitization

(a) Generally. Commercial pet breeders shall sanitize at least once every day all surfaces that the pets may reach, touch, or otherwise come in contact with.

(b) Waste Removal. Commercial pet breeders shall remove excreta, discarded food, and any type of waste daily from all surfaces that pets may reach, touch, or otherwise come in contact with.

(c) Sanitization. Sanitization, as used in this chapter shall mean the removal of all waste, standing water, and cleaning of all surfaces that animals may reach, touch, or otherwise come in contact with. Commercial pet breeders shall remove all pets from the enclosure during cleaning and sanitization and shall hold them in a primary enclosure satisfying the minimum space requirement set forth in this Chapter or in an exercise area. Commercial pet breeders shall ensure other pets and enclosures containing other pets do not become contaminated with wastes or discarded materials removed from an enclosure or the housing facility. Commercial pet breeders shall clean the pans under primary enclosures with slatted floors daily, or more often if necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

(d) Drainage and waste disposal. Commercial pet breeders' waste disposal practices shall comply with DEQ guidelines and other applicable municipal ordinances, state statutes, and federal codes for disposal of pet waste. Commercial pet breeders shall undertake 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. Commercial pet breeders 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. Commercial pet breeders shall properly construct, install, and maintain all drains. If commercial pet breeders use closed drainage systems, the drains must 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. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the pet area of the housing facility holding pets to prevent odors, diseases, pests, and vermin infestation. Trash containers in housing facilities and in food storage and food preparation areas must be leak proof and must have tightly fitted lids on them at all times. Commercial pet breeders 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 pets may touch or reach. 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.

532:15-2-5. Veterinary care

Commercial pet breeders must provide animals with adequate veterinary care to ensure animals' well-being, including an annual physical exam conducted by an Oklahoma State Licensed

Veterinarian. Commercial pet breeders shall provide sick or injured animals veterinary care within 24 hours, unless on weekends, in which case commercial pet breeders shall provide sick or injured animals veterinary care on the next business day. Commercial pet breeders shall follow the directives of the veterinary doctor for care of the animal, including that commercial pet breeders shall provide to the animals any medications prescribed by the veterinarian and additional food, water, exercise, or other element that the animal may be lacking. Rabies vaccine may only be administered under the supervision of an Oklahoma licensed veterinarian.

532:15-2-6. Grooming

Commercial pet breeders 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, with less than 5% of coat matted, and no signs of long standing dirt and grime.

532:15-2-7. Exercise requirements

Except for puppies 8 weeks of age or less, commercial pet breeders shall place all dogs in an exercise area for at least one hour of time daily. The exercise area shall be at least five times the size of the primary enclosure required under these Rules and must comply with the cover, shade, temperature, and ventilation requirements for housing facilities, as set forth in these rules. Commercial pet breeders shall maintain exercise area fencing in good repair and free of rust, jagged edges, or other defects that could cause injury to the dogs. Commercial pet breeders shall clean and sanitize the exercise area in accordance with the requirements under this Chapter. Commercial pet breeders shall exercise only compatible dogs together. The exercise area must be on ground level and the surface of the exercise area must be made of a solid and maintainable material, such as gravel, packed earth, or grass.

532:15-2-8. Quarantine

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

532:15-20-9. Adequate rest between breeding cycles

Commercial pet breeders may only breed a female dog or cat twice in any eighteen month period to ensure female animals adequate rest between breeding cycles.

532:15-2-10. Other facility and employee requirements

(a) Washrooms and sinks. Commercial pet breeder facilities must have readily accessible washing facilities such as washrooms, basins, sinks, or showers to be used by animal caretakers.

(b) Employee requirements. Commercial pet breeders shall employ at each facility sufficient employees to carry out the level of husbandry practices and care required in this Chapter. The employees who provide for husbandry and care or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of animals to supervise others. Commercial pet breeders must employ for care of the animals one full-time staff person, 16 years or older, or the equivalent of a 40 hour employee for each 25 adult pets located at the facility, but commercial pet breeders must employ additional staff persons if the staff persons are not able to feed all pets, clean and sanitize all surfaces, groom,

and exercise, pets and undertake any other necessary husbandry activities on a daily basis. The commercial pet breeder or the individual owner of the commercial pet breeder may be counted as one employee if the commercial pet breeder or owner is directly engaged in feeding, cleaning, and husbandry on a daily basis, as required herein.

532:15-2-11. Pet identification number microchip requirement

Commercial pet breeders shall implant a permanent pet identification number microchip to every animal that is either two months of age or older, or prior to selling or otherwise transferring out of the commercial pet breeders' facility, whichever occurs first.

