

A-Engrossed Senate Bill 1076

Ordered by the Senate April 16
Including Senate Amendments dated April 16

Sponsored by Senator PROZANSKI, Representatives NERON, GOMBERG; Senators SOLLMAN, STARR

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells an agency to impose certain fees for licenses for animal rescue entities. The Act tells the agency to create a program for granting licenses to persons that breed certain animals. The Act gives money for the program. (Flesch Readability Score: 60.0).

Directs the State Department of Agriculture to impose certain fees for licenses and license renewals for animal rescue entities. **Modifies the definition of "animal rescue entity."**

Directs the department to adopt rules to establish a licensing program for breeders of certain animals. Punishes a violation of the rules by a maximum of six months' imprisonment, \$2,500 fine, or both.

Authorizes the department to investigate and inspect the breeders.

Appropriates moneys to the department out of the General Fund for purposes related to the new licensing program.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to animals; creating new provisions; amending ORS 609.415, 609.420 and 609.992; and declaring an emergency.

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

LICENSE FEES FOR ANIMAL RESCUE ENTITIES

SECTION 1. The State Department of Agriculture shall charge the following for a license or license renewal for an animal rescue entity, as defined in ORS 609.415, that is:

(1) An animal control agency, animal shelter or humane society, a fee of \$600, adjusted annually for inflation for every year after 2026 to account for changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.

(2) An animal sanctuary, a fee of \$400, adjusted annually for inflation for every year after 2026 to account for changes in the Consumer Price Index for All Urban Consumers, West Region (All Items).

(3) Not described in subsection (1) or (2) of this section, a fee of \$350, adjusted annually for inflation for every year after 2026 to account for changes in the Consumer Price Index for All Urban Consumers, West Region (All Items).

SECTION 2. ORS 609.415 is amended to read:

609.415. (1) As used in this section and ORS 609.420:

(a) "Animal" means any nonhuman mammal, bird, reptile[,] **or** amphibian [*or fish*].

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.

(b) "Animal rescue entity":

(A) Means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, *[but excluding a veterinary facility,]* that keeps, houses and maintains **animals** in the individual's or organization's legal custody *[10 or more animals]* **for more than 48 hours**, whether physically located at a facility operated by the individual or organization or kept, housed or maintained elsewhere, and that solicits or accepts donations in any form.

(B) **Does not include a veterinary facility.**

[(c) "Enforcing agency" means the State Veterinarian.]

(2) *[Any]* **An** animal rescue entity shall *[comply with all of the following record-keeping requirements]:*

(a) Maintain a record for each animal *[that identifies:]* **in the legal custody of the animal rescue entity, in compliance with rules adopted by the State Department of Agriculture pursuant to subsection (6)(a) of this section.**

[(A) The date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;]

[(B) The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;]

[(C) The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable;]

[(D) The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal;]

[(E) The source of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and]

[(F) A photograph of the animal taken within 24 hours of intake by the animal rescue entity.]

(b) Permit an authorized representative of the *[enforcing agency]* **department** to inspect records of the animal rescue entity required by this subsection and furnish **any** reports and information required by the *[enforcing agency, as provided under ORS 609.420.]* **department if the department:**

(A) **Conducts an on-site investigation of the premises of the animal rescue entity pursuant to ORS 609.420; or**

(B) **Audits the animal rescue entity pursuant to rules described in subsection (6)(b) of this section.**

(3) An animal rescue entity **that keeps, houses and maintains 10 or more animals in the legal custody of the animal rescue entity** shall *[comply with the following licensing requirements]:*

(a) *[The entity shall]* Obtain a license issued by the *[enforcing agency]* **department** in accordance with this section and *[any]* rules *[or policies]* adopted by the *[enforcing agency]* **department;** and

(b) *[The entity shall]* Pay a reasonable fee, as determined by the *[enforcing agency]* **department**, for a license or an annual renewal of the license to provide for the actual cost of enforcing this section and ORS 609.420.

[(4) The enforcing agency may not issue or renew a license under this section unless the animal rescue entity is in compliance with this section and ORS 609.420.]

[(5) An animal rescue entity may transfer a license issued under this section to another person with

the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity under this section and rules applicable to the transferee and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.]

[(6) An applicant for a license issued under this section shall demonstrate that the animal rescue entity that is the subject of the application complies with all standards imposed under applicable law.]

[(7) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS 609.420.]

