

# OKLAHOMA ANIMAL CRUELTY LAWS

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### Introduction

The criminal animal cruelty laws for the state of Oklahoma can be found primarily within Title 21 of the Oklahoma Statutes Annotated, Crimes and Punishments, Part VII: Crimes Against Property, Chapter 67: Injuries to Animals. This act is known as the Animal Facilities Protection Act. OK ST T. 21 §1680. The main focus of this act is the prohibition of animal cruelty and animal fighting. Animal cruelty in Oklahoma is defined as the willful or malicious torturing, destruction or killing of an animal. This also includes cruelly beating, injuring, maiming or mutilating an animal, regardless of whether it is wild or tame or whether it belongs to the person perpetrating the violence or someone else. In addition, the deprivation of necessary food, drink, shelter or veterinary care to prevent suffering to an animal is also considered animal cruelty. Animal cruelty carries a felony charge and can be punished by imprisonment in the state penitentiary for a term not exceeding five years, imprisonment in the county jail for a term not exceeding one year or by a fine not exceeding five thousand dollars.

With respect to the animal fighting provisions, it is a misdemeanor to maliciously instigate or encourage a fight between animals or to instigate or encourage any animal to attack, bite, wound or worry another. The animal fighting provisions are further broken down into cockfighting provisions and dogfighting provisions. Cockfighting is defined as a fight between birds, whether or not fitted with spurs, knives or gaffs, that may or may not have been bet upon and includes any training fight in which birds are encouraged to attack or fight with one another. It is unlawful to instigate or encourage a cockfight, keep a place for such a fight or equipment for use in such fights, holding a cockfight, owning or training a bird to engage in fighting, or to intentionally and knowingly watch a cockfight. A conviction under the cockfighting provisions carries a felony sentence which can include imprisonment of not less than one year to not more than ten years or a fine of not less than two thousand dollars to not more than twenty-five thousand dollars or both. Dogfighting is defined as a fight between any dog trained, being trained, intended to be used for training or intended to be used to attack, bite, wound or worry another dog and another dog. It is unlawful to instigate or encourage a dogfight, to keep a place for such a fight or equipment for dogfight training, holding a dogfight, owning or training a dog to engage in fighting, or to knowingly and intentionally observe a dogfight. A conviction under the dogfighting provisions carries a felony sentence which can include imprisonment of not less than one year to not more than ten years or a fine of not less than two thousand dollars to not more than twenty-five thousand dollars or both.

In addition, the state of Oklahoma also includes provisions within the Animal Facilities Protection Act for abandoning animals and those that are abused and neglected. There is a

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<sup>1</sup> Katherine Sholl produced this document as an undertaking of the George Washington University (GWU) Law School's Animal Welfare Project, and worked under the guidance of the Project's founder and faculty director, Professor Joan Schaffner. Katherine graduated from Widener University School of Law in 2010.

specific provision for veterinarians that mandates the reporting of suspected animal abuse with a guarantee of immunity from civil liability. The additional animal laws included within this document include general dog and cat laws, which specifically target animals that are found chasing or injuring livestock and liability included in owning a dangerous dog. In Oklahoma, while certain dogs must be registered and even muzzled or restrained in various situations, there may not be any breed-specific legislation with respect to dogs. This state has also enacted provisions for animals used for scientific investigation, specifically those animals that are unclaimed and being held in the pound for at least fifteen days without a license or at least thirty days with a license. Violations of this section may result in a misdemeanor conviction. In addition, the final laws included in this document are those regarding the disposal of animals in shelters. These laws specifically state the approved methods to be used and the appropriate equipment that is necessary for killing the animals in shelters.

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## 1. CRUELTY TO ANIMALS

### **OK ST T. 21 §1680.2. Prohibited acts with regard to certain animal facilities--Penalties--Exempted acts.**

A. No person<sup>2</sup> shall, without the effective consent<sup>3</sup> of the owner<sup>4</sup> and with intent to damage the enterprise conducted at the animal facility<sup>5</sup>:

1. Damage, destroy or remove an animal facility or any property or animal<sup>6</sup> in or on an animal facility;
2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;
3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;
4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;
5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;
6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:

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<sup>2</sup> **OK ST T. 21 §1680.1. Definitions.**

3. "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;

<sup>3</sup> **OK ST T. 21 §1680.1. Definitions.**

6. "Effective consent" means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions.

<sup>4</sup> **OK ST T. 21 §1680.1. Definitions.**

4. "Owner" means a person who has title to the property, possession of the property, or a greater right to the possession of the animal or property than another person;

5. "Possession" means actual care, custody, control or management;

<sup>5</sup> **OK ST T. 21 §1680.1. Definitions.**

2. "Animal facility" means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;

<sup>6</sup>**OK ST T. 21 §1680.1. Definitions.**

1. "Animal" means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;

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- a. written or oral communication with the owner or a person with apparent authority to act for the owner,
  - b. fencing or other enclosure obviously designed to exclude intruders or contain animals, or
  - c. a sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and
7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in paragraphs 1 through 7 of subsection A of this section shall be a misdemeanor, upon conviction, punishable by a fine not to exceed Five Thousand Dollars (\$5,000. 00), with full restitution to be paid for any damage to the property, for replacement of any animals released, and for out-of-pocket expenses incurred as a result of any violation, or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law or be construed to conflict with any provision of Section 391 et seq. of Title 4 of the Oklahoma Statutes.<sup>7</sup>

#### **No Applicable Case Law.**

#### **OK ST T. 21 § 1680.3. Veterinarian required to report suspected animal abuse--Immunity from civil liability.**

A. A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.

B. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

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#### <sup>7</sup> **4 Okl.St. Ann. §391. Definitions.**

As used in this act, (a) "Institution" means any school or college of medicine, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory, hospital, or other educational or scientific establishment having to do with the investigation of or instruction concerning the structure or functions of living organisms, the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals provided that high schools and elementary schools shall not be classed as institutions for the purposes of this act. (b) "Public pound" means any place used by a city or the state for the detention or keeping of unclaimed or stray animals.

