

## Oklahoma Statutes Citationized

### Title 4. Animals

#### Chapter 17 - Care and Disposition of Disaster Animals Act

#### Section 703 - Duty to Hold Disaster Animals Brought to Shelters - Holding Periods - Notice and Request of Approval of Adoption

Cite as: O.S. §. \_\_ \_\_

A. Disaster animals taken from a disaster area or delivered to an animal shelter following a Class #1 Event or Class #2 Event shall be kept by the animal shelter that receives the disaster animals according to the applicable holding period, unless the owner of the disaster animals agrees otherwise in writing. After the applicable holding period has passed for disaster animals, the animal shelter has the authority to dispose of the disaster animals as allowed under state law when there is no Class #1 Event or Class #2 Event, unless the owner has an extension by contract with the animal shelter for additional time. An owner who does not retake possession of their disaster animals by the end of the applicable holding period plus any extension by contract thereof has abandoned the disaster animals, and any new owner shall have unencumbered title to the disaster animals.

#### B. Holding periods:

1. Class #1 Event: Disaster animals brought in to an animal shelter shall be kept by the animal shelter for a minimum of thirty (30) days;
2. Class #2 Event: Disaster animals brought to an animal shelter shall be kept for a minimum of thirty (30) days up to ninety (90) days as determined by the State Veterinarian after photograph and tracking information about the disaster animals sufficient to give notice to owners is posted on an approved website. The holding period for the animal shelter shall be six (6) months if posting on an approved website does not occur. This requirement may be modified by the State Veterinarian or as otherwise determined by the State Veterinarian;
3. During the holding period, the animal shelter is fully authorized to provide or arrange for necessary veterinary health services that are in the best interests of the disaster animals as may be determined by a veterinarian, up to and including humane euthanasia. A disaster animal that exhibits ownership by the presence of a tag or identification chip or was removed from a private residence, including fenced adjacent land, may not be spayed or neutered without the written permission of the owner unless it is medically necessary as may be determined by a veterinarian;
4. During the holding period, an animal shelter may place a disaster animal in a private home or other animal shelter either in the state or out of the state so long as available tracking information is kept and any transfer out of state is authorized by the State Veterinarian. In no case shall title to a disaster animal be awarded to a new owner until after the holding period has expired, together with any extension by contract thereof;
5. If an owner of a disaster animal contacts an animal shelter about disaster animals but is unable to assume possession of the disaster animal by the end of the applicable holding period, the owner may request the animal shelter to keep the disaster animal for up to an additional thirty (30) days, if the owner is willing to pay the cost of care as established by the animal shelter for the disaster animal during an extension by contract. The animal shelter may require payment of the costs as a condition of extending the holding period. If by the end of the extension by contract the disaster animal has not been reclaimed by the owner, the animal shelter may treat the holding period as expired. The animal shelter shall advise an owner of the dates of the required holding period and opportunity for extensions by contract, if any owner inquiry is made;
6. If an animal shelter becomes inoperative because of a Class #1 Event or Class #2 Event, all the companion animals removed from the animal shelter shall be treated as disaster animals by whoever takes control of the companion animals, unless records that accompany the shelter animals demonstrate that it was lawfully permissible to transfer title to the shelter animals before a Class #1 Event or Class #2 Event. If these records are available, then the shelter animals shall not be treated as disaster animals;
7. If an owner of a disaster animal has contacted the animal shelter responsible for the owner's disaster animal before the end of the holding period to reclaim the disaster animal, but the animal shelter or other possessor of the disaster animal refuses to return the disaster animal, any transfer of title agreement by the animal shelter to a new owner is voidable by court order; and
8. Prior to the scheduling of any adoption event for the adoption of unclaimed disaster animals from a Class #1 Event or Class #2 Event, the animal shelter shall notify the State Veterinarian and request approval of the adoption event. Any transfer of title agreement by the animal shelter to a new owner is voidable by court order if the adoption event is not approved by the State Veterinarian.

#### **Historical Data**

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