532:15-2-12. Euthanasia procedures

Animals owned or housed by a commercial pet breeder may only be euthanized by an Oklahoma State licensed Veterinarian or Oklahoma Registered Veterinary Technician under the order of a Oklahoma licensed Veterinarian following Oklahoma Practice Act under OS 59 § 698 under accepted euthanasia protocol.

SUBCHAPTER 3. MINIMUM TRANSPORTATION AND SALES STANDARDS.

532: 15-3-1. General transportation requirements

When commercial pet breeders remove animals from housing facilities for transportation, including delivery to purchasers and transportation to auctions or sale locations, the animals must be transported and cared for in a manner that ensures traveling animal's safety, access to food and water, continued enclosure ventilation and sanitation, adequate space, and protection from the elements and extreme temperatures in a reasonably similar manner to that required by these Rules. Commercial pet breeders shall comply with the requirements of this Subchapter while the commercial pet breeder or its agents transport animals, and commercial pet breeders shall not use carriers or third parties to transport animals unless the person transporting the animal complies with the requirements of this Subchapter.

532:15-3-2. General travel requirements

(a) Food and water. Commercial pet breeders shall provide food and water to pets scheduled to be transported during the 4 hours before travel or before the commercial pet breeder delivers the pet to the carrier. Commercial pet breeders shall provide a small amount of food of the type the pet is regularly fed in a dry storage bag to accompany the animal during transport.

(b) Temperature and ventilation during travel. Commercial pet breeders must ensure that the temperature in pet holding, transportation, or cargo areas is above 45 °F (7.2 °C) and below 85 °F (29.5 °C) while pets are present, except for temporary variations in temperature which in no event shall last more than 4 consecutive hours when animals are present inside a holding, transportation or cargo area or 45 minutes while animals are being transported between holding areas, are adequately ventilated through windows, doors, vents, fans, blowers, or air conditioning at all times, and that auxiliary ventilation, such as exhaust fans, vents, fans, blowers, or air conditioning is used when the ambient temperature is 85 °F (29.5 °C) or higher and pets are present. Commercial pet breeders or animals, and if commercial pet breeders use carriers or third parties to transport animals the consigning commercial pet breeder shall ensure that the carrier's holding areas comply with the requirements of this section. Commercial pet breeders

may only use carriers and intermediate handlers for the transport of pets in commerce that comply with Federal Animal Welfare Regulations set forth in 9 C.F.R. parts 1, 2, and 3.

(c) Air and pressurization. Pets must be provided at all times sufficient air to allow fresh air for normal breathing of pets without injurious drafts. Aircraft cargo areas must be pressurized when the primary conveyance used for air transportation is not on the ground, unless flying at an elevation no greater than 8,000 ft. The animal cargo space of all conveyances shall be so constructed and maintained so as to minimize the ingress of exhaust from the conveyance's engine.

(d) Dog removal from primary enclosures. During travel, dogs shall be removed from the primary enclosure while in active transportation a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise.

(e) Ban on shipment of young pets. Commercial pet breeders shall not ship, directly or indirectly, pets under 8 weeks of age. Commercial pet breeders shall not knowingly sell or give possession of a pet under 8 weeks of age to a person whom the commercial pet breeder knows, or has cause to believe will ship the pet by use of a commercial carrier before the pet is 8 weeks of age.

532: 15-3-3. Consignments to carriers

(a) Time of delivery. Commercial pet breeders shall not deliver a pet for transport in commerce more than 4 hours before the scheduled departure time of the car, truck, train, aircraft, or other vehicle or transport on which the pet is to be transported.

(b) Address of recipient. Commercial pet breeders shall obtain the name, address, and telephone number of the recipient before delivering a pet for transport by a carrier, and they must provide the address to the carrier.

(c) Certification of pet condition. The commercial pet breeder shall prepare a written statement of each traveling pet's condition and shall attach the certification to the outside of each traveling pet's primary enclosure in an easily visible location that allows persons looking at the primary enclosure to read the certification. The certification shall provide the following:

- (1) The commercial pet breeder shall certify that it provided food and water to the pet during the 4 hours before the pet was delivered for transport and state the time the feeding and watering occurred;
- (2) Instructions for feeding or watering the animal for a 24-hour period in accordance with these regulations, and commercial pet breeders, which, unless directed otherwise by a veterinarian, in no event shall instruct that the pet be provided no food or water are not acceptable unless directed by the attending veterinarian;
- (3) The commercial pet breeder's name, address, and license number;
- (4) The recipient's name, address, and telephone number;
- (5) A description of the pet, as defined in this Chapter;
- (6) A brief summary of the pet's immunization record; and
- (7) The commercial pet breeder's signature and the date and time the certification was signed.

