

OKLAHOMA STATUTES
TITLE 4
ANIMALS

§4-1. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-2. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-11. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-12. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-13. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-14. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-15. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-21. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-22. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-23. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-24. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-25. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-29.1. Repealed by Laws 1951, p. 91, § 608.

§4-29.2. Repealed by Laws 1951, p. 91, § 608.

§4-29.3. Repealed by Laws 1951, p. 91, § 608.

§4-31. Breeding certificates - Duty to furnish - Contents - Form.

The owner or keeper of any registered male animals who collect a fee for the service of same, shall upon request of the owner of any registered female of the same breed which has been bred to such registered male animal, and the fee therefor paid, furnish to such owner a breeding certificate, giving name and register number of such male animal and the date of such service, such information to be furnished in the form required by the breeders' association with which such animals are registered, to the end that the offspring may be registered.

Added by Laws 1915, c. 40, § 1.

§4-32. Refusal to furnish certificate - Penalty.

Refusal to comply with the provisions of section one hereof shall be a misdemeanor punishable by a fine of not more than Fifty Dollars (\$50.00).

Added by Laws 1915, c. 40, § 2.

§4-41. Animals chasing or injuring livestock - Right to kill - Liability of owner - Court proceedings - Definitions.

A. It shall be lawful for any 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. 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. R.L. 1910, § 120. Amended by Laws 1935, p. 190, § 1; Laws 1949, p. 39, § 1, emerg. eff. Feb. 15, 1949; Laws 1993, c. 36, § 1, eff. July 1, 1993; Laws 2002, c. 187, § 2, eff. Nov. 1, 2002.

§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.

Added by Laws 1947, p. 32, § 1. Amended by Laws 1980, c. 75, § 1, eff. Oct. 1, 1980.

§4-42.2. Lawful presence on owner's property, what constitutes - Public place, what is.

For the purpose of this act a person shall be considered to be lawfully upon the private property of the owner of a dog when he is on such property in the performance of any duty imposed upon him by the laws of this state, or by the laws of the United States, or the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on said premises, or when working on said property at the request of the owner or any tenant having a lease upon any portion of said property, or when on such property upon the invitation, either expressed or implied, of the owner or lessee of such property. The term "public place" shall, for the purpose of this act, mean and include any and all public buildings, parks, playgrounds and recreational facilities, and any and all places of business, amusement or entertainment which are privately owned, wherein merchandise, property, services, entertainment or facilities are offered for sale, hire, lease, or use.

Added by Laws 1947, p. 32, § 2.

§4-42.3. Exceptions to application of act - Existing rights and liabilities.

Provided that this act shall not apply to rural areas of this state or to any cities or towns that do not have city or village United States mail delivery service. Provided, nothing herein shall be construed as diminishing any right or liability for injury by dog bites now existing under the laws of this state.

Added by Laws 1947, p. 32, § 3.

§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 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.

Added by Laws 1959, p. 25, § 1.

§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 kills or severely injures a domestic animal 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 kills or severely injures a domestic animal;
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.

Added by Laws 1991, c. 199, § 1, eff. Feb. 1, 1992.

Amended by Laws 2001, c. 159, § 1, emerg. eff. May 1, 2001.

§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

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.
Added by Laws 1991, c. 199, § 2, eff. Feb. 1, 1992.

§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 unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraining 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.

Added by Laws 1991, c. 199, § 3, eff. Feb. 1, 1992.

§4-47. Confiscation of dangerous dog - Purpose of act -
Other remedies.

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

1. The dog is not validly registered under Section 2 of this act;

2. The owner does not secure the liability insurance coverage or surety bond required under Section 2 of this act;

3. The dog is not maintained in the proper enclosure; 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. In addition, the owner 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. Any such fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog. However, insurance payments may not be considered as an offset.

It is the purpose of this act 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.

Added by Laws 1991, c. 199, § 4, eff. Feb. 1, 1992.

- §4-51. Repealed by Laws 1943, p. 16, § 5.
- §4-52. Repealed by Laws 1943, p. 16, § 5.
- §4-53. Repealed by Laws 1943, p. 16, § 5.
- §4-54. Repealed by Laws 1943, p. 16, § 5.
- §4-61. Repealed by Laws 1963, c. 220, § 11.
- §4-62. Repealed by Laws 1941, p. 462, § 1.
- §4-63. Repealed by Laws 1941, p. 462, § 1.
- §4-64. Repealed by Laws 1941, p. 462, § 1.
- §4-65. Repealed by Laws 1941, p. 462, § 1.
- §4-66. Repealed by Laws 1941, p. 462, § 1.
- §4-67. Repealed by Laws 1963, c. 220, § 11.
- §4-68. Repealed by Laws 1941, p. 462, § 1.
- §4-69. Repealed by Laws 1941, p. 462, § 1.
- §4-70. Repealed by Laws 1941, p. 462, § 1.
- §4-71. Repealed by Laws 1941, p. 462, § 1.
- §4-72. Repealed by Laws 1941, p. 462, § 1.
- §4-73. Repealed by Laws 1941, p. 462, § 1.
- §4-74. Repealed by Laws 1941, p. 462, § 1.
- §4-75. Repealed by Laws 1941, p. 462, § 1.
- §4-81.1. Repealed by Laws 1963, c. 200, § 11.
- §4-81.2. Repealed by Laws 1963, c. 220, § 11.
- §4-81.3. Repealed by Laws 1963, c. 220, § 11.
- §4-81.4. Repealed by Laws 1963, c. 220, § 11.

- §4-82.1. Repealed by Laws 1970, c. 165, § 13.
- §4-82.2. Repealed by Laws 1970, c. 165, § 13.
- §4-82.3. Repealed by Laws 1970, c. 165, § 13.
- §4-82.4. Repealed by Laws 1970, c. 165, § 13.
- §4-82.5. Repealed by Laws 1970, c. 165, § 13.
- §4-82.6. Repealed by Laws 1970, c. 165, § 13.
- §4-82.7. Repealed by Laws 1970, c. 165, § 13.
- §4-82.8. Repealed by Laws 1970, c. 165, § 13.
- §4-82.9. Repealed by Laws 1970, c. 165, § 13.
- §4-82.10. Repealed by Laws 1970, c. 165, § 13.
- §4-85.1. Definitions.

A. As used in this act, "domestic animals" shall include all domestic animals including but not limited to cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry and exotic livestock. The term "domestic animals" shall not include dogs, cats and feral hogs.

B. As used in this section:

1. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group; and

2. "Feral hog" means any hogs (*Sus Scrofa*), including, but not limited to, Russian and European wild boar which are running at large upon public lands or upon private lands in this state whose owner is unknown in the vicinity of the premises where such feral hogs are found. If the owner of a stray hog is known, a hog running at large upon public lands or upon private lands in this state shall not be considered feral until five (5) calendar days after escaping from domestic confinement. If notice is provided to adjacent landowners within those five (5) calendar days, the hog shall not be considered feral for an additional ten (10) calendar days.