**No Applicable Case Law.**

**OK ST T. 21 §1680.4. Protective custody of abused or neglected animals – Bond hearing.**

A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:

1. Be removed from its present custody; or
2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.

B. Any peace officer or animal control officer may:

1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or

2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.

C. 1. After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.

2. The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered

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by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.

3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.

4. Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.

**No Applicable Case Law.**

**OK ST T. 21 §1681. Poisoning animals.**

Any person who willfully administers poison to any animal, the property of another, and every person who maliciously exposes any poisonous substance with intent that the same shall be taken by any such animal, shall be guilty of a felony and shall be punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by both such fine and imprisonment.

**No Applicable Case Law.**

**OK ST T. 21 §1685. Cruelty to animals.**

Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal.



**Applicable Case Law:**

***DiCesare v. Stuart, 12 F.3d 973 (10th Cir. 1993).***

**Facts:** After receiving a stray horse complaint, two Sheriff deputies investigated and saw three penned horses and eight loose dogs. Upon returning the next day, they found a dead horse being eaten by the dogs. They subsequently noticed several additional dead animals on the property. When the living animals were seized pursuant to a court order, petitioner filed a complaint for the seizure. The district attorney moved for summary judgment and the motion was granted. Petitioner appeals.

**Holding:** Remanded to the lower court. Summary judgment was inappropriately granted because there were violations of law, including officers entering the property and seizing the animals without a warrant or consent of the property owner.

***King v. State, 130 P.2d 105 (Okla.Crim.App. 1942).***

**Facts:** Defendant was charged with cruelty to animals and appealed on the grounds that the statute was unconstitutional because punishment of up to five years imprisonment or five hundred dollar fine was cruel and unusual punishment.

**Holding:** Affirmed. The purpose of the statute is clear and there is a great deal of discretion in determining the appropriate penalty based on the act of cruelty.

***Grizzle v. State, 707 P.2d 1210 (Okla.Crim.App. 1985).***

**Facts:** After an 11 month old puppy bit the leg of defendant's son at a party, he shot the dog to death. Defendant appealed, asserting a claim of self-defense of others.

**Holding:** Reversed and remanded on the animal cruelty charge. Trial court instructions regarding defense of another were erroneous.

***Laner v. State, 381 P.2d 905 (Okla.Crim.App. 1963).***

**Facts:** After a pack of eleven hunting dogs were let loose to find wild animals, defendant shot three of the dogs when he saw them following a deer. He was convicted of animal cruelty and appealed on the grounds that because under OK ST T. 4 §41 any dog found chasing or worrying sheep, other livestock or poultry, off the premises of the owner of such dogs may be lawfully

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shot,<sup>8</sup> he was permitted to kill the dogs for chasing the deer and that he had a right to abate under nuisance law.

**Holding:** Affirmed. Deer does not fit the definitions of any of the categories of animals listed under OK ST T. 4 §41.

**Brewer v. State, 133 P.3d 892 (Okla.Crim.App. 2006).**

**Facts:** Defendant was involved in a partnership that bought skinny, malnourished horses from a Navajo reservation with the intent of then bringing them to Oklahoma to graze and gain weight so the horses could be sold for profit. The individual in charge of ensuring the horses were adequately fed informed defendant that he could no longer participate but defendant did not address the matter and the horses began to die, leading to animal cruelty charges against the defendant. Defendant appealed, alleging prosecutorial misconduct and nondisclosure of exculpatory evidence.

**Holding:** Affirmed but modified to lesser-included offenses of abandonment.

**Stockbridge v. Territory, 79 P. 753 (Okla. 1905).**

**Facts:** Defendant was charged with killing another man's bull and found guilty. He appealed, alleging the verdict was not supported by the evidence and instructional error regarding circumstantial evidence.

**Holding:** Affirmed. Evidence presented at trial was sufficient for a jury to determine the facts and convict.

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**<sup>8</sup> OK ST T. 4 §41. Animals chasing or injuring livestock--Right to kill--Liability of owner--Court proceedings—Definitions.**

A. It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of such animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property. The owner of any such animal that kills or injures any livestock shall be jointly and severally liable to any person so damaged, to the full amount of the injury done. The court, before whom a recovery is had for any such injury, shall declare the animal found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such animal within twenty-four (24) hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Such appeals shall be prosecuted in such manner as prescribed by general statutes governing appeals.

B. For purposes of this section:

1. "Livestock" means any cattle, bison, hog, sheep, goat, equine, domesticated rabbits, chicken or other poultry and shall include exotic livestock; and
2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

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## **2. ANIMAL FIGHTING**

### **OK ST T. 21 §1682. Instigating fights between animals.**

Every person who maliciously, or for any bet, stake or reward, instigates or encourages any fight between animals with the exception of dogs, or instigates or encourages any animal with the exception of dogs to attack, bite, wound or worry another, upon conviction, is guilty of a misdemeanor.

#### **Applicable Case Law:**

##### **Maloney v. State, 532 P.2d 78 (Okla.Crim.App. 1975).**

**Facts:** Defendant was convicted for cruelty to animals after partaking in dog fighting, which led to injuries and maiming of the dogs.

