

Enrolled Senate Bill 4

Sponsored by Senator COURTNEY (Pre-session filed.)

CHAPTER

AN ACT

Relating to the definition of “animal rescue entity”; amending ORS 609.415.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 609.415 is amended to read:

609.415. (1) As used in this section and ORS 609.420:

(a) “Animal” means any nonhuman mammal, bird, reptile, amphibian or fish.

(b) “Animal rescue entity” means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses[,] and maintains in its legal custody 10 or more animals, **whether physically located at a facility operated by the entity or kept, housed or maintained elsewhere**, and that solicits or accepts donations in any form.

(c) “Enforcing agency” means the agency that operates a city or county dog licensing and control program under ORS 609.035 to 609.110 or under any city or county ordinances or regulations that operate in lieu of ORS 609.035 to 609.110, or any other agency designated the enforcing agency by the city or county governing body.

(2) Any animal rescue entity shall comply with all of the following record-keeping requirements:

(a) Maintain a record for each animal that identifies:

(A) The date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;

(B) The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;

(C) The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable;

(D) The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal;

(E) The source of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and

(F) A photograph of the animal taken within 24 hours of intake by the animal rescue entity.

(b) Permit an authorized representative of the enforcing agency to inspect records of the animal rescue entity required by this subsection and furnish reports and information required by the enforcing agency, as provided under ORS 609.420.

(3) An animal rescue entity shall comply with the following licensing requirements:

(a) The entity shall obtain a license issued by the enforcing agency in accordance with this section and any rules or policies adopted by the enforcing agency; and

(b) The entity shall pay a reasonable fee, as determined by the enforcing agency, for a license or an annual renewal of the license to provide for the actual cost of enforcing this section and ORS 609.420.

(4) The enforcing agency may not issue or renew a license under this section unless the animal rescue entity is in compliance with this section and ORS 609.420.

(5) An animal rescue entity may transfer a license issued under this section to another person with the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity under this section and rules applicable to the transferee and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.

(6) An applicant for a license issued under this section shall demonstrate that the animal rescue entity that is the subject of the application complies with all standards imposed under applicable law.

(7) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS 609.420.

(8)(a) A violation of this section may result in imposition of civil penalties to be determined by the enforcing agency, including but not limited to impoundment of all animals under the animal rescue's control, the revocation of the animal rescue's license to operate animal rescue operations and a civil penalty of not more than \$500 for each violation.

(b) Before a civil penalty may be imposed under this section, the enforcing agency shall adopt rules or policies that:

(A) Ensure that a person who is the subject of an alleged violation receives notice of the allegations and potential imposition of civil penalties;

(B) Allow for an opportunity for a hearing prior to the imposition of civil penalties; and

(C) Allow for the opportunity for judicial review of the imposition of civil penalties.

(9) Moneys raised by the enforcing agency under this section are dedicated to and shall be used for enforcing agency operations undertaken pursuant to this section and ORS 609.420.

Passed by Senate March 10, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 27, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State