

SB 1076 A STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire

Action Date: 04/08/25

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 3-2-0-0

Yeas: 3 - Golden, Prozanski, Taylor

Nays: 2 - Girod, Nash

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/18, 4/8

WHAT THE MEASURE DOES:

The measure authorizes the Department of Agriculture (ODA) to charge fees for animal rescue entity licenses and to establish an animal breeder licensing program. It authorizes ODA to investigate animal breeders and ensure compliance and appropriates General Fund moneys to ODA for the animal breeder licensing program. The measure declares an emergency, effective upon passage.

Detailed Summary:

License Fees for Animal Rescue Entities

Authorizes the Department of Agriculture (ODA) to charge the following animal rescue entity license or license renewal fees, adjusted yearly for inflation:

- \$600 for an animal control agency, animal shelter, or humane society
- \$400 for an animal sanctuary
- \$350 for all other entities not covered in the first two categories

Modifies the definition of “Animal Rescue Entity” (ARE) to include entities that house and maintain animals in their custody for more than 48 hours, and clarifies that ARE’s do not include veterinary facilities. Requires AREs to maintain a record for each animal in their legal custody, but removes requirements to document specific details such as the animal’s date of birth or age, date of acquisition, source, breed, weight, number of offspring produced; a photograph taken within 24 hours of intake; and details about the animal’s disposition, including the name and address of any individual or organization receiving the animal. Requires AREs to provide any reports or information to an authorized representative of ODA if the agency conducts an on-site investigation or audit of the ARE.

Requires ODA to adopt rules requiring AREs to maintain a record for each animal in legal custody of the ARE, including

- a process for auditing animal rescue entities, considering their compliance history, with audits conducted at least once every three years.
- licensing requirements for animal rescue entities.
- a requirement for notifying an animal rescue entity of alleged violations and potential civil penalties.
- the opportunity for an animal rescue entity to have a hearing before civil penalties are imposed.
- the opportunity for judicial review of civil penalties imposed on an animal rescue entity.

Modifies requirements for AREs that keep, house, and maintain 10 or more animals and removes provision allowing an ARE to transfer its license to another person or entity with ODA’s consent. Authorizes ODA to deny, suspend, or revoke an ARE’s license if the entity is found to be non-compliant with ODA requirements.

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Becomes operative January 1, 2026.

Establishment of a Breeder Licensing Program

Modifies definition of breeder to mean “a person that possesses, controls or otherwise has charge of, for the primary purpose of reproduction and sale or transfer as pets,” such as birds other than livestock or exotic animals, cats, dogs, or small mammals. Defines a "litter" as one or more cats or dogs born to the same mother at the same time, whether sold or transferred individually or together. States that a person who sells, transfers, or offers for sale more than two litters of cats or dogs in a 12-month period is considered a breeder.

Directs ODA to create a licensing program for animal breeders that includes licensing requirements, care standards, and fees for both licenses and renewals, adjusted yearly for inflation. Requires program consider factors such as breeder size, regulatory costs, staff funding needs (including potentially hiring a veterinarian) and allow for varying fees based on breeder size. Requires ODA to adopt rules before June 30, 2026, and states that ODA cannot enforce provisions before January 1, 2028. Becomes operative January 1, 2027.

Requires licensing under ODA’s animal breeder licensing program for the following breeders:

- dog breeders who sell or transfer more than two litters of dogs in a 12-month period.
- cat breeders who sell or transfer more than two litters of cats in a 12-month period.
- breeders of birds or small mammals who sell or transfer more than a number of animals set by the department.

Adds breeders to existing ODA authority to investigate and inspect animal rescue entities to ensure that breeders are operating with a license and in compliance with licensing program requirements. Becomes operative January 1, 2028.

Continuously appropriates unspecified amount of General Fund moneys to ODA for the animal breeder licensing program.

Declares an emergency, effective upon passage.

ISSUES DISCUSSED:

- Fee not set in bill currently
- Definition of an animal breeder
- Animal Rescue Entity (ARE) definition in ORS 619.415, and ARE licensing and regulations
- House pet and agricultural breeding differences
- ORS 167.374 (Possession or control of dogs for purpose of reproduction; records; exceptions)

EFFECT OF AMENDMENT:

The amendment modifies the Department of Agriculture’s (ODA) Animal Rescue Entity licensing program, as well as the animal breeder licensing program.

Detailed Summary:

Modifies the definition of “Animal Rescue Entity” (ARE). Requires AREs to maintain a record for each animal in their legal custody but removes requirements to document specific details about the animal received. Requires AREs to provide any reports or information to an authorized representative of the Department of Agriculture (ODA) if ODA conducts an on-site investigation or audit of the ARE.

Removes provision allowing an ARE to transfer its license to another person or entity with ODA’s consent. Authorizes ODA to deny, suspend or revoke an ARE's license if the entity is found to be non-compliant with ODA requirements. Requires ODA to adopt rules requiring AREs to maintain a record for each animal in legal custody of the ARE, including rules addressing specific topics. Becomes operative January 1, 2026.

Modifies definition of an animal breeder and defines "litter."

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- breeders of birds or small mammals who sell or transfer more than a number of animals set by the department.

Declares an emergency, effective upon passage.

BACKGROUND:

Generally, an animal breeder refers to any individual or organization engaged in the intentional mating of animals to produce specific qualities and characteristics, such as size, color, temperament, or performance abilities. The term "animal breeder" is not currently defined in statute. An "Animal Rescue Entity" is defined in ORS 609.415 as any individual or organization that keeps, houses, and maintains in its legal custody 10 or more animals at any given time and that solicits or accepts donations in any form. This includes but is not limited to animal control agencies, humane societies, animal shelters, animal sanctuaries, and some boarding kennels.

The Department of Agriculture's (ODA) Animal Rescue Entity Licensing Program, established in 2021, ensures that animal rescue entities meet record keeping and licensing requirements.