

Senate Bill 883

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes definition of "enforcing agency" from city or county dog licensing agency or other designated agency to State Veterinarian for purposes of regulating animal rescue entities.

A BILL FOR AN ACT

1
2 Relating to animal rescue entities; amending ORS 609.415.

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

4 **SECTION 1.** ORS 609.415 is amended to read:

5 609.415. (1) As used in this section and ORS 609.420:

6 (a) "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish.

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

13 (c) "Enforcing agency" means the *[agency that operates a city or county dog licensing and control*
14 *program under ORS 609.035 to 609.110 or under any city or county ordinances or regulations that*
15 *operate in lieu of ORS 609.035 to 609.110, or any other agency designated the enforcing agency by the*
16 *city or county governing body]* **the State Veterinarian.**

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

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

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

7 (b) The entity shall pay a reasonable fee, as determined by the enforcing agency, for a license
8 or an annual renewal of the license to provide for the actual cost of enforcing this section and ORS
9 609.420.

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

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

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

21 (7) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS
22 609.420.

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

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

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

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

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

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

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