Added by Laws 1970, c. 165, § 1. Amended by Laws 1974, c. 29, § 1, emerg. eff. April 11, 1974; Laws 1993, c. 36, § 2, eff. July 1, 1993; Laws 2000, c. 206, § 1, emerg. eff. May 19, 2000.

§4-85.2. Estrays - Taking and killing of feral hogs.

A. Any domestic animal found running at large upon public or private lands in the State of Oklahoma, whose owner is unknown in the vicinity of the premises where found, shall be known as an "estrays", and it shall be unlawful for any person, company or corporation or either of their employees or agents to take up an estray and retain possession of same, except as provided in this act.

B. Any person may take and kill feral hogs provided that:

1. Feral hogs taken on public property during any established hunting season must be taken with weapons and methods authorized by the Department of Wildlife Conservation for that hunting season;

2. Feral hogs may be taken on any land where the hunter has legal access unless prohibited by the landowner pursuant to the Oklahoma Wildlife Code; and

3. No person whose hunting license is revoked may take or kill feral hogs during the period of the revocation.

Added by Laws 1970, c. 165, § 2. Amended by Laws 2000, c. 206, § 2, emerg. eff. May 19, 2000.

§4-85.3. Taking up by landowner or lessee - Investigation - Reports.

Any landowner or lessee of land may take up any domestic animal that strays upon his premises or any public thoroughfare adjoining the same. When any person shall take up any stray animal, he shall make a reasonable investigation immediately to ascertain the owner of such animal and, within seven (7) days, he shall report such taking up to the county sheriff of the county in which the animal was taken up, giving a description of the animal, setting forth the brand, sex, and approximate age of such animal. When the identity of the owner of any stray animal is known to the taker-up he shall communicate to the said owner that the animal has strayed and that he has taken it up. The taker-up may require the owner of any strayed animal he has taken up to pay the actual cost of its keep while so taken up plus all damages that the strayed animal caused to the premises. When one who has taken up a strayed animal is unable, after investigation, to ascertain by whom the animal is owned, or when an owner of a strayed animal is identified and known to be such but neglects or fails to pay the cost of the animal's keep while taken up plus all damages it caused to the premises of the taker-up and remove the animal from the possession of the taker-up the latter shall report all facts relative to the matter to the sheriff of the county in which the animal was taken up. Added by Laws 1970, c. 165, § 3. Amended by Laws 1974, c. 29, § 2, emerg. eff. April 11, 1974; Laws 1980, c. 161, § 1, eff. Oct. 1, 1980.

§4-85.4. Rights and duties of taker-up.

Upon taking up an estray animal or animals, and after sending a description to the county sheriff, the taker-up

shall be entitled to hold the same lawfully until relieved of its custody by the sheriff. Should a claimant for said animal apply to the taker-up for possession of this animal, the taker-up shall at once notify the sheriff, and should the sheriff be satisfied that said applicant is the rightful owner, he shall issue an order authorizing the taker-up to grant possession of the estray to the rightful owner. The owner shall be required to pay to the taker-up the actual cost for keeping the estray, together with the actual amount of any damages suffered by the taker-up as a result of the estray being upon his premises and such costs and damages shall be approved by the district judge and shall be entered on the order by the sheriff.

Added by Laws 1970, c. 165, § 4. Amended by Laws 1980, c. 161, § 2, eff. Oct. 1, 1980.

§4-85.5. Duties of peace officer.

A. 1. Upon receiving notice of the taking up of any strayed animal, it shall be the duty of any peace officer, unless the owner thereof is identified and known by the peace officer to be the owner, to make or cause to be made an examination of the brand records and reports of lost, strayed and stolen livestock.

2. If from these records the name of the owner or probable owner can be determined, the owner shall be notified forthwith of the taking up of the strayed animal.

3. If the name of the owner or probable owner cannot be determined, the officer shall arrange for the housing of the animal as provided by subsection B of this section.

B. The Department of Public Safety and any municipality, county, or other political subdivision of this state may establish a list of facilities, including, but not limited to, livestock sales facilities or veterinary clinics, for an official rotation log for the keeping of strayed animals pursuant to the request of or at the direction of any officer of the Department or a municipality, county, or other political subdivision. The Department of Public Safety may promulgate rules for the implementation and administration of this section.

C. Upon the owner's proving to the satisfaction of the peace officer that the animal is lawfully the owner's, the peace officer shall allow the animal to be taken by the owner, upon payment of the actual cost for keeping it together with the amount of any damages suffered by the taker-up as a result of the strayed animal being upon the premises of the taker-up.

D. If the owner fails to pay the charges, the animal shall be sold according to provisions of Section 85.6 of this title.

E. After all costs and expenses incurred for the care, transportation, and sale of such animal have been deducted from the gross sale proceeds, the net amount shall be paid to the owner.

Added by Laws 1970, c. 165, § 5. Amended by Laws 1974, c. 29, § 3, emerg. eff. April 11, 1974; Laws 1997, c. 44, § 1, eff. Nov. 1, 1997; Laws 2000, c. 253, § 1, eff. Nov. 1, 2000; Laws 2004, c. 130, § 1, emerg. eff. April 20, 2004.

§4-85.6. Sale of unclaimed animals.

A. If a peace officer is unable to determine the owner or probable owner of any strayed animal from brand records and other reports of lost, strayed and stolen livestock, the sheriff shall cause to be published in a newspaper having general circulation in the county in which the strayed animal has been taken up, a description of the animal which shall contain sex, age and brand or brands but shall not contain color, or marks or other descriptive information. The notice shall be published for two (2) consecutive weekly issues. If after such publication the sheriff is still unable to determine the owner, the animal shall be sold by the sheriff, at the nearest approved and licensed or federally inspected livestock auction market from where taken up, inside the State of Oklahoma.

B. The approved selling firm shall forward by mail to the sheriff a check for the proceeds and other sales information, listing a description, sex, weight, selling price per pound and total sales price less normal and customary marketing fees.

C. The sheriff shall pay to the taker-up of an unclaimed stray animal the actual cost for keeping it, together with the actual amount of any damages suffered by the taker-up as a result of the strayed animal being upon the premises.

D. All remaining money, if any, shall be deposited with the county treasurer to be held by the treasurer in a special fund from which payment may be made to a claimant who has been determined by the district court to be the owner of the stray animal. If not expended pursuant to court order within one (1) year the funds so deposited shall be credited to the County General Fund.

Added by Laws 1970, c. 165, § 6. Amended by Laws 1974, c. 29, § 4, emerg. eff. April 11, 1974; Laws 1997, c. 44, § 2,

eff. Nov. 1, 1997; Laws 2000, c. 253, § 2, eff. Nov. 1, 2000.

§4-85.7. Adverse claimants.