[(8)(a)] **(4)** A violation of this section may result in imposition of civil penalties to be determined by the [enforcing agency] **department**, including but not limited to [impoundment of all animals under the animal rescue's control,] the **denial, suspension or** revocation of the animal [rescue's] **rescue entity's** license [to operate animal rescue operations] **under this section** and a civil penalty of not more than \$500 for each violation.

[(b) Before a civil penalty may be imposed under this section, the enforcing agency shall adopt rules or policies that:]

[(A) Ensure that a person who is the subject of an alleged violation receives notice of the allegations and potential imposition of civil penalties;]

[(B) Allow for an opportunity for a hearing prior to the imposition of civil penalties; and]

[(C) Allow for the opportunity for judicial review of the imposition of civil penalties.]

[(9)] **(5)** Moneys [raised] **received** by the [enforcing agency under] **department pursuant to** this section are dedicated to and shall be used for [enforcing agency operations undertaken pursuant to] **implementing** this section and ORS 609.420.

(6) The department shall adopt rules to implement this section, including rules that:

(a) Require an animal rescue entity to maintain a record for each animal in the legal custody of the animal rescue entity;

(b) Establish a process for auditing animal rescue entities that incorporates consideration of the compliance histories of the animal rescue entities and provides that the department shall audit each animal rescue entity at least once every three years;

(c) Establish licensing requirements for animal rescue entities;

(d) Ensure that an animal rescue entity that is the subject of an alleged violation receives notice of the allegations and of the potential imposition of civil penalties under this section;

(e) Allow an animal rescue entity to have an opportunity for a hearing prior to the imposition of civil penalties under this section; and

(f) Allow an animal rescue entity to have an opportunity for judicial review of the imposition of civil penalties.

SECTION 3. Section 1 of this 2025 Act and the amendments to ORS 609.415 by section 2 of this 2025 Act become operative on January 1, 2026.

LICENSING PROGRAM FOR ANIMAL BREEDERS

SECTION 4. (1) As used in this section and ORS 609.420:

(a) "Bird" includes psittacines.

(b) "Breeder" means a person that possesses, controls or otherwise has charge of, for the primary purpose of reproduction and sale or transfer as pets:

(A) Birds, other than livestock or exotic animals.

(B) Cats.

(C) Dogs.

(D) Small mammals, other than livestock or exotic animals.

(c) "Cat" means a member of the species *Felis catus* or a hybrid of that species.

(d) "Dog" means a member of the subspecies *Canis lupus familiaris* or a hybrid of that subspecies.

(e) "Exotic animal" has the meaning given that term in ORS 609.305.

(f) "Litter" means one or more cats or dogs, sold or transferred individually or together, that are all or part of a group of cats or dogs born to the same mother at the same time.

(g) "Livestock" has the meaning given that term in ORS 609.125.

(2) A person that sells or transfers or offers for sale or transfer more than two litters of dogs or cats during a 12-month period is considered a breeder.

(3) The State Department of Agriculture shall adopt rules to establish the following for breeders:

(a) A licensing program.

(b) Licensing requirements for the following breeders:

(A) A breeder of dogs that, during a 12-month period, sells or transfers or offers for sale or transfer more than two litters of dogs.

(B) A breeder of cats that, during a 12-month period, sells or transfers or offers for sale or transfer more than two litters of cats.

(C) A breeder of birds or small mammals that, during a 12-month period, sells or transfers or offers for sale or transfer more than the number of animals established by the department by rule.

(c) Standards of care.

(d) Fees for licenses and license renewals, adjusted annually for inflation for every year after 2026 to account for changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) In adopting the rules, the department:

(a) Shall consider relevant factors, including the sizes of breeders and the costs of regulation and enforcement related to breeders.

(b) Shall consider whether the fees are proportional to department funding needs for staff, including the potential need to hire a veterinarian.

(c) May set fees for licenses and license renewals that differ based on the sizes of breeders.

(5) Rules adopted under this section that apply to breeders that breed dogs shall apply in addition to, and not in lieu of, any applicable requirements under ORS 167.374 and 167.376.

SECTION 5. (1) Section 4 of this 2025 Act becomes operative on January 1, 2027.

(2) Notwithstanding the operative date specified in subsection (1) of this section, the State Department of Agriculture:

(a) Shall adopt the rules described in section 4 of this 2025 Act on or before June 30, 2026.

(b) May not enforce the provisions of section 4 of this 2025 Act before January 1, 2028.