(d) Handling of pet at destination. The commercial pet breeder shall instruct the carrier that when a primary enclosure containing a pet has arrived at the animal holding area at a terminal facility after transport, the carrier shall attempt to notify the intended recipient upon arrival and at least once in every 6-hour period thereafter. The time, date, and method of all attempted notifications and the actual notification of the consignee, and the name of the person who notifies

or attempts to notify the consignee must be written either on the carrier's or intermediate handler's copy of the shipping document or on the copy that accompanies the primary enclosure. The commercial pet breeder shall instruct the carrier that if the intended recipient cannot be notified within 24 hours after the pet has arrived at the terminal facility, the carrier shall return the pet to the commercial pet breeder or to a person that the commercial pet breeder shall designate, and the commercial pet breeder shall pay the carrier additional fees or costs associated with the re-delivery. The commercial pet breeder shall instruct the carrier that if the intended recipient is notified of the arrival of the pet and does not accept delivery of the pet within 48 hours after arrival of the animal, the carrier shall return the pet to the commercial pet breeder or to a person the commercial pet breeder designates, and the commercial pet breeder shall pay the carrier or intermediate handler additional fees or costs associated with the re-delivery. The commercial pet breeder shall contract with the carrier or intermediate handler for the carrier or intermediate handler to continue to provide proper care, feeding, and housing to the pet and maintain the pet in accordance with generally accepted professional and husbandry practices while in transportation and until the intended recipient accepts delivery of the animal or until the carrier returns the pet to the commercial pet breeder or a person the commercial pet breeder designates.

532:15-3-4. Primary enclosures used to transport live pets

(a) Construction of primary enclosures. Each pet must be contained in a primary enclosure such as a compartment, transport cage, carton, or crate while being transported. Primary enclosures used to transport pet shall be constructed so that:

- (1) The primary enclosure is strong enough to contain the pet securely and comfortably and to withstand the normal rigors of transportation;
- (2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the pet contained in it;
- (3) The pet is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animal nearby;
- (4) The pet can be easily and quickly removed from the enclosure in an emergency;
- (5) Unless the enclosure is permanently affixed to the conveyance, the enclosure must have devices such as handles or handholds on its exterior that enable persons to lift, manipulate, and move the enclosure without tilting it, and ensure that persons handling the enclosure will not come into physical contact with the pet contained inside;
- (6) Unless the enclosure is permanently affixed to the conveyance, the commercial pet breeder shall clearly mark the primary enclosure on top and on one or more sides with the words "Live Animals," in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure;
- (7) Any material, treatment, paint, preservative, or other chemical used in or on the enclosure must be nontoxic to the pet and not harmful to the health or well-being of the pet;
- (8) The pet contained inside receives proper ventilation;
- (9) The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. If a slatted or mesh floor is used in the enclosure, it must be designed and constructed so that the pet cannot fit or place any part of its body between the

slats or through the holes in the mesh. Unless the pets are on raised slatted floors or raised floors made of mesh, the primary enclosure must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material that is safe and nontoxic to pets;

(10) The primary enclosure must not allow for excreta or other wastes to fall on other pets, including that enclosures may not be stacked if the enclosures permit wastes or excreta to fall through the enclosure.

(b) Size. Primary enclosures used to transport live pets must be large enough to ensure that each pet contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

(c) Cleaning of primary enclosures. Commercial pet breeders shall clean and sanitize primary enclosures before each use to hold or transport pets. If the pets are in transit for more than 8 hours, the commercial pet breeder shall contract for the carrier or handler to clean the enclosures, replace litter, or move the pets to clean and sanitized enclosure every 8 hours, to prevent the soiling of transported pets. If it becomes necessary to remove the pet from the enclosure in order to clean, or to move the pet to another enclosure, this procedure shall be completed in a way that safeguards the pet from injury and prevents escape.

(d) Ventilation.

(1) Unless the primary enclosure is permanently affixed to the conveyance, the primary enclosure shall have:

(A) At least one-third of the ventilation area located on the upper half of the primary enclosure; and

(B) at least one of the following:

(i) Ventilation openings located on two opposing walls of the primary enclosure and the openings must be at least 16 percent of the surface area of each such wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(ii) Ventilation openings on three walls of the primary enclosure, and the openings on each of the two opposing walls must be at least 8 percent of the total surface area of the two walls, and the ventilation openings on the third wall of the primary enclosure must be at least 50 percent of the total surface area of that wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(iii) Ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each of the four walls must be at least 8 percent of the total surface area of each such wall, and the total combined surface area of the openings must be at least 14 percent of total combined surface area of all the walls of the primary enclosure.