In the event that there is more than one (1) claimant to any estray after the publication of the notice, as provided by this act, and if a contest or controversy ensues as a result of adverse claimants, then after the publication the sheriff shall certify the matter to the district court of the county in which the estray is taken up, and the small claims division of the district court shall docket said matter in a proper docket supplied by the county for such purpose, and the claimants shall have ten (10) days from the date of such docketing of said matter to file affidavits in support of their several claims. The district court shall also have the right and authority to hear oral testimony at any reasonable time on notice to the claimants to determine the ownership of such estray, and after said hearing the district court shall enter a finding determining the ownership of said estray. Such finding shall have the same effect and force as a judgment and shall be appealable as other matters from the district court but such appeals shall be taken within ten (10) days. In the event two (2) or more claimants are found to be the owners of such estrays, the expenses incurred by the taker-up shall be assessed pro rata to the owners. They shall jointly pay for the keeping of such estrays as is customary in the community for pasturing, feed and keeping of such animals, together with the cost of the proceeding including publication costs.

Added by Laws 1970, c. 165, § 7.

§4-85.10. Duty to feed and care for estrays.

Any person taking up an estray as hereinbefore provided shall feed and care for said estray.

Added by Laws 1970, c. 165, § 10.

§4-85.11. Penalties.

If any person unlawfully takes up or conceals an estray, or fails to comply with the provisions of this act, such person so offending shall be guilty of the felony of larceny of domestic animals and shall be punished according to the provisions of Section 1716 of Title 21 of the Oklahoma Statutes.

Added by Laws 1970, c. 165, § 11. Amended by Laws 1974, c. 29, § 5, emerg. eff. April 11, 1974; Laws 1997, c. 133, § 121, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 121 from July 1, 1998, to July 1, 1999.

§4-85.12. Jurisdiction to settle disputes and claims.

In event the taker-up and the owner and/or claimant cannot agree as to the amount of damages or expenses involved, the small claims division of the district court in the county where estray is located shall have jurisdiction to adjudicate the matter, as well as determine claims between more than one person who claim ownership of the estray.

Added by Laws 1970, c. 165, § 12.

§4-85.13. Claim to ownership of exotic livestock under this chapter - Conditions.

A. A person may claim to be the owner of exotic livestock under this chapter only if:

1. The exotic livestock is tagged, branded, banded, or marked in another manner that identifies the exotic livestock as being the property of the claimant; or

2. The person acquired the exotic livestock by purchase, gift, devise, inheritance, or other lawful transfer or the exotic livestock was born or hatched on property owned or leased by the claimant or on other property under an agreement with the claimant in which the claimant may assert ownership of the exotic livestock and:

- a. the exotic livestock, when normally in the possession of the owner, is impounded within a fence or by another restraining device that is generally appropriate to prevent the escape of the type of animal claimed, or
- b. the animal claimed is of such rarity or has such genetic marking or other attributes as to identify the exotic livestock as having come from the claimant's stock having the same rarity or attributes.

B. Under subsection A of this section, a lawful transfer does not include the live taking of an exotic livestock in this state on property that is owned or leased by a person other than the claimant.

Added by Laws 1993, c. 36, § 3, eff. July 1, 1993.

§4-91. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

- §4-92. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-93. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-94. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-95. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-96. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-97. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-98. Restraint of all domestic animals - Damages for trespass.

All domestic animals shall be restrained by the owner thereof at all times and seasons of the year from running at large in the State of Oklahoma. Damages sustained by reason of such domestic animals trespassing upon lands of another shall be recovered in a manner provided by law. For the purpose of this act, domestic animals shall include cattle, horses, swine, sheep, goats, exotic livestock and all other animals not considered wild. The term "domestic animals" shall not include domestic house pets or feral hogs.

Added by Laws 1965, c. 117, § 1, eff. Jan. 1, 1966.

Amended by Laws 2000, c. 206, § 3, emerg. eff. May 19, 2000.

§4-99. Failure to keep domestic animals enclosed - Release of hog to live in wild or feral state - Penalties.

A. Any person who:

1. Willfully omits to keep a domestic animal such person owns or has charge of within a suitable enclosure;
2. Allows the animal to be unrestrained or to run at large, with notice, actual or constructive, that the enclosure within which such animal is kept is open; or
3. Knowingly causes a domestic animal to escape confinement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each offense, or not more than thirty (30) days' imprisonment in the county jail for each offense, or by both such fine and imprisonment.

B. 1. No person shall willfully release any hog to live in a wild or feral state upon public land or upon private land.

2. Any person who violates this subsection shall be deemed guilty of a misdemeanor and upon conviction shall be

subject to a fine not to exceed Five Hundred Dollars (\$500.00).

C. For the purpose of this act, the term "domestic animals" shall not include domestic house pets or feral hogs.

Added by Laws 1972, c. 131, § 1, emerg. eff. April 7, 1972.

Amended by Laws 2000, c. 206, § 4, emerg. eff. May 19, 2000.

- §4-101. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-102. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-103. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-104. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-105. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-106. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-107. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-108. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-109. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-110. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-111. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-112. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-114.1. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-114.2. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-115.1. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-115.2. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-115.3. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-115.4. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.
- §4-121. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-122. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-131. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-132. Removal of stock from distraint without leave of possessor - Penalty - Civil liability.

If any person, by force or otherwise, without leave of the person having the stock under distraint remove the stock from such distraint, he shall be guilty of a misdemeanor, and shall pay a fine of not less than ten (10) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not less than ten (10) nor more than thirty (30) days, and shall in addition thereto, be liable in a civil action for the recovery of the stock so relieved from distraint, or for damages and costs, as the party distraining may elect.

R.L. 1910, § 150.

§4-133. Stock "owner" defined.

The word "owner" as used in this article shall include the person entitled to the immediate possession of the animal, and also the person having charge or care of the same, and also the person having the legal title thereto.

R.L. 1910, § 151.

§4-134. Land "owner" defined.

For the purposes of this article, the owner, homesteader, tenant, or other person in the possession of, or cultivating the land trespassed upon, shall be deemed to be the owner thereof.

R.L. 1910, § 152.

§4-135. Proceedings after distraint - Assessment of damages - Notices - Sale - Surplus.

A. Within forty-eight (48) hours after stock has been distrained, Sunday not being included, the party distraining, or such party's agent, shall notify the owner of the stock when known, or, if unknown, the party having them in charge. If the owner fails to satisfy the person whose lands are trespassed upon, the party injured shall, within twenty-four (24) hours thereafter, notify in writing the county sheriff to come upon the premises to view and assess the damages.

B. The county sheriff shall, within forty-eight (48) hours after receiving such notice, Sundays and holidays excepted, proceed to view and assess the damages, and determine a reasonable amount to be paid for seizing and keeping said stock. If the person owning the distrained

stock fails to pay the damages as assessed, the sheriff shall provide for the public notice and sale of the distrained stock as provided by Section 85.6 of this title.

C. Any money or stock left after satisfying such claims shall be returned to the owner of the stock sold. R.L. 1910, § 153. Amended by Laws 1968, c. 72, § 1; Laws 1997, c. 44, § 3, eff. Nov. 1, 1997.

§4-136. Assessment of damages - Filing - Review - Bond - Supersedeas - Delivery of stock to owner appealing - Certification of papers.