**Holding:** Reversed and remanded. Defendant was convicted under Section 1685 of the Animal Facilities Protection Act but the more appropriate section was 1682, which does not make the offense a punishable one.

##### **Lock v. Falkenstine, 380 P.2d 278 (Okla.Crim.App. 1963).**

**Facts:** Petitioners, who engaged in cockfighting, challenged the constitutionality of the animal fighting law on grounds that it was not sufficiently definite and certain in its description of the conduct prohibited.

**Holding:** Reversed. The court determined it was not the legislature's intent to include roosters in the category of animals.

### **2. OK ST T. 21 §1683. Keeping places for fighting animals.**

Every person who keeps any house, pit or other place, to be used in permitting any fight between animals with the exception of dogs or in any other violation of Section 1682 of this title, upon conviction, is guilty of a misdemeanor.

#### **No Applicable Case Law.**

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*Cockfighting:*

**OK ST T. 21 §1692.2. Instigating or encouraging cockfight.<sup>9</sup>**

Every person who willfully instigates or encourages any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

**Applicable Case Law:**

**Edmondson v. Pearce, 91 P.3d 605 (Okla. 2004).**

**Facts:** Petitioners, which consisted of Oklahoma government including the Attorney General and Governor, requested declaratory relief upholding the constitutionality of the Oklahoma animal fighting statute. This was done in response to several individuals and companies obtaining temporary restraining orders and injunctions against enforcement and prosecution of the act.

**Holding:** The statute is constitutional and relief was granted. The statute did not violate any of the alleged constitutional matters, including takings, the Contract Clause, pursuit of happiness, interstate commerce, or overbroad language.

**4. OK ST T. 21 §1692.3. Keeping place, equipment or facilities for cockfighting.<sup>10</sup>**

Every person who keeps any pit or other place, or knowingly provides any equipment or facilities to be used in permitting any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

**Applicable Case Law:**

**See Edmondson v. Pearce, 91 P.3d 605 (Okla. 2004).**

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<sup>9</sup> **OK ST T. 21 §1692.1. Definitions.**

As used in this act:

A. “Cockfight” or “cockfighting” is a fight between birds, whether or not fitted with spurs, knives, or gaffs, and whether or not bets or wagers are made on the outcome of the fight, and includes any training fight in which birds are intended or encouraged to attack or fight with one another.

<sup>10</sup> **OK ST T. 21 §1692.1. Definitions.**

B. “Equipment used for training or handling a fighting bird” includes knives or gaffs, cages, pens, feeding apparatuses, training pens and other related devices and equipment, and is hereby declared contraband and subject to seizure.

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**Caviness v. Johnson, 614 F.Supp.2d 1246 (E.D.Okla. 2008).**

**Facts:** After executing search warrant for drugs, police noticed cockfighting paraphernalia at defendant's home and subsequently discovered 200 roosters in the yard of the home. Defendant appealed his conviction, alleging a violation of the 4<sup>th</sup> **Amendment right to due process. He further alleges plain view does not apply because no cockfighting was transpiring at the time of the search.**

**Holding:** Affirmed. The seizure and arrest did not violate defendant's constitutional rights.

**OK ST T. 21 §1692.4. Servicing or facilitating cockfight.**

Every person who does any act or performs any service in the furtherance of or to facilitate any cockfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: promoting or refereeing of birds at a cockfight, advertising a cockfight, or serving as a stakes holder of any money wagered on any cockfight. The penalty for a violation of this section shall be as provided in Section 8 of this act.

**Applicable Case Law:**

**See Edmondson v. Pearce, 91 P.3d 605 (Okla. 2004).**

**OK ST T. 21 §1692.5. Owning, possessing, keeping or training bird for fighting.**

Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in a cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

**Applicable Case Law:**

**See Edmondson v. Pearce, 91 P.3d 605 (Okla. 2004).**

**OK ST T. 21 §1692.6. Spectators.**

Every person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for a cockfight with the intent to be present at such preparation or cockfight, or is knowingly present at such cockfight, upon conviction shall be guilty of a misdemeanor.

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**Applicable Case Law:**

**See *Edmondson v. Pearce*, 91 P.3d 605 (Okla. 2004).**

***U.S. v. Langford*, 641 F.3d 1195 (10th Cir. 2011).**

**Facts:** Federal agents raided a cockfighting facility on property owned by the United States for an Indian reservation. Most of those arrested, including defendant, were not Indian. Defendant was charged with being a spectator at a cockfight. Defendant appealed federal jurisdiction.

**Holding:** Reversed and remanded. The case would be appropriately retried under Section 1692.2 because the state possess exclusive criminal jurisdiction over crimes occurring in Indian country when there is neither an Indian victim nor Indian perpetrator.

**OK ST T. 21 §1692.7. Seizure, destruction, or forfeiture of cockfighting equipment or facilities.**

Following the conviction of a person for Sections 2, 3, 4, or 5 of this act, the court entering the judgment shall order that the birds and knives or gaffs used in violation of this act be forfeited to the state, and may order that any and all equipment described in Section 1 used in violation of this act be forfeited to the state.

**No Applicable Case Law.**

**OK ST T. 21 §1692.8. Punishment.**

A. Every person who is guilty of a felony under any of the provisions of Sections 2, 3, 4, or 5 of this act shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 6 of this act shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

**No Applicable Case Law.**

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**OK ST T. 21 §1692.9. Exemption.**

Nothing in this act shall prohibit any of the following:

A. Hunting birds or fowl in accordance with Oklahoma regulation or statute, including but not limited to the sport of hunting game with trained raptors.