(c) May take any action before the operative date specified in subsection (1) of this section that is necessary for the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by section 4 of this 2025 Act.

INVESTIGATION AND INSPECTION

SECTION 6. ORS 609.420 is amended to read:

609.420. (1) Whenever an authorized representative of *[an enforcing agency]* **the State Department of Agriculture** is advised or has reason to believe that an animal rescue entity **or a breeder** is operating without a license, the authorized representative may visit and conduct an on-site investigation of the premises of the animal rescue entity **or breeder**. The purpose of an investigation under this section is to determine whether the animal rescue entity **or breeder** is *[subject to]* **in compliance with** the requirements of ORS 609.415 **or rules adopted under ORS 609.415 or section 4 of this 2025 Act.**

(2) At any reasonable time, an authorized representative of *[an enforcing agency]* **the department**, a law enforcement agency or the United States Department of Agriculture may conduct an on-site investigation of the premises of any licensed animal rescue entity **or breeder** to determine whether the *[entity]* **animal rescue entity or breeder** is in compliance with ORS 609.415 **or rules adopted under ORS 609.415 or section 4 of this 2025 Act.**

(3) An authorized representative of the *[enforcing agency]* **department** or a law enforcement agency shall conduct an on-site investigation of the premises of any licensed animal rescue entity **or breeder** if the **authorized representative or law enforcement** agency receives a complaint about the animal rescue entity **or breeder** related to *[the]* a failure to comply with the requirements of ORS 609.415 that the **authorized representative or law enforcement** agency determines is credible and serious. The investigation *[by the agency]* shall be limited to determining if the animal rescue entity **or breeder** has failed to comply with the requirements of ORS 609.415 **or rules adopted under ORS 609.415 or section 4 of this 2025 Act.**

(4) Any state agency that receives a complaint about a licensed animal rescue entity **or breeder** shall notify the *[enforcing agency]* **department** about the complaint and any subsequent action taken by the state agency based on that complaint.

[(5) A licensed animal rescue entity shall permit an authorized representative of the enforcing agency to inspect records of the animal rescue entity and shall furnish any reports and information required by the enforcing agency.]

[(6)] **(5)** If, during the course of an *[inspection made]* **investigation** under this section, the *[enforcing agency]* **department** finds evidence of animal cruelty in violation of ORS 167.310 to 167.351, 167.352, 167.355 or 167.360 to 167.372, the *[enforcing agency]* **department** shall seize the evidence and report the violation to law enforcement. Evidence of animal cruelty found through a valid *[inspection]* **investigation** under this section shall be presumed admissible in any subsequent criminal proceeding.

SECTION 7. The amendments to ORS 609.420 by section 6 of this 2025 Act become operative on January 1, 2028.

PENALTIES

SECTION 8. ORS 609.992 is amended to read:

609.992. (1) Violation of ORS 609.341 **or a rule adopted under section 4 of this 2025 Act** is a Class B misdemeanor.

(2) In addition to and not in lieu of any jail sentence or fine it may impose, a court may require a defendant convicted under ORS 609.341 **or a rule adopted under section 4 of this 2025 Act** to forfeit any rights of the defendant in any exotic animal **or other animal** kept in violation thereof and to repay reasonable costs incurred by any person, city, county or state agency in caring for the **exotic animal or other** animal prior to judgment.

(3) When the court orders the defendant's rights in the exotic animal **or other animal** to be forfeited, the court may further order that those rights be given over to an appropriate person or agency demonstrating a willingness to accept and care for the **exotic animal or other** animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals. This subsection shall not constitute or authorize any limitation upon the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the **exotic animal or other** animal. A transfer of rights under this subsection constitutes a transfer of ownership.

SECTION 9. The amendments to ORS 609.992 by section 8 of this 2025 Act become operative on January 1, 2028.

APPROPRIATION

SECTION 10. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Agriculture, for the biennium beginning July 1, 2025, out of the General Fund, the amount of \$_____ to be expended for the purposes of:

(a) Carrying out the provisions of section 4 of this 2025 Act.

(b) Conducting education and outreach related to implementing section 4 of this 2025 Act.

(c) Paying any legal fees or costs related to implementing section 4 of this 2025 Act.

(2) This appropriation is available continuously until expended for the purposes specified in this section.

CAPTIONS

SECTION 11. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

EFFECTIVE DATE

SECTION 12. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.