

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 922

By: Mann

6 AS INTRODUCED

7 An Act relating to game fowl breeding; creating the
8 Commercial Game Fowl Breeders Act; providing short
9 title; defining terms; authorizing the State Board of
10 Agriculture to implement provisions of this act;
11 requiring license to be a commercial game fowl
12 breeder; authorizing the Oklahoma Department of
13 Agriculture, Food, and Forestry to conduct
14 inspections prior to licensure; allowing the
15 Department to contract with local veterinarians for
16 inspections; assessing a fee for inspection;
17 requiring annual inspections of facilities licensed
18 pursuant to this act; providing criteria for
19 inspection; requiring report of inspection to be
20 submitted within certain time frame to Department;
21 authorizing the Board to conduct investigation upon
22 receipt of written complaint during inspection;
23 prohibiting the Department from hiring certain groups
24 to conduct inspections; authorizing the Department to
issue license after certain information and fees are
collected; providing conditions for which multiple
licenses need to be obtained under certain
conditions; requiring a commercial game fowl license
to be displayed at each facility and on certain
documentation; requiring notice to Department on
certain changes to license information; authorizing
the Board to maintain a directory; preventing
licenses to be issued or renewed if an applicant
fails certain criteria; authorizing the Board to
maintain a directory of denied and revoked license
applicants; allowing for renewal of license;
specifying conditions by which a license may be
renewed; requiring a licensed commercial game fowl
breeder to maintain certain records; specifying
contents of records; requiring records to be
available upon request of the Department; allowing

1 the Department to require additional information to
2 be kept; providing for violation; establishing
3 administrative penalties after certain violations;
4 specifying types of offenses in violation of this
5 act; authorizing the Board to seek further penalties
6 under certain circumstances; creating the Commercial
7 Game Fowl Breeders Assistance Revolving Fund; stating
8 purpose of fund; providing sources of fund; allowing
9 for funds to be used for certain purpose; amending 21
10 O.S. 2021, Section 1692.9, which relates to
11 cockfighting prohibition exemptions; adding
12 exemption; updating statutory reference; providing
13 for codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 33 of Title 4, unless there is
17 created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Commercial Game
19 Fowl Breeders Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 33.1 of Title 4, unless there is
22 created a duplication in numbering, reads as follows:

23 As used in this act:

- 24 1. "Board" means the State Board of Agriculture;
25 2. "Cockfight" or "cockfighting" means the same as defined in
26 Section 1692.1 of Title 21 of the Oklahoma Statutes;
27 3. "Commercial game fowl breeder" means any individual, entity,
28 association, trust, or corporation who possesses game fowl for the

1 use of breeding or dealing in game fowls for direct or indirect sale
2 or for exchange in return for consideration;

3 4. "Commercial game fowl breeder license" means a license
4 issued to any person who qualifies and is licensed as a commercial
5 game fowl breeder;

6 5. "Department" means the Oklahoma Department of Agriculture,
7 Food, and Forestry;

8 6. "Facility" means the premises used by one or more commercial
9 game fowl breeders. The term includes, but is not limited to, all
10 buildings, properties, and confinement areas in a single location
11 used to conduct commercial game fowl breeding business;

12 7. "Game fowl" means a rooster historically bred and trained
13 for cockfighting; and

14 8. "Humane society" means a nonprofit organization exempt from
15 federal income taxation as an organization described in Section
16 501(c) (3) of the Internal Revenue Code of 1986, as amended, that has
17 as a principal purpose the prevention of animal cruelty or the
18 sheltering of, caring for, and providing of homes for lost, stray,
19 and abandoned animals.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 33.2 of Title 4, unless there is
22 created a duplication in numbering, reads as follows:

23 A. The State Board of Agriculture shall enforce and administer
24 the provisions of this act.

1 B. The Board shall adopt the rules necessary to enforce and
2 administer this act including, but not limited to, rules that:
3 1. Establish standards for care;
4 2. Establish reasonable and necessary fees;
5 3. Establish provisions related to initial and renewal
6 applications, revocation or nonrenewal of licenses, procedures for
7 sale of game fowl, and procedures for making complaints; and
8 4. Establish any other rules deemed necessary by the Board.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 33.3 of Title 4, unless there is
11 created a duplication in numbering, reads as follows:

12 A. A person shall not act, offer to act, or hold himself or
13 herself out as a commercial game fowl breeder unless the person
14 holds a license obtained pursuant to this act for each facility that
15 the person owns or operates in this state.