(2) If a primary enclosure is permanently affixed to the primary conveyance so that there is only a front ventilation opening for the enclosure, the primary enclosure must be affixed to the primary conveyance in such a way that the front ventilation opening cannot be blocked, and the front ventilation opening must open directly to an unobstructed aisle or passageway inside the conveyance. The ventilation opening must be at least 90 percent of the total area of the front wall of the enclosure, and must be covered with bars, wire mesh, or smooth expanded metal having air spaces.

(e) Sharing of Primary Enclosures. Commercial pet breeders shall transport in the same

primary enclosure no more than one animal 6 months of age or older; one live puppy, 8 weeks to 6 months of age, and weighing over 20 lbs; or two live puppies or kittens up to 6 months of age, that are of comparable size, and weighing 20 lbs or less each. Commercial pet breeders shall not transport puppies or kittens 4 months of age or less in the same primary enclosure with adult animals other than their dams. Commercial pet breeders may only transport in the same primary enclosure compatible pets of the same species.

(f) Placement. Primary enclosures used to transport pets must be positioned in the primary conveyance so as to allow pets access to sufficient air for normal breathing at all times, and provide protection from the elements, including that pets shall not be wetted by precipitation when windows, doors, or other openings of animal holding or transportation areas are open. The openings of primary enclosures must be accessible at all times for emergency removal of the pets.

(f) Accompanying documents and records. Shipping documents that must accompany shipments of pets must either be held by the operator of the primary conveyance, for surface transportation only, or must be securely attached in a readily accessible manner to the outside of any primary enclosure that is part of the shipment, in a manner that allows them to be detached for examination and securely reattached, such as in a pocket or sleeve. Instructions for administration of drugs, medication, and other special care must be attached to each primary enclosure in a manner that makes them easy to notice, to detach for examination, and to reattach securely. The certification of pet condition required by of these Rules must be affixed to the primary enclosure. Shipping documents shall state the number and species of animals being transported.

(g) Litter Box. If the trip is 6 hours or more in length, a litterbox shall be provided within each crate for cats. The litterbox shall not cover more than 50% of the crate floor, and the remaining space must be large enough for the cat to stand, lie down, and turn around.

532:15-3-5. Food and water during transportation

Commercial pet breeders or the carrier shall provide food at least once every 24 hours to each animal that is 16 weeks of age and at least once every 12 hours to puppies and kittens less than 16 weeks of age. Commercial pet breeders or the carrier shall provide all pets potable water at least once every 12 hours.

SUBCHAPTER 4: RECORDKEEPING AND SALES REQUIREMENTS

532:15-4-1. Records

(a) Operations records. Commercial pet breeders shall create, maintain, and keep records of operations, and they shall keep the operation records at the address specified in the license. The operations record shall consist of

(1) a list describing, as defined in the Chapter, all pets, that have been born, housed or kept in the facility at any time during the preceding two years, and stating the disposition of all pets listed. In describing the disposition of any pet, the commercial pet breeder shall record the following:

(A) if the animal was sold or otherwise transferred, the manner and location of the sale, transfer, or other disposition, and the purchaser's name and address, if the commercial pet breeder shipped or otherwise transported the animal to the purchaser;

(B) that the pet is still on the premises, or

(C) if the pet died while at the facility, the date of death and cause of the death.

(b) Veterinary treatment records. Commercial pet breeders shall keep at each licensed facility treatment records for each pet currently housed at the facility or that has been housed at the facility at any time during the preceding 2 years, which records shall identify and specifically describe the pet and list all veterinary treatment or contact that the pet has received while the pet was housed at the commercial pet breeder facility, including the date and result of the pet's annual health evaluation, all other visits to or by a veterinary doctor, a list of every medication, treatment, or immunization the pet has received and the date on which it was administered to the animal. With respect to any visits to veterinary doctors, the commercial pet breeder shall record in the veterinary record the reason for the visit and a summary of the observations and recommendations made by the veterinary doctor. With respect to any medications or treatments, the commercial pet breeder shall record in the veterinary record the name of the prescribing veterinary doctor, the name of the medication, the amount of the medication, and the dates on which it was administered to the pet.

(c) Sales records. Commercial pet breeders shall keep at their facility records of all sales or disposition of pet the commercial pet breeder has owned or has housed at the licensed facility at any time during the preceding 2 years. In the sales records, commercial pet breeders shall describe each sold or disposed pet and with respect to each pet list the date of transaction, the location of the transaction, the sale price, whether the commercial pet breeder 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 purchaser.

