

# House Bill 3571

Sponsored by Representatives NERON, GOMBERG (at the request of Oregon Humane Society)

## SUMMARY

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

Establishes immunity from prosecution for theft in first degree and civil liability for nonprofit animal rescue entity that takes possession of, keeps and disposes of cat or dog as provided in Act.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to domestic animals; and prescribing an effective date.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Animal holding agency" means an animal rescue entity, as defined in ORS 609.415,**  
6 **that is a nonprofit organization.**

7 (b) **"Nonprofit organization" means an organization described in section 501(c)(3) of the**  
8 **Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal**  
9 **Revenue Code.**

10 (2) **An animal holding agency, or the employee of an animal holding agency, is not in vi-**  
11 **olation of ORS 164.055 (1)(e) and is immune from prosecution or civil liability if the animal**  
12 **holding agency takes possession of, keeps and disposes of a cat or dog as provided in this**  
13 **section.**

14 (3) **Upon taking possession of a cat or dog, an animal holding agency must:**

15 (a) **Verify that the person who transfers the cat or dog to the animal holding agency**  
16 **believes the cat or dog to be lost, stray or abandoned;**

17 (b) **Keep the cat or dog in a facility operated by the animal holding agency that meets**  
18 **the requirements established by the State Department of Agriculture by rule for that type**  
19 **of facility;**

20 (c) **Within 24 hours of taking possession of the cat or dog, post on the animal holding**  
21 **agency's website a description and photograph of the cat or dog and the location and date**  
22 **the cat or dog was found; and**

23 (d) **Take other reasonable steps to notify the owner of the cat or dog that the animal**  
24 **holding agency has possession of the cat or dog, including providing notice as described in**  
25 **subsection (6) of this section, as applicable.**

26 (4)(a) **An animal holding agency shall keep a cat or dog for at least:**

27 (A) **Three business days if the cat or dog is without a license, identification tag or**  
28 **microchip; or**

29 (B) **Five business days if the cat or dog has a license, identification tag or microchip.**

30 (b) **For purposes of this subsection, a business day is a day the animal holding agency is**  
31 **open to the public.**

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

1 (5) Notwithstanding ORS 98.005, if the owner of a cat or dog does not appear during the  
2 holding period required by subsection (4) of this section, and the animal holding agency pro-  
3 vides notice required by subsection (6) of this section, the animal holding agency shall be the  
4 owner of the cat or dog after the expiration of the holding period.

5 (6) If an animal holding agency is able to identify the owner of a cat or dog, the animal  
6 holding agency shall, as soon as is practicable, provide notice to the owner that includes:

7 (a) The address of the facility where the cat or dog is being kept;

8 (b) The procedures for redeeming the cat or dog, including any applicable fees established  
9 by the animal holding agency; and

10 (c) The consequences for failure to timely redeem the cat or dog.

11 (7) Upon taking ownership of a cat or dog as described in subsection (5) of this section,  
12 an animal holding agency may offer the cat or dog for adoption or euthanize the cat or dog.

13 (8)(a) An animal holding agency may provide any necessary medical care, as determined  
14 by a licensed veterinarian, to a cat or dog during the holding period described in subsection  
15 (4) of this section.

16 (b) An animal holding agency may euthanize a cat or dog before the expiration of the  
17 holding period described in subsection (4) of this section if a licensed veterinarian determines  
18 that euthanasia is necessary and the animal holding agency has exhausted all reasonable  
19 steps to notify the owner.

20 (9) An animal holding agency must keep, for a period of at least one year, all records  
21 required by ORS 609.415 applicable to a cat or dog that an animal holding agency keeps or  
22 makes disposition of under this section, as well as a record of the location where a cat or  
23 dog was found and the name and address, if known, of the individual who found the cat or  
24 dog.

25 **SECTION 2.** This 2023 Act takes effect on the 91st day after the date on which the 2023  
26 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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