16 B. It shall be unlawful for any person to act as a commercial
17 game fowl breeder licensee, or to hold himself or herself out as
18 such, unless the person shall have been licensed to do so under this
19 act.

20 C. An applicant for a commercial game fowl breeder license
21 shall meet the criteria established by the State Board of
22 Agriculture through rules promulgated pursuant to this act.
23
24

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 33.4 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The Oklahoma Department of Agriculture, Food, and Forestry
5 may contract with a local veterinarian licensed by the state, a
6 state agency, or any other qualified person to conduct or assist in
7 an initial licensing inspection and annual inspections.

8 B. The Department shall arrange for an inspection at a facility
9 prior to the issuance of an initial commercial game fowl breeder
10 license for that facility.

11 1. The Department shall not issue a commercial game fowl
12 breeder license to any person until the Department receives an
13 initial inspection report from the inspector in a format approved by
14 the Department certifying that the facility meets the requirements
15 of this act.

16 2. Prior to the initial inspection, each applicant shall pay to
17 the Department a nonrefundable inspection fee.

18 C. The Department, at least annually, shall arrange for the
19 inspection of each facility of a licensed commercial game fowl
20 breeder. The inspection shall ensure the health and safety of the
21 game fowl including, but not limited to, assessing the health of and
22 signs of disease in the game fowl and whether the facility provides
23 a standard of care, checking for injuries or mutilations associated
24 with cockfighting, and checking the records kept pursuant to Section

1 9 of this act. The inspection shall be conducted during normal
2 business hours and the commercial game fowl breeder shall be present
3 during the inspection. The Department shall not be required to
4 provide notice prior to an inspection.

5 D. The inspector shall submit an inspection report to the
6 Department not later than ten (10) days after the date of the
7 inspection on a form prescribed by the Department and provide a copy
8 of the report to the commercial game fowl breeder.

9 E. On receipt of a valid written complaint alleging a violation
10 of this act, an authorized agent of the State Board of Agriculture
11 or an inspector designated by the Department may investigate the
12 alleged violation.

13 F. The Department shall not hire any humane society group or
14 member of any humane society group to perform any inspection
15 required by this act.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 33.5 of Title 4, unless there is
18 created a duplication in numbering, reads as follows:

19 A. The Oklahoma Department of Agriculture, Food, and Forestry
20 shall issue a commercial game fowl breeder license to each applicant
21 who:

22 1. Meets the requirements of this act;

23 2. Applies to the Department on the form prescribed by the
24 Department; and

1 3. Pays the required fee.

2 B. A commercial game fowl breeder shall obtain a separate
3 license for each facility where a game fowl is kept. A separate
4 license shall be issued for each facility, regardless of the number
5 of game fowls at each facility.

6 C. If a single facility is shared by more than one person, each
7 person shall be required to become individually licensed.

8 D. A license issued under this act is valid until January 1 for
9 a commercial game fowl breeder license in each calendar year and is
10 nontransferable.

11 E. A commercial game fowl breeder shall prominently display a
12 copy of the commercial game fowl breeder license at the facility of
13 the commercial game fowl breeder. A commercial game fowl breeder
14 shall include the commercial game fowl breeder license number in
15 each advertisement for the sale or transfer of a game fowl by the
16 commercial game fowl breeder. A commercial game fowl breeder shall
17 include in each contract for the sale or transfer of an animal by
18 the commercial game fowl breeder the commercial game fowl breeder
19 license number.

20 F. A commercial game fowl breeder licensed pursuant to this
21 section shall notify the Oklahoma Department of Agriculture, Food,
22 and Forestry in writing not later than ten (10) days after the date
23 any change occurs in the address, name, management, substantial
24 control, or ownership of the business or operation.

1 G. The State Board of Agriculture shall maintain and post on
2 its website the directory of commercial game fowl breeders licensed
3 pursuant to this act.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 33.6 of Title 4, unless there is
6 created a duplication in numbering, reads as follows:

7 A. The Oklahoma Department of Agriculture, Food, and Forestry
8 may deny a license, or renewal thereof, or revoke a license of any
9 applicant or commercial game fowl breeder who fails to meet the
10 standards of care or fails to follow the application process adopted
11 by the Department, or if the person:

12 1. Is convicted of a crime involving animal cruelty;
13 2. Is convicted of violating the provisions of this act more
14 than three times;

15 3. Is convicted of a felony specified in Section 1692.8 of
16 Title 21 of the Oklahoma Statutes;

17 4. Is convicted of a felony punishable under the Oklahoma
18 Racketeer-Influenced and Corrupt Organizations Act; or

19 5. Has held or applied for a United States Department of
20 Agriculture license pursuant to the Animal Welfare Act and whose
21 license was suspended or revoked, or whose application was refused
22 due to the improper care of animals.