(d) Purchase records. Commercial pet breeders shall keep at their facility records of all pets the commercial pet breeder has purchased or otherwise acquired at any time during the preceding 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.

(e) Breeding records. Commercial pet breeders 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.

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

(g) Review of records by the Board. Commercial pet breeders shall make all records required by this section immediately available for review during regular business hours upon receiving a request from the Board, a Board investigator, or a Board inspector.

(h) Length of records. Commercial pet breeders shall keep all of the records required by this section for each pet that was born or housed at the facility at any time during the immediately preceding two years. Commercial pet breeders may discard records related to animals that have not been at the facility at any time within the last two years.

(i) Records of activities before July 1, 2011. With respect to pets that are no longer located at the facility on July 1, 2011, commercial pet breeders shall not be required to create records for activities having occurred within the two years immediately preceding July 1, 2011. With respect to pets housed or born at the commercial pet breeder's facility after July 1, 2011, commercial pet breeders shall keep all existing records and documentation that provide any of the information required by this section, and they shall begin to create the records required by this section with information arising on or after July 1, 2011.

532:15-4-2. Pet health history provided to purchaser

(a) Immunization records. At the time of the sale, commercial pet breeders shall provide to purchasers of pets a written disclosure of all treatments involving immunizations, medications, anthelmintics (wormers) and all other treatments for parasites, administered to the purchased pet thirty days prior to the sale. The disclosure shall describe the pet and describe the product used, the dosage, and the medication or product was administered to the animal.

(b) Disclosure of health conditions upon sale; costs of care. 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. If, within 10 days after receipt of a pet by the purchaser, a veterinarian states, in writing, that the pet has a 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 a 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. In the event an animal dies due to a health problem which existed in the pet at the time of delivery to the purchaser, the breeder shall provide the purchaser with one of the following remedies, as selected by the purchaser: a pet, of equal value, if available, and reimbursement for reasonable veterinary fees, which reimbursements shall not exceed the purchase price of the pet; or receive a refund of the full purchase price, and reimbursement for reasonable veterinary fees, which in no event shall exceed the purchase price. In the event the pet has a health problem that existed at the time of delivery to the purchaser but that the commercial pet breeder did not disclose to the purchaser, the commercial pet breeder shall provide the purchaser with one of the following remedies, as selected by the purchaser: return the animal to the breeder for a refund of the full purchase price; exchange the purchased pet for a pet of the purchaser's choice of equivalent value to the purchase price, provided a replacement is available; or retain the pet, and receive reimbursement for reasonable veterinary fees, which reimbursements shall not exceed the original purchase price of the pet. The price of veterinary service shall be deemed reasonable if the service is appropriate for the diagnosis and treatment of the health problem and the price of the service is comparable to that of similar service rendered by other veterinarians in proximity to the treating veterinarian.

(c) Purchaser defined. For purposes of cost reimbursement under this section, purchaser, as defined in subsection (b) of this section, shall 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 (b), 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 will 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.

532:15-4-3. Sales invoice or statement

At the time of the sale, the commercial pet breeder shall provide the purchaser a sales statement in which the commercial pet breeder shall describe the pet, as defined in this Chapter, list the date of the transaction, the sales price, the name of the purchaser, 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 purchaser. If the commercial pet breeder transports or otherwise ships the pet to the purchaser, the commercial pet breeder shall list the purchaser's

address on the sales statement

532:15-4-4. Location of sales

Commercial pet breeders may only sell pets to purchasers from their facilities or ship pets to purchasers who request to purchase the pets from the commercial pet breeder through the phone, internet, fax, or in person when the commercial pet breeder is selling pets at a location from which persons may legally sell products, such as at a store front, farmer's market, fair, or otherwise, if the commercial pet breeder has obtain the proper permit or credential required to make sales from such location. No person, including commercial pet breeders, shall market or sell or cause to be marketed or sold 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 property permit or credentials to sell from such location.

532:15-4-5. Stolen or missing pets

(a) Inspection for missing pets. Commercial pet breeders shall allow upon reasonable notice, during business hours, police or peace officers with other law enforcement agencies to enter their place of business to inspect pets and records for the purpose of seeking animals that are missing. The Police or peace officers with other law enforcement agencies shall furnish a written or photographic description of the missing pet and the name and address of its owner before making a search. The police or other peace officers with other law enforcement agencies shall abide by all security measures required by the licensee to prevent the spread of disease.

(b) Prohibition on the purchase, sale, or transportation of stolen pets. No Licensee shall buy, sell, or transport any stolen pet.

532:15-4-6. Other requirements or acts prohibited

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