

HOUSE AMENDMENTS TO HOUSE BILL 4034

By COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND
WATER

February 5

On page 1 of the printed bill, delete lines 4 through 26 and delete page 2.

On page 3, delete lines 1 through 19 and insert:

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[,] **or** amphibian [*or fish*].

“(b) ‘Animal rescue entity’:

“(A) 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 **animals** in the individual’s or organization’s legal custody [*10 or more animals*], whether physically located at a facility operated by the individual or organization or kept, housed or maintained elsewhere, and that solicits or accepts donations in any form.

“(B) **Does not mean a veterinary facility as defined in ORS 686.010.**

“[(c) ‘Enforcing agency’ means the State Veterinarian.]

“(2) [Any] **An** animal rescue entity shall [*comply with all of the following record-keeping requirements*]:

“(a) Maintain a record for each animal [*that identifies:*] **in the legal custody of the animal rescue entity, in compliance with rules adopted by the State Department of Agriculture pursuant to subsection (6)(a) of this section.**

“[(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*] **department** to inspect records of the animal rescue entity required by this subsection and furnish **any** reports and information required by the [*enforcing agency, as provided under ORS 609.420.*] **department if the**

1 **department:**

2 **“(A) Conducts an on-site investigation of the premises of the animal rescue entity pur-**
3 **suant to ORS 609.420; or**

4 **“(B) Audits the animal rescue entity pursuant to rules described in subsection (6)(b) of**
5 **this section.**

6 **“(3) An animal rescue entity that keeps, houses and maintains 10 or more animals in the**
7 **legal custody of the animal rescue entity for more than two consecutive business days shall**
8 *[comply with the following licensing requirements]:*

9 *“(a) [The entity shall] Obtain a license issued by the [enforcing agency] department in accord-*
10 *ance with this section and [any] rules [or policies] adopted by the [enforcing agency] department;*
11 *and*

12 *“(b) [The entity shall] Pay a reasonable fee, as determined by the [enforcing agency]*
13 **department,** *for a license or an annual renewal of the license to provide for the actual cost of en-*
14 *forcing this section and ORS 609.420.*

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

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

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

26 *“[(7) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS*
27 *609.420.]*

28 *“[(8)(a)] (4) A violation of this section may result in imposition of civil penalties to be deter-*
29 *mined by the [enforcing agency] department, including but not limited to [impoundment of all ani-*
30 *mals under the animal rescue’s control,] the denial, suspension or revocation of the animal*
31 *[rescue’s] rescue entity’s license [to operate animal rescue operations] under this section and a*
32 *civil penalty of not more than \$500 for each violation.*

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

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

37 *“[(B) Allow for an opportunity for a hearing prior to the imposition of civil penalties; and]*

38 *“[(C) Allow for the opportunity for judicial review of the imposition of civil penalties.]*

39 *“[(9)] (5) Moneys [raised] received by the [enforcing agency under] department pursuant to*
40 *this section are dedicated to and shall be used for [enforcing agency operations undertaken pursuant*
41 *to] implementing this section and ORS 609.420.*

42 **“(6) The department shall adopt rules to implement this section, including rules that:**

43 **“(a) Require an animal rescue entity to maintain a record for each animal in the legal**
44 **custody of the animal rescue entity;**

45 **“(b) Establish a process for auditing animal rescue entities that incorporates consider-**

1 **ation of the compliance histories of the animal rescue entities;**

2 **“(c) Establish licensing requirements for animal rescue entities;**

3 **“(d) Ensure that an animal rescue entity that is the subject of an alleged violation is**
4 **notified of the allegations and of the potential imposition of civil penalties under this section**
5 **through a notice that complies with ORS 183.415;**

6 **“(e) Allow an animal rescue entity to have an opportunity for a hearing prior to the im-**
7 **position of civil penalties under this section; and**

8 **“(f) Allow an animal rescue entity to have an opportunity for judicial review of the im-**
9 **position of civil penalties.**

10 **“(7) Consistent with the rulemaking procedures set forth in ORS chapter 183, in devel-**
11 **oping rules to implement this section, the department shall solicit and review input from:**

12 **“(a) Animal rescue entities located in rural areas of this state;**

13 **“(b) Animal rescue entities located in urban areas of this state;**

14 **“(c) Individuals or organizations involved in providing transportation to or from animal**
15 **rescue entities in this state; and**

16 **“(d) Individuals or organizations involved in providing free or low-cost services relating**
17 **to the care of animals in this state.”.**

18 In line 22, after “entity” insert “that is required to obtain a license under ORS 609.415”.
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