1 B. The State Board of Agriculture shall post on its website the
2 directory of commercial game fowl breeders who have been denied
3 licensing, or whose licenses have been revoked.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 33.7 of Title 4, unless there is
6 created a duplication in numbering, reads as follows:

7 A. A commercial game fowl breeder who is not in violation of
8 this act or any rule adopted under this act may renew the license of
9 the person by:

10 1. Submitting a renewal application to the Oklahoma Department
11 of Agriculture, Food, and Forestry on the form prescribed by the
12 Department;

13 2. Complying with any other renewal requirements adopted by the
14 Department; and

15 3. Paying the required fee.

16 B. Any person who fails to apply for a renewal in a manner
17 prescribed by the Department, and whose license has expired, may not
18 engage in activities that require a license until the license has
19 been renewed.

20 C. Not later than sixty (60) days before the expiration of the
21 license, the Department shall send written notice of the impending
22 license expiration to the commercial game fowl breeder at the last-
23 known address according to the records of the Department.

1 SECTION 9. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 33.8 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 A. A commercial game fowl breeder shall maintain a separate
5 health record for each game fowl in the facility of the commercial
6 game fowl breeder documenting the health care of the game fowl.

7 B. The health record shall include, but not be limited to:

8 1. The breed, color, and identifying marks of the game fowl;
9 and

10 2. A record of all inoculations, medications, and other
11 veterinary medical treatment received by the game fowl while in the
12 possession of the commercial game fowl breeder.

13 C. A commercial game fowl breeder shall maintain a separate
14 breeding record for each game fowl in the facility of the game fowl
15 breeder documenting the transaction and breeding of each game fowl.

16 D. This breeding record shall include, but not be limited to:

17 1. A record of fees associated with the breeding of the game
18 fowl;

19 2. Registration documentation of bloodline and ancestry; and

20 3. The name and contact information of the owner of a breeding
21 hen or recipient of game fowls bred as allowed in this act.

22 E. The commercial game fowl breeder shall make the health and
23 breeding records available on request to the Oklahoma Department of
24 Agriculture, Food, and Forestry, an authorized agent of the State

1 Board of Agriculture, or any other inspector designated by the
2 Department.

3 F. The Department may require additional information to be kept
4 by a licensed commercial game fowl breeder pursuant to this section.

5 SECTION 10. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 33.9 of Title 4, unless there is
7 created a duplication in numbering, reads as follows:

8 A. After notice and opportunity for a hearing in accordance
9 with the Administrative Procedures Act, if the State Board of
10 Agriculture finds any person in violation of this act or any rule
11 promulgated or order issued pursuant thereto, the Board shall have
12 the authority to assess an administrative penalty of not less than
13 One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars
14 (\$10,000.00) for each violation. Each game fowl, each action, or
15 each day a violation continues may constitute a separate and
16 distinct violation. During each license year of the facility, a
17 facility shall not be subject to more than Ten Thousand Dollars
18 (\$10,000.00) in administrative penalties assessed pursuant to this
19 subsection.

20 B. A person commits an offense if the person violates this act
21 or any rule adopted under this act. Each animal to which a
22 violation applies and each day that violation continues constitutes
23 a separate offense. An offense under this subsection is a

1 misdemeanor punishable as provided in paragraph 1 of subsection G of
2 this section.

3 C. A person commits an offense if the person knowingly
4 falsifies information in a license application, annual report, or
5 record required under this act. An offense under this subsection is
6 a misdemeanor punishable as provided in paragraph 1 of subsection G
7 of this section.

8 D. An unlicensed commercial game fowl breeder commits an
9 offense if the person sells, gives, or furnishes in any manner a
10 game fowl to another person without obtaining proper licensure
11 pursuant to this act. An offense under this subsection is a
12 misdemeanor punishable as provided in paragraph 2 of subsection G of
13 this section.

14 E. An unlicensed commercial game fowl breeder commits an
15 offense if the person advertises game fowl for sale. As used in
16 this subsection, "advertise" means the act of providing
17 consideration for the publication, dissemination, solicitation, or
18 circulation of visual, oral, or written communication to induce
19 directly or indirectly any person to purchase a game fowl. An
20 offense under this subsection is a misdemeanor punishable as
21 provided in subsection G of this section.