The county sheriff shall make his assessment in writing and file the same with the county clerk, to be kept in his office. Any person aggrieved by the action of the county sheriff under this article, may appeal therefrom, to the district court. The person appealing shall file with the county sheriff a bond, in a penalty double the value of the property distrained, or if the value of the property exceed the amount of damage claimed, then in double the amount of damages, with good and sufficient sureties, to be approved by the county sheriff, and from and after the filing of the appeal bond, the same shall operate as a supersedeas. In case the owner of such stock be the appellant, the same shall be delivered to him. The county sheriff shall, after the appeal is taken, certify all the original papers in the case to the district court.

R.L. 1910, § 154. Amended by Laws 1968, c. 72, § 2.

§4-137. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-138. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-139. Controversy over partition fence - Application to fence viewers - Notice - Authority of viewers.

When a controversy arises between the respective owners about the obligation to erect or maintain a partition fence, either party may apply to the fence viewers, who, after due notice to each party, may inquire into the matter and assign to each his share thereof, and direct the time in which each shall erect or repair his share in the manner provided above.

R.L. 1910, § 157.

§4-140. Repair or reconstruction of fence by complainant - Recovery of value and viewers' fees from landowner - Interest.

If such fence be not repaired or built accordingly, the complainant may repair or rebuild it, and the same being adjudged sufficient by the fence viewers, and the value thereof, with their fees, being ascertained by them, and certified under their hands, the complainant may demand of the owner of the land where the fence was deficient, the sum so ascertained, and in case of neglect to pay the same, for one (1) month after demand, may recover it by civil action together with one percent (1%) a month interest thereon.

R.L. 1910, § 158.

§4-141. Fence viewers - Number - Qualifications - Appointment - Compensation.

Fence viewers herein designated shall consist of three (3) disinterested freeholders, one to be chosen by each of the interested parties, and the two so chosen shall choose the third person, and the three so chosen shall proceed to discharge the duties of fence viewers as herein provided. Such fence viewers to be allowed One Dollar (\$1.00) per day each, to be paid by the interested parties: Provided, that if either party shall fail or refuse to appoint such fence viewers, as herein provided, within three (3) days after so requested to do by the other interested party, then the county sheriff shall, on application of the party making the request for fence viewers, appoint such fence viewer for such party so failing or refusing to appoint.

R.L. 1910, § 159. Amended by Laws 1968, c. 72, § 3.

§4-142. Fence repair.

All partition fences shall be kept in good repair throughout the year, unless the owners on both sides otherwise agree in writing.

R.L. 1910, § 160.

§4-143. Commons - Owners not required to fence - Lands enclosed or used otherwise than as commons - Duty to fence.

Any person not wishing his land enclosed, and not occupying or using it otherwise than as commons, shall not be compelled to contribute to erect or maintain any fence between him and an adjacent owner; but when he encloses or uses his land otherwise than as a commons, he shall contribute to the partition fences as in this article provided.

R.L. 1910, § 161.

§4-144. Severalty owned lands enclosed in common without partition fence - Division of fence line - Construction of fence.

When lands owned in severalty have been enclosed in common without a partition fence, and one of the owners is desirous of occupying his in severalty and the other refuses or neglects to divide the line where the fence shall be built, or refuses to build a sufficient fence on his part of the line, when divided, the party desiring it may have the same divided and assigned by the fence viewers, who may, in writing, assign a reasonable time within six (6) months, having regard for the season of the year, for making the fence, and if either party neglects to comply with the decision of the viewers the other, after making his own part, may make the other part and recover as hereinbefore provided.

R.L. 1910, § 162.

§4-145. Opening field for use as commons - Notice.

In the case mentioned in the preceding section, when one of the owners desires to throw open any portion of his field not less than sixteen (16) feet in width and leave it unenclosed to be used as a commons by the public, he shall first give the other party six (6) months' notice thereof.

R.L. 1910, § 163.

§4-146. Joinder to partition fence - Payment for or rebuilding of half of fence.

When land which has lain unenclosed is enclosed the owner thereof, before he join to any partition fence, already erected, shall pay for one-half (1/2) of each partition fence between his lands and the adjoining lands, the value to be ascertained by the fence viewers, and if he neglects for thirty (30) days after notice and demand to pay the same, the party to whose fence he joins may recover as before provided, or such person, enclosing such land, may, at his election, rebuild and make one-half (1/2) of the fence, and if he neglects so to do for two (2) months after making such election, he shall be liable as above provided.

R.L. 1910, § 164.

§4-147. Recorded fence division - Effect on owners and successors.

When a division of fence between the owners of improved land shall have been made, either by fence viewers or agreement in writing, and is recorded in the office of the

county clerk of the county where the lands are, the owners and their heirs and assigns shall be bound thereby, and shall support them accordingly.

R.L. 1910, § 165.

§4-148. Application of term "owner".

In the provisions of this article relating to fences the term "owner" shall apply to the occupant or tenant where the owner does not reside in the county, but these proceedings will not bind the owner unless notified.

R.L. 1910, § 166.

§4-149. Fence or improvements on land of another - Removal - Damages - Notice to remove - Effect of nonremoval.

When a person has made a fence or other improvements on land, which, on afterwards making division lines, is found to be on the land of another, such person shall not remove such fence or other improvements, until he shall have paid to the owner of such land all damages by reason of such improvements or fence being so located, and if the person making such fence or other improvements fail to pay such damages and remove the said improvements within six (6) months after such division line has been established, and after having thirty (30) days' notice from the owner of said land to remove such fence or improvements, then said fence or improvements shall become a part of the real estate and belong to the owner thereof: Provided, that when the parties interested in such land and such fence and improvements cannot agree as to the amount of such damages, by reason of such improvements being upon the land of another, the fence viewers may determine the amount of such damages as in other cases.

R.L. 1910, § 167.

§4-150. Fence or improvements on land of another - When not removable.

But such fence or other improvement, except substantial buildings, shall not be removed if they were made of timber or other material taken from the land on which they lie, until the party pays the owner the value of the timber, or other material, to be ascertained by fence viewers, nor shall a fence be removed at any time when the removal will throw open or expose the crop of the other party, but it shall be removed in a reasonable time after the crop is secured, although six (6) months has passed.

R.L. 1910, § 168.

§4-151. Additional powers of fence viewers.

When any question arises between parties other than those stated, concerning their rights in fences or their duties in relation to building or maintaining or removing them, such question may be determined by the fence viewers. R.L. 1910, § 169.

§4-152. Erection and removal of line fence.

A person building a fence may erect the same upon the line between him and the adjacent owners, so that the fence may be partly on one side and partly on the other, and the owner of such fence shall have the same right to remove it as if it were wholly on his land: Provided, that such fence is not more than five (5) feet from such line. R.L. 1910, § 170.

§4-153. Legal proceedings or agreement not barred.

The foregoing provisions of this article, shall not bar any other legal proceedings, for the determination of the title of land, or dividing the line between contending owners, nor do they preclude agreement by the parties. R.L. 1910, § 171.

