

The purpose of this side-by-side comparison of the proposed rules of the Oklahoma Commercial Pet Breeders Board and the existing USDA rules is to show that the proposed rules are reasonably consistent with USDA standards and do not place an undue burden on Oklahoma dog breeders.

OKLAHOMA STATE BOARD OF
COMMERCIAL PET BREEDERS PROPOSED
REGULATIONS

USDA REGULATIONS OF CLASS "A"
DEALERS

CHAPTER 15: COMMERCIAL PET BREEDER
OPERATIONS GUIDELINES

SUBCHAPTER 1. GENERAL PROVISIONS

532: 15-1-1. Minimum standards of care generally

Commercial pet breeders shall provide that level of care to pets, including sufficient food and water, regular exercise, veterinary care, adequate grooming, natural or artificial light during daylight hours, adequate space in living quarters, protection from the elements and extreme temperatures, and adequate resting time between breeding cycles, that ensures the general health and well-being of all pets the commercial pet breeder owns. All commercial pet breeders shall comply with the standards of care set forth in this Chapter and shall at all times be able and encouraged to provide conditions improved beyond the minimum standards set forth by this Chapter. With regard to care elements not specifically addressed in this Chapter, commercial pet breeders shall be guided by the generally accepted standards of breeding and husbandry. The provisions of this Chapter are in addition to, and not in lieu of, any other state and federal laws regarding animal welfare. This Chapter is not intended to limit any state law or regulation governing the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in addition to this section.

532: 15-1-2. Definitions

- (a) **"Adult Animal"** means an animal six months of age or older.
- (b) **"Animal"** means a dog or a cat.
- (c) **"Applicant"** shall mean any person who submits an application to the Board for a commercial pet breeder license.
- (d) **"Application Evaluator"** shall mean the Board if the Board does not delegate to the Application Committee the consideration of an application and the conduct of an inspection, but it shall mean the Application Committee if the Board delegated the

This portion of the proposed rules is the preamble to the Oklahoma standards and does not have an analogous USDA section.

consideration of an application and the conduct of an inspection to the Application Committee.

(e) **“Association”** shall mean two or more persons who act together in relation to commercial pet breeding activities or mutually undertake pet breeding activities in such a way that they have mutual or shared duties and obligations, shared or mutually available property or employees, shared profits or losses, or act in such a way that the pet breeding activities of one person affect or benefit the other.

(f) **“Carrier”** shall mean commercial carriers and intermediate handlers.

(g) **“Cat”** means a mammal that is wholly or partly of the species *Felis domesticus*.

(h) **“Commercial pet breeder”** shall mean any person that possesses or has possessed at any time in the last twelve months eleven or more adult intact female animals for use in breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration. Household pets kept by breeders which the breeder has registered with the Board as not being used in breeding or dealing shall not be counted under this definition. [59 O.S. § 5002(4)].

(i) **“Describing”** a pet or the **“description”** of a pet as used in this part shall mean a description of the breed, gender, color, any distinctive qualities, date of birth, and the pet identification numbers required under these Rules.

(j) **“Dog”** means a mammal that is wholly or partly of the species *Canis familiaris*.

(k) **“Entity”** shall mean a corporation, limited liability company, a general partnership, limited partnership, limited liability partnership, limited liability limited partnership, professional corporation, trust or other with a recognized legal existence under the laws of the State of Oklahoma.

(l) To **“House”** shall mean to hold an animal or to provide an animal living quarters or shelter for any amount of time, except that it shall not include the holding or transporting of a pet within the state of Oklahoma by a person who is not a resident of Oklahoma and who is in Oklahoma for the sole purpose of attending a competitive show held in Oklahoma.

(m) **“Housing Facility”** shall mean the location that houses the primary enclosures holding pets, and may consist of interior space or exterior shelters, or the space in which pets are held, if the pets are not held inside a primary enclosure.

Carrier means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire.

Cat means any live or dead cat (*Felis catus*) or any cat-hybrid cross.