B. Agricultural production of fowl for human consumption.

**No Applicable Case Law.**

*Dogfighting:*

**OK ST T. 21 §1694. Instigating or encouraging dogfight--Felony—Penalty.**

Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

**No Applicable Case Law.**

**OK ST T. 21 §1695. Keeping place, equipment or facilities for dogfighting--Felony—Penalty.**

Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section 1693 of this title<sup>11</sup>, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

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<sup>11</sup> **OK ST T. 21 §1693. Definitions.**

As used in this act:

1. "Equipment used for training or handling a fighting dog" includes harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens and other related devices and equipment.
2. "Equipment used for transporting a fighting dog" includes any automobile, or other vehicle, and its appurtenances which are intended to be used as a vehicle for transporting a fighting dog to a fight;
3. "Concession equipment" includes any stands, equipment or devices intended to be used to sell or otherwise to dispense food, drinks, liquor, souvenirs or spectator comforts;
4. "Equipment used to promote or advertise a dogfight" includes any printing presses or similar equipment, any paper, ink, photography equipment, and related items and equipment intended to be used to transport same;
5. "Equipment used to stage a dogfight" includes, but is not limited to, dogfighting arenas, bleachers, or spectators' stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and related equipment; and
6. "Fighting dog" includes any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or worry another dog.

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**No Applicable Case Law.**

**OK ST T. 21 §1696. Servicing or facilitating dogfight--Felony—Penalty.**

Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: Promotion, refereeing, handling of dogs at a fight, transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight, punishable as provided in Section 1699.1 of this title.

**No Applicable Case Law.**

**OK ST T. 21 §1697. Owning, possessing, keeping or training dog for fighting--Felony—Penalty.**

Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

**No Applicable Case Law.**

**OK ST T. 21 §1698. Spectators.**

Every person who is knowingly present as a spectator at any place, building or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or is knowingly present at such exhibition, upon conviction, shall be guilty of a misdemeanor.

**No Applicable Case Law.**

**OK ST T. 21 §1699. Seizure, destruction or forfeiture of dogfighting equipment and facilities.**

Following the conviction of a person for the offense of keeping a place for fighting dogs, providing facilities for fighting dogs, performing services in the furtherance of dogfighting, training, owning, possessing, handling fighting dogs, the court entering the judgment shall order that the machine, device, gambling equipment, training or handling instruments or equipment,



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transportation equipment, concession equipment, dogfighting equipment and instruments, and fighting dogs used in violation of this act be destroyed or forfeited to the state.

**No Applicable Case Law.**

**OK ST T. 21 §1699.1. Punishment.**

A. Every person who is guilty of a felony under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or a fine not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 1698 of this title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00).

**No Applicable Case Law.**

**OK ST T. 21 §1699.2. Exemptions.**

Nothing in this act shall prohibit any of the following:

1. The use of dogs in hunting as permitted by the Game and Fish Code and by the rules and regulations adopted by the Oklahoma Wildlife Conservation Commission;
2. The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody thereof;
3. The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law; or
4. The raising, breeding, keeping or training of dogs or the use of equipment for the raising, breeding, keeping or training of dogs for sale or show purposes.

**No Applicable Case Law.**

**Miscellaneous:**

**OK ST T. 21 §1684. Wounding or trapping birds in cemetery.**

Every person who, within any public cemetery or burying ground, wounds or traps any birds or destroys any bird's nest, or removes any eggs or young birds from any nest; and every person who buys or sells, offers or keeps for sale, any bird which has been killed or trapped in violation of this section, is punishable by a fine of Five Dollars (\$5.00) for each offense, recoverable by a civil action in any justice's court within the county where the offense is committed, brought in the name of any person making a complaint.

**No Applicable Case Law.**

**OK ST T. 21 §1685.1. Greyhounds--Using live animal as lure in training—Penalties.**

A. No person may knowingly use any live animal as a lure or bait in training a greyhound for entry in any race.

B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00).

C. The provisions of subsection B of this section shall be the exclusive remedy for any violation of the provisions of subsection A of this section.

**No Applicable Case Law.**

**OK ST T. 21 §1686. Abandoned animals--Euthanasia--Custody of animal following arrest.**

A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.

B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.

C. When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take

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custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.

D. For the purpose of the provisions of this section and Section 1691 of this title, the term “abandon” means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

**No Applicable Case Law.**

**OK ST T. 21 §1688. Animals in transit.**

Any person who carries or causes to be carried in or upon any vessel or vehicle, or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture is guilty of a misdemeanor.

**No Applicable Case Law.**

**OK ST T. 21 §1689. Poisonous drugs, unjustifiable administration of.**

Any person who unjustifiably administers any poisonous or noxious drug or substance to any animal, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, is guilty of a misdemeanor.

**No Applicable Case Law.**

**OK ST T. 21 §1691. Abandoning of domestic animals along streets or highways or in any public place prohibited.**

Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.

**No Applicable Case Law.**

**OK ST T. 21 §1692. Penalty.**

Any person found guilty of violating any of the provisions of Sections 1686, 1688, 1689 and 1691 of this title shall be punished by a fine in an amount not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.

**Applicable Case Law:**

**See *Edmondson v. Pearce*, 91 P.3d 605 (Okla. 2004).**

**OK ST T. 21 §1700. Bear wrestling--Horse tripping.**

A. It is unlawful for any person to:

1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;
2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;
3. Sell, purchase, possess, or offer a horse for any horse tripping event;
4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;
5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or
6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.

