



Oklahoma SB 1712: Commercial Breeders Pet Act

The Oklahoma Legislature is considering a bill entitled the Commercial Breeders Pet Act which contains several provisions of concern including the definition of commercial breeder, provides that standards, facility requirements, etc to be determined by the Board to be established at a later date, denies breeders fair representation on the Board that will govern them, deprives breeders of due process and would do the state of Oklahoma a great disservice if passed. **Please urge the Oklahoma legislature to vote no on this legislation.**

SB 1712 overview:

Commercial breeder should not be based upon arbitrarily low numbers or overly vague concepts such as "engaged in the business of breeding" or "possess" all of which cover many hobby breeders who neither make a significant percentage of their income or even a profit on their activities. The determination of whether someone is a commercial breeder should be based solely upon qualitative factors rather than quantitative factors. Many breeders will have another's dog or cat for a temporary time for breeding purposes. Many breeders have co-ownership agreements especially with new breeders so that they can ensure a mentorship relationship with the new breeder. All of these items ensure that this legislation covers far more breeders than is intended by this legislation on its surface.

This legislation deprives covered breeders of their due process rights. A registered breeder inspector should never be allowed to conduct investigations unless they are also police officer trained in due process procedure as these investigations have a strong likelihood of becoming criminal investigations and ANY violation of this may result in imprisonment of up to one year. Covered breeders are also forbidden to interfere with, hinder or thwart investigation even to the extent of demanding due process.

Legislators should not abdicate the responsibility of legislating to a "Board". Not only should a workable definition of commercial breeder (such as that for the federal Animal Welfare Act) be determined via legislation but also any conditions and requirements on obtaining any required license should be determined by the legislature through the appropriate processes and not delegated. By delegating the legislative responsibilities to a Board, this legislation denies the citizens of Oklahoma from being allowed to make an informative decision on whether to support or oppose this proposed legislation. Many of these standards, conditions and requirements are already covered by cruelty laws within the state. It also states the USDA requirements will be the minimum requirements under this legislation. This ignores that the USDA facility and care requirements do not take into consideration the actual needs of cats or home breeding environments.

Furthermore this board is flawed by the inequitable representation of the very people to be legislated. Of the 8 positions, only one position is available for an actual representative of the people being legislated. These are the very people who have the greatest knowledge on breeding dogs and cats. However, cats are not little dogs just as dogs are not little steers. A dog breeder will not be knowledgeable of the nuances in breeding cats and vice versa.

Oklahoma has laws on the books, including sales tax laws that already govern the people this legislation seeks to govern. This legislation is a disservice to the citizens of Oklahoma, inequitable to covered breeders, will be an administrative nightmare to set up and enforce, and will be exorbitantly expensive to administer especially in today's economic times.