§4-154. Lawful fence - Construction - Material - Height - Tightening.

A fence made of three rails of good substantial material, or three boards not less than six (6) inches wide and three-quarters (3/4) of an inch thick, such rails or boards to be fastened in or to good substantial posts not more than ten (10) feet apart where rails are used, and not more than eight (8) feet apart where boards are used, where either wholly or in part substantially built and kept in good repair, or any other kind of fence, which, in the opinion of the fence viewers shall be equivalent thereto, shall be declared a lawful fence: Provided, that the lowest or bottom rail, wire or board shall not be more than twenty (20) or less than sixteen (16) inches from the ground, and that such fence shall be fifty-four (54) inches in height, except that a barb wire fence may consist of three barb wires, or four wires, two of which shall be barbed, the wires to be firmly fastened to the posts not more than two (2) rods apart, with two stays between the posts, or with posts not more than one (1) rod apart without such stays, the top wire to be not less than fifty-four (54) nor more than fifty-eight (58) inches in height, and the bottom wire to be not more than twenty (20) or less than sixteen (16) inches from the ground: Provided,

further, that all partition fences may be made tight at the expense of the party desiring it, and such party may take from such fence the material by him added thereto whenever he may elect: And provided, further, that when the owner or occupants of adjoining lands both use the fence for the purpose of restraining swine, goats or sheep, each of said owners or occupants shall keep their respective share of the partition fence sufficiently tight to restrain such sheep, goats or swine.

R.L. 1910, § 172.

§4-155. Damages by animals breaking fences - Seizure.

In districts where fences are required, as in this article provided, the owner of stock shall be liable for all damages done by animals breaking through or over lawful fences and trespassing upon the enclosed lands of another, and the animals so breaking through or over such fence may be seized as trespassing animals and proceeded with as provided in this article.

R.L. 1910, § 173.

§4-156. Lien of judgment for damages on trespassing stock - Execution.

In all cases where the plaintiff may recover judgment for damages caused by the trespassing of animals of another, the judgment shall be a lien upon the stock so trespassing, and the plaintiff may have special execution for the sale of such stock to satisfy the judgment and costs or general execution as he may elect.

R.L. 1910, § 174.

§4-181. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-182. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-183. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-184. Repealed by Laws 1965, c. 117, § 2, eff. Jan. 1, 1966.

§4-191. Lien for feeding, grazing and herding.

Any person employed in feeding, grazing or herding any domestic animals, whether in pasture or otherwise, shall have a lien on said animals for the amount due for such feeding, grazing or herding.

R.L. 1910, § 175.

§4-192. Lien for furnishing feed.

Any person, partnership, firm or corporation in this state, or in any border county of the adjacent states, furnishing or providing to the owner of such domestic animals any corn, feed, forage or hay, for the sustenance of such domestic animals, shall have a lien on said animals for the amount due for such corn, forage, feed and hay.
R.L. 1910, § 176.

§4-193. Lien for keeping, boarding or training animal -
Scope.

Every person who shall keep, board or train any animal, shall, for the amount due therefor, have a lien on such animal, and on any vehicle, harness or equipment coming into his possession therewith, and no owner or claimant shall have the right to take any such property out of the custody of the person having such lien, except with his consent, or on the payment of such charge; and such lien shall be valid against said property in the possession of any person receiving or purchasing it with notice of such claim.

R.L. 1910, § 177.

§4-194. Enforcement of lien - Complaint - Summons - Notice - Trial - Order of sale - Dismissal - Personal judgment - Costs.

The lien provided for in the preceding section shall be enforced as follows: The person claiming the lien shall file with a judge of the district court, or other court having competent jurisdiction in the county in which he resides, a complaint, duly verified by himself, his agent or attorney, setting forth his account and a description of the property on which the lien is claimed and thereupon the court shall issue a summons, as in ordinary civil actions, and upon a return of the summons, duly served, shall set the cause for hearing at any time after the lapse of one (1) day, if summons be returned "defendant not found," and if it be proved to the satisfaction of the court that defendant is not a resident of the county, the court shall order a notice of the proceedings to be published for three (3) successive days, in a daily newspaper, if one be published in the county, and if no newspaper be published in the county, then by six handbills put up in six public places in the county, notifying the defendant of the filing and the particulars of the account, the description of the property on which the lien is claimed, its whereabouts and the day and place set for the hearing of the cause, which shall be at least ten (10) days from the day of the last

publication of the notice; and the proof of such publication shall be filed in the court on or before the day of trial. When the defendant shall have been summoned or notified as aforesaid, the cause shall, on the day fixed for trial, be tried as an ordinary case in court. If the judgment be for the plaintiff, the court shall order the property upon which the lien shall have been found to exist to be sold to satisfy the same. If the lien shall not have been established and the defendant shall not have been summoned, or shall not have voluntarily appeared to the action, the cause shall be dismissed at the cost of the plaintiff. If the defendant shall have been summoned or shall have appeared to the action, and the plaintiff shall have established an indebtedness on the account sued on, but shall have failed to establish the lien claimed, the judgment shall be for the plaintiff for such indebtedness, but the costs of suit, or any part thereof, may be taxed against him.

R.L. 1910, § 178.

§4-195. Letting male animals to service - Advertisement of terms - Publication or posting - Acceptance.

The owner or keeper of any stallion, jack or bull may advertise the terms upon which he will let such animal to service by publication thereof in some newspaper in the county where such animal is kept for a period of sixty (60) days during the season of each year, or by printed handbills conspicuously posted during such period, in four or more public places in said county, including the place where such animal is kept; and the publication or posting as aforesaid of the terms of such service shall impart notice thereof to the owner of any female animal served by such stallion, jack or bull, during such season; and in all actions and controversies in respect to the foal or other product of such service, the owner of such female animal so served shall be deemed to have accepted and assented to said terms, when so advertised or posted as provided herein.

R.L. 1910, § 179.

§4-196. Filing of certificate of service - Lien on offspring - Notice to third parties - Lien without certificate.

When the said terms of such service by any such animal, published or posted as provided in the next preceding section, shall provide that the foal or other product of such service will be held for the money due for the service

of such stallion, jack or bull, then and in that event the owner or keeper of any such animal may file, with the register of deeds of the county in which such animal is kept for service, a certificate signed by the owner of the female bred, or his representative, also by the owner or keeper of the male animal rendering the service, stating the terms of such service, a description of the female served, also a description of the male rendering the service, the date of service and acceptance of terms by owner of female; and such certificate, if filed within three (3) months after the rendering of such service, shall become and continue a lien on the offspring for the period of six (6) months after the birth thereof, and the filing of such certificate shall be constructive notice to any third party of the existence of the lien: Provided, that as between the owner of any stallion, jack or bull, as provided in the preceding section, and the owner of any female served, a lien shall exist notwithstanding no certificate as herein provided shall be filed or notice given as in this article provided.

R.L. 1910, § 180.

§4-197. Record of certificates - Compensation of register of deeds.