C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all

animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

D. As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

**No Applicable Case Law.**

**OK ST T. 4 §512. Seizure of abandoned or neglected animals--Divestment of ownership.<sup>12</sup>**

A. If a law enforcement officer has reason to believe that an animal has been abandoned or neglected in violation of Sections 1685 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the officer may apply in a court of competent jurisdiction for a warrant to seize the animal. Upon a showing of probable cause, the court shall issue a warrant and set a hearing within ten (10) calendar days of the date of issuance to determine if a violation of such statutes has occurred. Upon execution of the warrant, the animal shall be impounded and the owner of the animal shall receive written notice of the time and place of a hearing to determine whether the owner's right to ownership of the animal shall be terminated.

B. If the court finds that the owner of the animal has not abandoned or neglected the animal, the court shall order the animal returned to the owner.

C. If the court finds that the owner of the animal has abandoned or neglected the animal, the owner shall be divested of ownership of the animal, and the court shall order:

1. The ownership of the animal be transferred to a nonprofit animal shelter, pound or society for the protection of animals so that the animal may be sold or adopted; or

2. The animal be humanely destroyed if the court determines that the best interests of the animal or that the public health and safety would be served by doing so.

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<sup>12</sup> **OK ST T. 4 §511. Definitions.**

As used in this act:

1. "Abandon" includes leaving an animal without making reasonable arrangements for assumption of custody by another person; and

2. "Neglect" means unreasonable deprivation of necessary food, care, or shelter.

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D. If the court finds that the owner of the animal has abandoned or neglected the animal, the court shall order the owner to pay all court costs, any reasonable costs incurred for housing and caring for the animal during impoundment, and any reasonable costs incurred for humanely destroying the animal if ordered by the court.

**No Applicable Case Law.**

**Dog and Cat Laws, Generally:**

**OK ST T. 4 §41. Animals chasing or injuring livestock--Right to kill--Liability of owner--Court proceedings—Definitions.**

A. It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of such animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property. The owner of any such animal that kills or injures any livestock shall be jointly and severally liable to any person so damaged, to the full amount of the injury done. The court, before whom a recovery is had for any such injury, shall declare the animal found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such animal within twenty-four (24) hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Such appeals shall be prosecuted in such manner as prescribed by general statutes governing appeals.

B. For purposes of this section:

1. "Livestock" means any cattle, bison, hog, sheep, goat, equine, domesticated rabbits, chicken or other poultry and shall include exotic livestock; and
2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

**Applicable Case Law:**

**See *Laner v. State*, 381 P.2d 905 (Okla.Crim.App. 1963).**

**OK ST T. 4 §42.4. Owners of dangerous dogs, bite or attacks on public property—penalty.**

A. It is unlawful for the owner of any dog that previously has:

1. When unprovoked inflicted bites on any person or severely injured any person either on public or private property; or

2. When unprovoked created an imminent threat of injury or death to any person,

to permit such dog to run at large or aggressively bite or attack any person while such person is lawfully upon public or private property. Upon conviction, the violator shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. In addition, the owner shall be liable for damages as provided in Section 42.1 of Title 4 of the Oklahoma Statutes.<sup>13</sup>

B. The owner of any dangerous dog as defined by Section 44 of Title 4 of the Oklahoma Statutes, or any dog that is described in subsection A of this section, that attacks any person causing the death of such person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by the imposition of a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

C. It is unlawful for any person to release any dog upon a law enforcement officer while the officer is in the performance of official duties. Upon conviction, the violator shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or imprisonment in the county jail for not more than one (1) year, or by imposition of a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. It shall be an affirmative defense to a prosecution pursuant to subsection A or B of this section that the injury or death was sustained by a person who, at the time, was committing a willful criminal act upon the premises of the owner of the dog or was assaulting the owner of the dog.

#### **No Applicable Case Law.**

#### **OK ST T. 4 §43. Counties over 200,000 population--Regulation and control of dogs running at large—Penalties.**

The board of county commissioners of any county with a population of two hundred thousand (200,000) or more according to the last Federal Decennial Census may regulate or prohibit the running at large of dogs within said county, and cause such dogs as may be running at large to be impounded and disposed of as otherwise provided for by law or sold to discharge the costs and penalties provided for the violation of such prohibition and the expense of impounding and

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<sup>13</sup> **OK ST T. 4 §42.1. Personal injury by dog--Liability of owner.**

The owner or owners of any dog shall be liable for damages to the full amount of any damages sustained when his dog, without provocation, bites or injures any person while such person is in or on a place where he has a lawful right to be.

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keeping the same for such sale; and may also provide for the erection of all needful pens, pounds and buildings for the use of said county at any place within said county. It shall be the duty of the board of county commissioners of any county undertaking the regulation and taxation of dogs in said county under this act to establish and enforce rules governing the same, and they shall enter into a definite cooperative agreement with the sheriff of said county prescribing said rules and regulations and the manner and terms of enforcement thereof, and for the financing and compensation therefor. The board of county commissioners may also regulate and provide for taxing the owners and harborers of dogs, and authorize the humane killing or disposal of dogs, found at large, contrary to any ordinance regulating the same. Any person, firm or corporation who violates any rule or regulation made by such board of county commissioners under the authority of this act shall be guilty of a misdemeanor and shall be punished as provided by the laws of this state in any court of competent jurisdiction, provided that in the case of continuing offenses, each day on which the offense occurs shall constitute a separate offense.

