

**A-Engrossed**  
**Senate Bill 883**

Ordered by the Senate June 5  
Including Senate Amendments dated June 5

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**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.

Changes definition of "enforcing agency" from city or county dog licensing agency or other designated agency to State Veterinarian for purposes of regulating animal rescue entities.

**Appropriates moneys from General Fund to State Department of Agriculture and increases limitation on expenditures by department for biennium beginning July 1, 2019, for purposes of enforcing and regulating animal rescue entities.**

**A BILL FOR AN ACT**

Relating to animal rescue entities; creating new provisions; and amending ORS 609.415.

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

**SECTION 1.** 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, amphibian or fish.

(b) "Animal rescue entity" 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 in *[its]* **the individual's or organization's** legal custody 10 or more animals, whether physically located at a facility operated by the *[entity]* **individual or organization** or kept, housed or maintained elsewhere, and that solicits or accepts donations in any form.

(c) "Enforcing agency" means the *[agency that operates a city or county dog licensing and control program under ORS 609.035 to 609.110 or under any city or county ordinances or regulations that operate in lieu of ORS 609.035 to 609.110, or any other agency designated the enforcing agency by the city or county governing body]* **State Veterinarian.**

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

(a) Maintain a record for each animal that identifies:

(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

**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 and the name and address for any individual or organization taking possession, control or charge  
2 of an animal;

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

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

6 (b) Permit an authorized representative of the enforcing agency to inspect records of the animal  
7 rescue entity required by this subsection and furnish reports and information required by the en-  
8 forcing agency, as provided under ORS 609.420.

9 (3) An animal rescue entity shall comply with the following licensing requirements:

10 (a) The entity shall obtain a license issued by the enforcing agency in accordance with this  
11 section and any rules or policies adopted by the enforcing agency; and

12 (b) The entity shall pay a reasonable fee, as determined by the enforcing agency, for a license  
13 or an annual renewal of the license to provide for the actual cost of enforcing this section and ORS  
14 609.420.

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

17 (5) An animal rescue entity may transfer a license issued under this section to another person  
18 with the written consent of the enforcing agency, provided that the transferee otherwise qualifies  
19 to be licensed as an animal rescue entity under this section and rules applicable to the transferee  
20 and does not have a certified unpaid debt to the state. The transferee shall submit a signed release  
21 to the enforcing agency permitting the performance of a background investigation of the transferee,  
22 and the enforcing agency shall conduct the background investigation.

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

26 (7) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS  
27 609.420.

28 (8)(a) A violation of this section may result in imposition of civil penalties to be determined by  
29 the enforcing agency, including but not limited to impoundment of all animals under the animal  
30 rescue's control, the revocation of the animal rescue's license to operate animal rescue operations  
31 and a civil penalty of not more than \$500 for each violation.

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

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

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

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

38 (9) Moneys raised by the enforcing agency under this section are dedicated to and shall be used  
39 for enforcing agency operations undertaken pursuant to this section and ORS 609.420.

40 **SECTION 2. In addition to and not in lieu of any other appropriation, there is appropri-**  
41 **ated to the State Department of Agriculture, for the biennium beginning July 1, 2019, out**  
42 **of the General Fund, the amount of \$316,133 for the purposes of enforcing and regulating**  
43 **animal rescue entities, as defined in ORS 609.415.**

44 **SECTION 3. Notwithstanding any other law limiting expenditures, the limitation on**  
45 **expenditures established by section 2 (2), chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House**

1 **Bill 5002), for the biennium beginning July 1, 2019, as the maximum limit for payment of ex-**  
2 **penses from fees, moneys or other revenues, including Miscellaneous Receipts, and including**  
3 **federal funds for contract services, but excluding lottery funds and federal funds not de-**  
4 **scribed in section 2, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 5002), collected**  
5 **or received by the State Department of Agriculture for food safety is increased by \$114,168**  
6 **for the purposes of enforcing and regulating animal rescue entities, as defined in ORS**  
7 **609.415.**

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