The register of deeds of each county shall be required to provide and keep in his office a well-bound book with an index in which such certificates shall be recorded in the order in which they are filed, and as compensation in full for filing and recording such certificates the register of deeds shall receive from the parties filing them the sum of ten cents (\$0.10) for every one hundred words.

R.L. 1910, § 181.

§4-198. False or fictitious pedigree - False representation of recording or eligibility for record - Forfeiture of rights.

If any keeper of such stallion, jack or bull shall offer and advertise to let the service of such animal, and shall give a false or fictitious pedigree, knowing the same to be false, or shall falsely represent such animal to be recorded or eligible to be recorded in any of the various books of record kept for recording animals of that breed, he shall forfeit all claim to the value of the services rendered by such animal, and shall not be entitled to the benefits of any provision of this article.

R.L. 1910, § 182.

§4-199. Enforcement of lien by replevin.

For the purpose of enforcing such lien upon default in the payment of the sum secured, the lienor may proceed by replevin in any court of competent jurisdiction and possess himself of the encumbered property, and hold the same subject to such judgment as he shall recover.

R.L. 1910, § 183.

§4-200. Judgment.

Upon the rendition of judgment, if for the lienor, it shall be for the sum found due, with costs of suit and that the lien be enforced against the property by execution and sale as in ordinary sales under execution; but if such finding be for the defendant, judgment shall be entered in his favor as in ordinary actions of replevin.

R.L. 1910, § 184.

§4-201. Proceedings governed by general replevin laws.

All proceedings under this article, where not herein otherwise specifically provided, shall be governed by the general laws of the state concerning replevin.

R.L. 1910, § 185.

§4-211. Repealed by Laws 1973, c. 15, § 1.

§4-212. Repealed by Laws 1973, c. 15, § 1.

§4-213. Repealed by Laws 1973, c. 15, § 1.

§4-214. Repealed by Laws 1973, c. 15, § 1.

§4-215. Repealed by Laws 1973, c. 15, § 1.

§4-216. Repealed by Laws 1973, c. 15, § 1.

§4-217. Repealed by Laws 1973, c. 15, § 1.

§4-218. Repealed by Laws 1973, c. 15, § 1.

§4-219. Repealed by Laws 1973, c. 15, § 1.

§4-220. Repealed by Laws 1973, c. 15, § 1.

§4-221. Repealed by Laws 1973, c. 15, § 1.

§4-222. Repealed by Laws 1973, c. 15, § 1.

§4-223. Repealed by Laws 1973, c. 15, § 1.

§4-224. Repealed by Laws 1973, c. 15, § 1.

§4-225. Repealed by Laws 1973, c. 15, § 1.

§4-226. Repealed by Laws 1973, c. 15, § 1.

§4-227. Repealed by Laws 1973, c. 15, § 1.

§4-228. Repealed by Laws 1973, c. 15, § 1.

§4-229. Repealed by Laws 1973, c. 15, § 1.

§4-230. Repealed by Laws 1973, c. 15, § 1.

§4-251. Duties of parties butchering stock or purchasing hides - Records - Retention of hides for inspection - Violations of provisions - Penalties.

All parties butchering stock or purchasing hides or pelts, in the state, shall be required to keep a record of the marks, brands, color, from whom purchased, and by the party butchering, the sex and age. They shall be required to keep all hides together, with horns and ears complete, for at least five (5) days from the time of butchering the same during the months of May, June, July, August, September and October, and, during the remaining months of the year, ten (10) days, said hides to be free for inspection to anyone wishing to see the same. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00) or shall be imprisoned in the county jail not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

R.L.1910, § 186.

§4-252. Repealed by Laws 1949, p. 43, § 13.

§4-253. Repealed by Laws 1949, p. 43, § 13.

§4-254. Repealed by Laws 1949, p. 43, § 13.

§4-255. Repealed by Laws 1949, p. 43, § 13.

§4-256. Repealed by Laws 1949, p. 43, § 13.

§4-257. Repealed by Laws 1949, p. 43, § 13.

§4-258. Repealed by Laws 1949, p. 43, § 13.

§4-259. Repealed by Laws 1949, p. 43, § 1, 13.

§4-260. Repealed by Laws 1949, p. 43, § 13.

§4-261. Repealed by Laws 1949, p. 43, § 13.

§4-262. Repealed by Laws 1949, p. 43, § 13.

§4-263. Repealed by Laws 1949, p. 43, § 13.

§4-264. Repealed by Laws 1949, p. 43, § 13.

§4-265. Repealed by Laws 1949, p. 43, § 13.

§4-266. Repealed by Laws 1949, p. 43, § 13.

§4-267. Repealed by Laws 1949, p. 43, § 13.

§4-268. Fraudulent branding - Branding over or obliterating previous brand - Penalties - Definitions.

A. Any person who shall with intent to defraud, brand or misbrand, mark or mismark any neat domestic animal, not his own; or shall intentionally brand over a previous brand or shall cut out or obliterate a previous mark or brand on any neat domestic animal, not his own, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not less than three (3) years nor more than ten (10) years or by imprisonment in the county jail for one (1) year or by a fine not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

B. For purposes of this section:

1. "Domestic animal" means cattle, equinae, sheep, goat, hog, poultry and 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.
- R.L. 1910, § 203. Amended by Laws 1947, p. 33, § 1; Laws 1963, c. 110, § 1, emerg. eff. May 31, 1963; Laws 1993, c. 36, § 4, eff. July 1, 1993; Laws 1997, c. 133, § 122, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 53, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 122 from July 1, 1998, to July 1, 1999.

§4-269. Destruction of cattle hides or brands a misdemeanor.

Any person who shall burn, or in any manner destroy any cattle hides, or cut or destroy any brands on same, shall be guilty of a misdemeanor.

R.L. 1910, § 204.

§4-270. Repealed by Laws 1965, c. 400, § 4, eff. July 1, 1965.

§4-270.1. Repealed by Laws 1968, c. 107, § 3, eff. April 1, 1968.

§4-270.2. Enforcement of laws pertaining to livestock brands.

The laws of this state relating to violations and investigations of livestock brands shall be enforced and carried out by the State Bureau of Investigation.

All responsibilities and duties relating to brand registry, keeping of records and maintenance of files are hereby delegated to the Oklahoma State Board of Agriculture.

The Board is authorized to enter into contracts with state livestock associations to register and record marks and brands and to make compensation for said services. The Board may also appoint agents to receive fees and monies and perform such other duties as it may direct, provided, that such agent shall file with and in favor of the Board, a fidelity bond executed by a surety company authorized to do business in this state, conditioned on the faithful performance of their duties, a strict accounting of all funds to the Board and on such other terms and conditions as the Board may deem necessary, in such penal sum as the

Board may require. All such fees and monies shall be deposited in the State Department of Agriculture Trust Fund.

Added by Laws 1965, c. 400, § 1. Amended by Laws 1968, c. 107, § 1, emerg. eff. April 1, 1968.

§4-270.3. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-271. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-272. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-273. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-274. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-275. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-276. Repealed by Laws 1955, p. 97, art. 11, § 7.