**No Applicable Case Law.**

*Dangerous Dogs:*

**OK ST T. 4 §44. Definitions.**

As used in Section 44 et seq. of this title:

1. "Potentially dangerous dog" means any dog that:

- a. when unprovoked inflicts bites on a human either on public or private property, or
- b. when unprovoked attacks a dog which results in the death of said dog either on public or private property;

2. "Dangerous dog" means any dog that:

- a. has inflicted severe injury on a human being without provocation on public or private property,
- b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or
- c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter attacks a dog which results in the death of said dog either on public or private property;



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3. “Severe injury” means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery;

4. “Proper enclosure of a dangerous dog” means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog;

5. “Animal control authority” means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county and state and the shelter and welfare of animals;

6. “Animal control officer” means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal; and

7. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

#### **No Applicable Case Law.**

#### **OK ST T. 4 §45. Certificate of registration for certain dogs required--Exemption—Fee.**

A. It is unlawful for an owner to have a dangerous dog in the state without certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

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2. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in the amount of not less than Fifty Thousand Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

C. If an owner has the dangerous dog in an incorporated area that is serviced by both a city and county animal control authority, the owner shall obtain a certificate of registration from the city authority.

D. Cities and/or counties may charge an annual fee not to exceed Ten Dollars (\$10.00), in addition to regular dog licensing fees, if any are charged, not to exceed Ten Dollars (\$10.00), to register dangerous dogs. Fees shall be retained by the city or county issuing license.

**No Applicable Case Law.**

**OK ST T. 4 §46. Muzzle and restraint of certain dogs required--Local regulation of dangerous dogs--Dogs not to be declared dangerous.**

A. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure as defined by Section 44 of this title, unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. Potentially dangerous or dangerous dogs may be regulated through local, municipal and county authorities, provided the regulations are not breed specific. Nothing in this act shall prohibit such local governments from enforcing penalties for violation of such local laws.

C. Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

**Applicable Case Law:**

Okl. A.G. Opin. No. 07-28, 2007 WL 4699702 (Okl.A.G.)

*Question:*

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Does OK ST T. 4 §46 prohibit a municipality from regulating dangerous or potentially dangerous dogs as determined by the Centers for Disease Control as having the most human dog-bite-related fatalities or considered most likely to kill or seriously maim?

*Answer:*

This statute permits local authorities to regulate potentially dangerous or dangerous dogs, provided that the regulations to do so are not breed specific. Here, the specific report referred to identified by specific pure- and cross-bred breeds of dogs, most frequently involved in human dog-bite-related fatalities. If a municipal ordinance regulating dangerous or potentially dangerous dogs referenced the report referred to here, or any other document, it would have the effect of incorporating the referenced material into the ordinance as if the text were set out verbatim. In this case, to the extent that the referenced material referred to specific dog breeds, the enacting municipality would have adopted a breed-specific ordinance and would therefore be in violation of OK ST T. 4 §46.

Okl. A.G. Opin. No. 05-27, 2005 WL 1996925 (Okl.A.G.)

*Question:*

Can a city or town that has adopted a municipal charter enact and enforce an ordinance to ban specific breeds of dogs?

*Answer:*

The statute in question, OK ST T. 4 §46, expressly prohibits breed-specific municipal regulations concerning potentially dangerous or dangerous dogs. It has been previously held that a charter city's ordinance supersedes state law only in matters of purely municipal concern. However, the Oklahoma Supreme Court has stated that regulation of dogs is a matter of concurrent local and state concern, and that a local ordinance and a state statute relating to dogs and dog attacks may be construed cumulatively if the ordinance is not irreconcilable with the state statute. Here, a municipal ordinance that banned a specific breed of dog would be directly against the provisions of OK ST T. 4 §46(B), which expressly prohibits breed-specific municipal regulations and therefore a city or town which has adopted a municipal charter could not enact and enforce an ordinance to ban specific breeds of dogs.

**OK ST T. 4 §47. Confiscation of dangerous dog--Purpose of act--Other remedies.**

A. Any dangerous dog shall be immediately confiscated by an animal control authority if:

1. The dog is not validly registered under Section 45 of this title;
2. The owner does not secure the liability insurance coverage or surety bond required under Section 45 of this title;

3. The dog is not maintained in the proper enclosure as defined by Section 44 of this title; and

4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person as required by Section 46 of this title.

B. The owner of a dangerous dog shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment for any violation of the laws relating to dangerous dogs resulting in the confiscation of such dog pursuant to any provision of subsection A of this section.

C. The owner of a dangerous dog shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment for any personal injury caused by such dangerous dog. The fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an injury or attack by the dog. However, insurance payments may not be considered as an offset. In addition, the court may require the owner to perform forty (40) hours of community service. The court may suspend any portion of the community service requirement set forth in this section. It shall be an affirmative defense to a prosecution pursuant to this subsection that the injury was sustained by a person who, at the time, was committing a willful criminal act upon the premises occupied by the owner of the dog or was assaulting the owner of the dog.

D. It is the purpose of Sections 44 through 47 of this title to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs in this state. Nothing in this act shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

### **No Applicable Case Law.**

### **Animal Use for Scientific Investigation:**

### **OK ST T. 4 §391. Definitions.**

As used in this act, (a) "Institution" means any school or college of medicine, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory, hospital, or other educational or scientific establishment having to do with the investigation of or instruction concerning the structure or functions of living organisms, the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals provided that high schools and elementary schools shall not be classed as institutions for the purposes of this act. (b) "Public

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pound” means any place used by a city or the state for the detention or keeping of unclaimed or stray animals.

**No Applicable Case Law.**

**OK ST T. 4 §392. Application and issuance of license.**

An institution requiring for the effective carrying on of its scientific or educational activities the use of live dogs and cats may apply to the Oklahoma Department of Agriculture, Food, and Forestry for a license to obtain animals from the establishment maintained and operated by public funds for the confinement, care and disposal of animals seized by public authority, commonly called the “dog pound”. If the Oklahoma Department of Agriculture, Food, and Forestry finds that the institution, by reason of its ethical standards, its personnel, its facilities and the uses it proposes to make of animals is a fit and proper agency to receive a license, and that the public interest would be served by the issuance of a license to the institution, it shall issue a license to the institution, subject to the restrictions and limitations hereinafter provided.