22 F. A commercial game fowl breeder commits an offense if the
23 commercial game fowl breeder interferes with, hinders, or thwarts
24 any inspection or investigation under this act or refuses to allow

1 an inspector full access to all areas of the facility where animals
2 are kept or cared for and all records required to be kept under this
3 act or under any rule adopted under this act. An offense under this
4 subsection is a misdemeanor punishable as provided in paragraph 2 of
5 subsection G of this section.

6 G. 1. Any violation of subsection B, C, or D of this section
7 shall be punishable by a fine not to exceed Five Hundred Dollars
8 (\$500.00).

9 2. Any violation of subsection E or F of this section shall be
10 punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

11 H. In addition to penalties and fines, the Board shall have
12 authority to obtain injunctions against anyone who violates this
13 act, and shall have authority to obtain or impose civil monetary
14 penalties on anyone who violates this act, and upon obtaining a
15 court order, shall have authority to seize and impound game fowls in
16 the possession, custody, or care of that person if there is reason
17 to believe that the health, safety, or welfare of the game fowl is
18 endangered, or the game fowl are in imminent danger. The reasonable
19 costs of transportation, care, and feeding of seized and impounded
20 game fowls shall be paid by the person from whom the game fowls were
21 seized and impounded.

22 I. Nothing in this act shall preclude the Board from seeking
23 penalties in district court in the maximum amount allowed by law.

24 The assessment of penalties in an administrative enforcement

1 proceeding shall not prevent the subsequent assessment by a court of
2 the maximum civil or criminal penalties for violations of this act
3 and rules promulgated pursuant thereto.

4 J. Any person assessed an administrative or civil penalty may
5 be required to pay, in addition to the penalty amount and interest
6 thereon, attorney fees and costs associated with the collection of
7 the penalties.

8 K. If any person refuses, denies, or interferes with any right
9 of access, the Board shall have the right to apply to and obtain
10 from a district court an administrative or other warrant as
11 necessary to enforce the right of access and inspection.

12 SECTION 11. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 33.10 of Title 4, unless there
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby created in the State Treasury a revolving
16 fund for the Oklahoma Department of Agriculture, Food, and Forestry
17 to be designated the "Commercial Game Fowl Breeders Assistance
18 Revolving Fund". All monies accruing to the credit of the
19 Commercial Game Fowl Breeders Revolving Fund are hereby appropriated
20 and may be budgeted and expended by the Department for the purposes
21 set forth in subsection C of this section. The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of:

1 1. All monies received by the Department for sheltering of
2 seized game fowls pursuant this act; and

3 2. Monies received by the Department in the form of gifts,
4 grants, reimbursements, or from any other source intended to be used
5 for the purposes specified by or collected pursuant to the
6 provisions of this act.

7 B. The monies deposited in the Commercial Game Fowl Breeders
8 Assistance Revolving Fund shall be excluded from budget and
9 expenditure limitations and shall at no time become part of the
10 general budget of the Department or any other state agency. Except
11 as provided for in this section, no monies from the Commercial Game
12 Fowl Breeders Assistance Revolving Fund shall be transferred for any
13 purpose to any other state agency or any account of the Department
14 or be used for the purpose of contracting with any other state
15 agency or reimbursing any other state agency for any expense.

16 C. The Commercial Game Fowl Breeders Assistance Revolving Fund
17 shall be utilized for defraying veterinary costs for game fowls in
18 the event of a removal of game fowls from a commercial game fowl
19 breeder or facility. The fund may, in the discretion of the State
20 Board of Agriculture, also be used to defray costs associated with
21 care of game fowls including, but not limited to, feed and shelter.

22 SECTION 12. AMENDATORY 21 O.S. 2021, Section 1692.9, is
23 amended to read as follows:

1 Section 1692.9. Nothing in ~~this act~~ Section 1692.1 et seq. of
2 this title shall prohibit any of the following:

3 A. 1. Hunting birds or fowl in accordance with Oklahoma
4 regulation or statute, including but not limited to the sport of
5 hunting game with trained raptors.;

6 B. 2. Agricultural production of fowl for human consumption; or
7 3. Commercial breeding of game fowl pursuant to this act.

8 SECTION 13. This act shall become effective November 1, 2025.

10 60-1-1139

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