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§4-278. Repealed by Laws 1955, p. 97, art. 11, § 7.

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§4-281. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-282. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-283. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-284. Repealed by Laws 1955, p. 97, art. 11, § 7.

§4-291. Repealed by Laws 1943, p. 17, § 1.

§4-292. Repealed by Laws 1943, p. 17, § 1.

§4-293. Repealed by Laws 1943, p. 17, § 1.

§4-294. Repealed by Laws 1943, p. 17, § 1.

§4-295. Repealed by Laws 1943, p. 17, § 1.

§4-311. Repealed by Laws 1941, p. 464, § 1.

§4-312. Repealed by Laws 1941, p. 464, § 1.

§4-313. Repealed by Laws 1941, p. 464, § 1.

§4-314. Repealed by Laws 1941, p. 464, § 1.

§4-315. Repealed by Laws 1941, p. 464, § 1.

§4-316. Repealed by Laws 1941, p. 464, § 1.

§4-317. Repealed by Laws 1941, p. 464, § 1.

§4-318. Repealed by Laws 1941, p. 464, § 1.

§4-319. Repealed by Laws 1941, p. 464, § 1.

§4-320. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-331. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-332. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-333. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-334. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-335. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§4-341. Livestock shippers - Right to furnish feed.

In all cases wherein any shipper of livestock has contracted with any person, firm or corporation for the use of feeding pens or impounding pens in stockyards in the State of Oklahoma wherein said lessee keeps livestock for the purpose of disposing of the same to packing plants or otherwise, said lessee shall have the right and is hereby authorized and empowered to furnish feed for the purpose of feeding said livestock without purchasing the same from the lessor of said pens or any other person.

Added by Laws 1933, c. 146, p. 320, § 1.

§4-342. Refusal to permit lessees of pens to furnish feed - Penalties.

Any person, firm or corporation who refuses to permit the lessee of pens, as provided in Section 1 hereof, to furnish their own feed and feed the same to the livestock of such lessees while impounded in pens belonging to lessors, shall be guilty of a misdemeanor, and punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1933, c. 146, p. 320, § 2.

§4-351. Driver of vehicle carrying livestock, domestic fowls or ratite - Permit or statement authorizing movement - Violations - Penalties.

Any person who is the driver of any truck, automobile or other vehicle containing any livestock, domestic fowls or ratite or any slaughtered livestock, slaughtered domestic fowls or ratite or the butchered portions of any of which he is not the owner and which is upon or being driven upon any land of which said driver is not owner, lessee, renter or tenant, or which is upon or being driven upon any highway, public street or thoroughfare, who fails to have in his possession and exhibit to any meat inspector, sheriff or deputy sheriff upon demand a written permit authorizing said movement, signed by the owner or caretaker of said livestock, domestic fowls or ratite, or from the owner or person in control of the land from which said driver began said movement, shall be fined not more than Two Hundred Dollars (\$200.00) for each head of livestock in said movement, unless said driver upon demand of said meat inspector, sheriff or deputy sheriff makes,

signs and delivers to said meat inspector, sheriff or deputy sheriff a written statement containing all information herein required to be included in permits. Said permit or statement shall contain a description of each head of livestock, domestic fowls and ratites, and the place of origin thereof, including the name of ranch, market center, packing house or other place, and the kind, breed, color and marks and brands of such livestock, domestic fowls or ratites, if there be any. Failure or refusal of such driver to exhibit to a person or peace officer said permit or to make said statement shall constitute probable cause for any meat inspector, sheriff or deputy sheriff to search said truck or vehicle to ascertain if it contains any stolen livestock, domestic fowls or ratites and to detain said movement a reasonable length of time to ascertain whether any stolen livestock, domestic fowls or ratites are contained therein, but the person detaining said movement shall provide adequate care and feed for such livestock, domestic fowls or ratites while said livestock, domestic fowls or ratites are being detained. Any driver who has in his possession any false or forged permit or who makes any false written statement shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or he shall be imprisoned in the county jail not less than sixty (60) days nor more than six (6) months, or he shall be punished by both such fine and imprisonment.

Added by Laws 1935, p. 193, § 1. Amended by Laws 1993, c. 36, § 5, eff. July 1, 1993.

- §4-361. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-362. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-363. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-364. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-365. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-366. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-367. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-368. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-369. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-370. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-371. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-372. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §4-373. Repealed by Laws 1955, p. 97, art. 11, § 7.
- §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 pound" means any place used by a city or the state for the detention or keeping of unclaimed or stray animals. Added by Laws 1951, p. 9, § 1.

§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 State Board of Health 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 State Board of Health 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. Added by Laws 1951, p. 9, § 2.

§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 State Board of Health, and on compliance with the conditions required with respect to the original issuance of the license. Added by Laws 1951, p. 9, § 3.

§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. Added by Laws 1951, p. 10, § 5.

§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.

Added by Laws 1951, p. 10, § 6.

§4-397. Revocation of licenses.

The State Board of Health, 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 State Board of Health pursuant hereto; (2) if the standards, personnel, 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.

Added by Laws 1951, p. 10, § 7.

§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.

Added by Laws 1951, p. 10, § 8.

§4-399. Rules and regulations - Inspections and investigations.

The State Board of Health 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 Commissioner of Health 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.

Added by Laws 1951, p. 10, § 9.

§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.

Added by Laws 1951, p. 10, § 10.

§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.
Added by Laws 1951, p. 10, § 11.

§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.
Added by Laws 1951, p. 10, § 12.

§4-421. Repealed by Laws 1959, p. 129, § 9.

§4-421.1. Repealed by Laws 1959, p. 129, § 9.

§4-422. Repealed by Laws 1959, p. 129, § 9.

§4-423. Repealed by Laws 1959, p. 129, § 9.

§4-424. Repealed by Laws 1959, p. 129, § 9.

§4-425. Repealed by Laws 1959, p. 129, § 9.

§4-426. Repealed by Laws 1959, p. 129, § 9.

§4-427. Repealed by Laws 1959, p. 129, § 9.

§4-428. Repealed by Laws 1980, c. 68, § 1, emerg. eff.
April 10, 1980.

§4-429. Repealed by Laws 1980, c. 68, § 1, emerg. eff.
April 10, 1980.

§4-430. Repealed by Laws 1980, c. 68, § 1, emerg. eff.
April 10, 1980.

§4-431. Repealed by Laws 1980, c. 68, § 1, emerg. eff.
April 10, 1980.

§4-432. Repealed by Laws 1980, c. 68, § 1, emerg. eff.
April 10, 1980.

§4-499. Short title.

Sections 1 through 11 of this act shall be known and may be cited as the "Dog and Cat Sterilization Act".
Added by Laws 1986, c. 204, § 1, eff. Nov. 1, 1986.

§4-499.1. Definitions.