**No Applicable Case Law.**

**OK ST T. 4 §393. Expiration and renewal of licenses.**

A license shall expire annually on June 30, but may be renewed annually from year to year on application to the Oklahoma Department of Agriculture, Food, and Forestry, and on compliance with the conditions required with respect to the original issuance of the license.

**No Applicable Case Law.**

**OK ST T. 4 §394. Delivery of animals on demand--Municipal ordinances relating to impoundment and scientific research.**

A. Except as otherwise provided by municipal ordinance, it shall be the duty of the pound supervisor to deliver from among the available impounded animals on the demand of an institution possessing a license, such number of animals as the institution may demand and be reasonably required effectively to carry on its activities, subject to the following conditions:

1. Such animals shall have been impounded at least fifteen (15) days for dogs without a license, and at least thirty (30) days for dogs with license and remained unclaimed and unredeemed by their owners or by any other person desiring the animal as a pet and willing to pay applicable license fees and the reasonable expenses incurred in the dog's detention; and

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2. Any owner of an animal who voluntarily delivers the possession of it to a public pound shall have a right to specify that it shall not be used for scientific research, and if an owner so specifies, it shall be the duty of the pound superintendent to tag such animal properly and to make certain that such animal is not delivered to an institution for scientific purposes; and

3. If a demand is made on a pound supervisor for a greater number of dogs than he has available for release to the institution, the supervisor shall withhold thereafter from execution all unclaimed and unredeemed dogs until the demand has been met; and

4. Any animal in the pound to which an identification tag is attached may not be disposed of until the owner has been notified.

B. Any city may adopt an ordinance setting the number of days an animal must be impounded and setting restrictions or prohibitions on the delivery of animals for scientific research.

**No Applicable Case Law.**

**OK ST T. 4 §395. Transportation of dogs--Purposes for which used.**

The licensed institution shall provide for the transportation of dogs from the pound, and may use them only in the conduct of their scientific or educational activities.

**No Applicable Case Law.**

**OK ST T. 4 §396. Return of dogs subsequently claimed--Immunity from liability.**

An institution shall at its own expense return to appropriate dog pound any dog delivered to it which subsequently is identified and claimed by its owner; provided, however, that no institution shall be liable to the owner for any injury or illness or subsequent death of any such animal, resulting from the transportation, detention, or proper use of the dog in its scientific and educational activities.

**No Applicable Case Law.**

**OK ST T. 4 §397. Revocation of licenses.**

The Oklahoma Department of Agriculture, Food, and Forestry, after notice and a reasonable opportunity to defend, may revoke the license granted an institution (1) if the institution has violated any provision of this act or any rule or regulation promulgated by the Oklahoma Department of Agriculture, Food, and Forestry pursuant hereto; (2) if the standards, personnel,

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facilities, practices or activities of an institution are such that the continued exercise of the rights conferred by the license issued to the institution is not in the public interest.

**No Applicable Case Law.**

**OK ST T. 4 §398. Obtaining dogs from other sources.**

Nothing in this act shall be construed to affect the right of an institution to obtain dogs from sources other than dog pounds.

**No Applicable Case Law.**

**OK ST T. 4 §399. Rules and regulations--Inspections and investigations.**

A. The Oklahoma Department of Agriculture, Food, and Forestry shall have the power to adopt such rules and regulations, not inconsistent with the laws of Oklahoma, as it may deem necessary to carry into effect the provisions of this act. The Secretary of Agriculture shall have the right whenever it deems advisable to inspect or investigate any institution to which it has granted a license or which has applied for a license.

B. Effective November 1, 2012, all records maintained by the State Board of Health for the purposes of licensing institutions pursuant to Sections 391 through 402 of this title shall be transferred to the Oklahoma Department of Agriculture, Food, and Forestry.

**No Applicable Case Law.**

**OK ST T. 4 §400. Interpretation and construction of law.**

This act shall be so interpreted and construed as to effect its general purpose to make available to qualified institutions for the purpose of scientific investigation, experiment or instruction unclaimed and unredeemed animals impounded in dog pounds.

**No Applicable Case Law.**

Updated as of August 7, 2013

**OK ST T. 4 §401. Misdemeanors.**

It shall be a misdemeanor for:

(a) Any person or institution to violate any of the provisions of this act or any rules and regulations promulgated thereunder, or (b) Any person to fail willfully to execute any duty imposed on him by this act.

**No Applicable Case Law.**

**OK ST T. 4 §402. Partial invalidity.**

If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**No Applicable Case Law.**

**Disposal of Animals in Shelters:**

**OK ST T. 4 §501. Disposal of animals kept for pleasure—Method.**

A. Any dog, cat or any other animal which is kept for pleasure rather than utility in or about a household, held by or in the custody of a private or public animal shelter or agency and not reclaimed by the owner, may be disposed of only by:

1. Adoption as a pet in a suitable home;
2. Delivery to a licensed educational or research institution in accordance with the provisions of Sections 391 through 402 of this title; or
3. Euthanasia by only one of the following methods:
  - a. administration of denatured sodium pentobarbital,
  - b. the use of a carbon monoxide chamber, using commercially compressed cylinder gas; provided that kittens and puppies under sixteen (16) weeks of age shall not be euthanized with carbon monoxide but with injections of denatured sodium pentobarbital, or



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c. any other method approved by the Animal Industries Services Division of the State Department of Agriculture which shall include current acceptable euthanasia recommendations from the American Veterinary Medical Association, with the exception of curariform derivative drugs. The following requirements must be met to ensure the euthanasia agent is humane:

(1) the method should be as painless as possible to the animal as determined by the best available medical and scientific knowledge and technology,

(2) the animal should be kept as free from anxiety and fear as possible,

(3) the technique should be:

(a) simple enough to be used by relatively unskilled personnel,

(b) legally available to all animal shelters and humane societies,

(c) as mechanically simple and maintenance free as possible within reasonable cost, and

(d) physically safe for personnel using it.

B. Death should be confirmed by cessation of vital signs. Professional judgment should be used in consideration of the animal species and method of euthanasia to determine the means of confirming death.

#### **No Applicable Case Law.**

#### **OK ST T. 4 §502. Denatured sodium pentobarbital--Method of administration--Possession and purchase by certified animal euthanasia technician.**

A. Denatured sodium pentobarbital shall be administered by any one of the following methods:

1. Intravenous or intracardial injection of a lethal dose in dogs and cats. Intracardiac injection is acceptable only when performed on heavily sedated, anesthetized, or comatose animals;

2. Oral ingestion by wild or intractable dogs of powdered denatured sodium pentobarbital in capsules mixed with food, with the dog remaining in its individual cage until dead; or

3. Intraperitoneal or intracardial injection in cats, kittens and puppies when location of and injection into the vein is difficult or impossible. Intracardiac injection is acceptable only when performed on heavily sedated, anesthetized, or comatose animals.

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B. Denatured sodium pentobarbital shall be administered under the following conditions:

1. A sharp and undamaged hypodermic needle shall be used for each animal and be of a size suitable for the size and species of animal, and method of injection; and
2. Administration shall be by a licensed veterinarian or by a person trained for this purpose and approved and supervised by a licensed veterinarian, or a person certified as an animal euthanasia technician by the Oklahoma State Board of Veterinary Medical Examiners or an animal control officer registered by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as provided in subsection D of this section.

C. 1. Any certified animal euthanasia technician that is registered by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Drug Enforcement Agency, and who holds a valid certificate issued by the Oklahoma Board of Veterinary Medical Examiners or any animal control officer that is registered by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control is authorized to purchase and possess denatured sodium pentobarbital or other drugs approved by the registering entity for euthanasia of animals provided they are working in conjunction with a law enforcement agency, animal control agency, or animal shelter that is recognized and approved by the Board or the Oklahoma Bureau of Narcotics and Dangerous Drugs Control; and

2. Denatured sodium pentobarbital and other drugs approved by the Board of Veterinary Medical Examiners or the Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall be the only drugs used for the euthanasia of animals in an animal shelter.

**No Applicable Case Law.**

**OK ST T. 4 §503. Carbon monoxide—Administration.**

Personnel shall be thoroughly instructed and be adequately trained in the operation and use of the carbon monoxide chamber. Carbon monoxide shall be administered in the following manner:

Adult animals, over sixteen (16) weeks of age, to be euthanized, shall be left in the chamber for a minimum of twenty (20) minutes after the carbon monoxide is administered. No animal so euthanized shall be removed until five (5) minutes after cessation of respiratory movements. The animal's body shall not be disposed of until death has been confirmed.

**No Applicable Case Law.**

Updated as of September 19, 2013

**OK ST T. 4 §504. Carbon monoxide chambers--Equipment required.**

Carbon monoxide chambers shall be equipped with:

1. Internal lighting and a viewport providing direct visual observation of any animal within the chamber;
2. Compressed cylinder gas of commercial grade adequate to achieve a uniform carbon monoxide gas concentration throughout the chamber that induces unconsciousness within three (3) minutes after any animal is placed in the chamber;
3. A suitable gauge or gas concentration indicator or recording device making possible easy and instantaneous visual determination of the carbon monoxide concentration in the chamber;
4. A means of keeping the animals in the chamber in separate compartments;
5. An exhaust fan connected by a gas-tight duct to the outdoors, capable of completely evacuating the gas from the chamber before it is opened after each use, for protection of personnel. There shall also be a gas analyzer located in the room that is capable of warning personnel of hazardous concentrations while the chamber is being used. Small carbon monoxide chambers without exhaust fan or warning bell may be placed outdoors, provided they are placed under a shelter with a roof for protection of equipment and personnel, but open at the sides for ventilation.

**No Applicable Case Law.**

**OK ST T. 4 §506. Municipality not having proper facilities and personnel--Manner of disposal.**

Any municipality that does not have proper facilities and trained personnel shall transport in a humane manner any animals which are to be euthanized to the nearest municipality which has proper facilities and trained personnel or contract for euthanasia of such animals by a licensed veterinarian.

**No Applicable Case Law.**

**OK ST T. 4 §507. Violation of act as nuisance--Injunction—Abatement.**

Updated as of August 7, 2013

Failure by any private or public animal shelter to comply with the provisions of this act for euthanizing animals shall constitute a nuisance. Any person may maintain a civil action to enjoin the continuance of the nuisance. If the acts sought to be enjoined are determined by the courts to violate the provisions of this act, a permanent injunction against such acts shall be granted. The nuisance may also be abated by any public body or officer authorized to do so by law.

**No Applicable Case Law.**

**OK ST T. 4 §508. Exemptions.**

The provisions of Sections 1 through 7 of this act shall not apply to any municipality with a population of ten thousand (10,000) or less persons according to the latest Federal Decennial Census. However, unclaimed animals must be destroyed by an acceptable, humane method.

**No Applicable Case Law.**