As used in the Dog and Cat Sterilization Act:

1. "Neuter" means to render a male dog or cat unable to reproduce;

2. "New owner" or "owner" means a person legally competent to enter into a contract acquiring a dog or cat from a releasing agency;

3. "Releasing agency" means any pound, shelter, or humane society organization, whether public or private;

4. "Spay" means to remove the ovaries of a female dog or cat in order to render said animal unable to reproduce; and

5. "Sterilization" means to spay or neuter a dog or cat.

Added by Laws 1986, c. 204, § 2, eff. Nov. 1, 1986.

§4-499.2. Spaying or neutering as condition for release of certain animals.

No dog or cat may be released for adoption from a releasing agency unless said animal has been surgically spayed or neutered; or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be determined by each individual releasing agency. In no event shall the required deposit be less than Ten Dollars (\$10.00).

Added by Laws 1986, c. 204, § 3, eff. Nov. 1, 1986.

§4-499.3. Refund of deposit upon proof of spaying or neutering.

The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals; or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

Added by Laws 1986, c. 204, § 4, eff. Nov. 1, 1986.

§4-499.4. Rules - Sterilization agreement.

Releasing agencies may adopt any additional rules to implement the Dog and Cat Sterilization Act, provided said rules do not conflict with the provisions or purpose of the Dog and Cat Sterilization Act to require the spaying and neutering of all dogs and cats adopted from releasing agencies. The sterilization agreement to be used by releasing agencies shall be in substantially the following form:

STERILIZATION AGREEMENT

This Agreement is made and entered into this ____ day of

_____, 19__, by and between:

(Releasing Agency)

(New Owner)

Name

Name

Address

Address

City Telephone

City Telephone

In consideration of the releasing of said animal, and in further consideration of mutual obligations herein, Releasing Agency releases the following animal to the New Owner:

(describe animal)

1. Releasing Agency agrees to release the above listed animal into the care of the New Owner and refund the New Owner's spay/neuter deposit provided that:

(1) The animal is sterilized by a graduate licensed veterinarian by _____
(give date)

(2) A written statement signed by the veterinarian performing the sterilization, that the animal has been sterilized by the stated date is given to the Releasing Agency.

2. New Owner accepts the above listed animal and agrees:

(1) To have the animal sterilized by a graduate licensed veterinarian by _____
(give date)

(2) To provide written evidence to the Releasing Agency from the veterinarian performing the sterilization that the animal has been sterilized by the above date listed.

This Agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

of Releasing Agency (signature
agent)

New Owner (signature of)

Added by Laws 1986, c. 204, § 5, eff. Nov. 1, 1986.

§4-499.5. Extension of time to spay or neuter.

Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty-day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

Added by Laws 1986, c. 204, § 6, eff. Nov. 1, 1986.

§4-499.6. Death of adopted animal - Refund of deposited funds.

If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

Added by Laws 1986, c. 204, § 7, eff. Nov. 1, 1986.

§4-499.7. Disposition of forfeited funds - Record of accounts.

Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account whenever feasible and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

Added by Laws 1986, c. 204, § 8, eff. Nov. 1, 1986.

§4-499.8. Adoption standards.

Subject to the provisions and purposes of the Dog and Cat Sterilization Act and laws of the State of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, however, that in the case of public facilities said standards must be reasonably related to the prevention of cruelty to animals, the responsible

management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

Added by Laws 1986, c. 204, § 9, eff. Nov. 1, 1986.

§4-499.9. Construction of act.

The provisions of the Dog and Cat Sterilization Act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners; nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of Section 391-402 of Title 4 of the Oklahoma Statutes. Further, the Dog and Cat Sterilization Act shall not be construed to interfere with municipal ordinances that meet or exceed the dog and cat sterilization requirements set forth in the Dog and Cat Sterilization Act.

Added by Laws 1986, c. 204, § 10, eff. Nov. 1, 1986.

§4-499.10. Failure to comply with act.

Failure to comply with the provisions of the Dog and Cat Sterilization Act shall constitute either a public or private nuisance. Any person may maintain a civil action to enjoin the continuance of said private nuisance. The public nuisance may also be abated by any public body or officer authorized by law to do so.

Added by Laws 1986, c. 204, § 11, eff. Nov. 1, 1986.

§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

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. Added by Laws 1981, c. 167, § 1. Amended by Laws 2000, c. 199, § 1, eff. Nov. 1, 2000.

§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.

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.

Added by Laws 1981, c. 167, § 2. Amended by Laws 2000, c. 199, § 2, eff. Nov. 1, 2000; Laws 2003, c. 338, § 1, eff. Nov. 1, 2003.

§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.

Added by Laws 1981, c. 167, § 3. Amended by Laws 2000, c. 199, § 3, eff. Nov. 1, 2000.

§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.

Added by Laws 1981, c. 167, § 4. Amended by Laws 2000, c. 199, § 4, eff. Nov. 1, 2000.

§4-505. Repealed by Laws 2000, c. 199, § 8, eff. Nov. 1, 2000.

§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.

Added by Laws 1981, c. 167, § 6.

§4-507. Violation of act as nuisance - Injunction - Abatement.

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.

Added by Laws 1981, c. 167, § 7.

§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.

Added by Laws 1981, c. 167, § 8.

§4-602. Pet overpopulation education program.

A. The Oklahoma Department of Agriculture, Food, and Forestry, through the State Veterinarian, may:

1. Adopt an education program concerning pet overpopulation with emphasis on the importance of spaying and neutering to control pet overpopulation;

2. Accept gifts, grants, and donations, including personal services. Any gift, grant, or donation other than personal services shall be deposited into the Oklahoma Pet Overpopulation Fund created in Section 2 of this act;

3. Develop, adopt, and implement a cooperative process for working with animal shelters, veterinarians, and local communities concerning pet overpopulation in this state; and

4. Enter into contracts with entities for the evaluation and selection of program applicants.

B. When expending funds to implement this section, the State Veterinarian shall:

1. Establish a method for publishing, accepting, and evaluating grant applications for spay and neuter programs; and

2. Give priority to the areas that have demonstrated the greatest need.

Added by Laws 2004, c. 366, § 3, eff. Jan. 1, 2005.

§4-603. Pet overpopulation - Gifts, grants and donations - Programs.

A. The Oklahoma Department of Agriculture, Food, and Forestry, through the State Veterinarian, may:

1. Adopt an education program concerning pet overpopulation with emphasis on the importance of spaying and neutering to control pet overpopulation;

2. Accept gifts, grants, and donations, including personal services. Any gift, grant, or donation other than personal services shall be deposited into the Oklahoma Pet Overpopulation Fund created in Section 17 of this act;

3. Develop, adopt, and implement a cooperative process for working with animal shelters, veterinarians, and local communities concerning pet overpopulation in this state; and

4. Enter into contracts with entities for the evaluation and selection of program applicants.

B. When expending funds to implement this section, the State Veterinarian shall:

1. Establish a method for publishing, accepting, and evaluating grant applications for spay and neuter programs; and

2. Give priority to the areas that have demonstrated the greatest need.

Added by Laws 2004, c. 504, § 20, eff. July 1, 2004.

NOTE: Editorially renumbered from § 602 of this title to avoid duplication in numbering.