“Commercial pet breeder” is an Oklahoma definition created for the purpose of this code.

Dog means any live or dead dog (*Canis familiaris*) or any dog-hybrid cross.

(n) “**Licensee**” shall mean a commercial pet breeder that has obtained a temporary or permanent license to operate as a commercial pet breeder from the Board.

(o) “**Location**” shall mean the actual physical address or known place of business.

(p) “**Kitten**” shall mean a cat less than six (6) months old.

(q) “**Oklahoma entity**” shall mean an entity created by filing creation or registration documents with the Oklahoma Secretary of State, or a trust having its legal sites in Oklahoma.

(r) “**Owner**” shall mean a person who owns 10% or more of the ownership interest in a commercial pet breeder, directly or indirectly, in an entity.

(s) “**Person**” shall mean an individual, association, trust, or entity.

(t) “**Pet**” means a dog or cat, including a puppy or kitten.

(u) “**Possess**” shall mean to have custody of or control over, except that it shall not include having custody or control of a pet within Oklahoma by a person who is not a resident of Oklahoma and who is in Oklahoma for the sole purpose of attending a competitive show held in Oklahoma.

(v) “**Primary Enclosures**” shall mean the primary structure that restricts a pet’s ability to move in a limited amount of space, such as a room, cage or compartment, or an enclosed fenced or walled area when there is no other structure restraining the pets’ ability to move.

(w) “**Puppy**” shall mean a dog less than six months old.

(x) The “**Act**” shall mean the Commercial Pet Breeders Act, codified at 59 O.S. § 5001 et. seq.

(y) The “**Board**” shall mean the Commercial Pet Breeders Board, created by 59 O.S. § 5001 et. seq.

(z) “**Recipient**” shall mean the person to whom a commercial pet breeder ships a pet using a carrier.

(aa) These “**Rules**” shall mean the Rules adopted by the Commercial Pet Breeders Board and recorded at Title 32 of the Oklahoma Administrative Code.

Person means any individual, partnership, firm, joint stock company,

Pet animal means any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats...

Primary enclosure means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.

SUBCHAPTER 2. MINIMUM HOUSING AND CARE STANDARDS.

532: 15-2-1. Food and water requirements; storage of food

(a) Water. Commercial pet breeders shall provide access to potable water to pets as often as necessary to ensure their health and well-being. Commercial pet breeders that do not provide pets constant access to water shall offer water to pets at least three times daily for at least 1 hour each time, unless restricted by the attending veterinarian, or unless a veterinarian has directed that the commercial pet breeder shall provide the pet access to water more times than three times per day.

(b) Feeding. Commercial pet breeders shall feed pets at least once each day, but they shall feed pets more than once each day if required in order to provide adequate veterinary care. Commercial pet breeders shall feed pets food that is uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal, according to the pet's breed, age, and condition. Commercial pet breeders shall refrigerate perishable food.

(c) Food and water receptacles. Commercial pet breeders shall use food and water receptacles to deliver food and water to pets. Commercial pet breeders shall make food and water receptacles readily accessible to each pet, and shall place food and water receptacles in a location where the receptacle and its contents will not likely become contaminated by excreta, pests, or otherwise, and where food will be protected from the elements. Food and water receptacles must be disposable, or they must be made of a durable material that can be easily cleaned and sanitized. Commercial pet breeders shall keep food receptacles clean at all times in which they contain food, and shall clean and sanitize water receptacles daily. Commercial pet breeders shall discard disposable receptacles after one use.

(d) Storage. Commercial pet breeder shall store food supplies in a manner that protects the food from spoilage, contamination, molding, caking, and vermin infestation and prevents deterioration of the food's nutritive value.

532:15-2-2. Housing facilities

(a) General. Commercial pet breeders shall house pets in housing facilities that at all times keep the pets dry, protect pets from exposure to the elements, extreme weather conditions, or hazards that could endanger the pets, contain the pets securely, and restrict other animals from entering the housing facility. Commercial

Sec. 3.10 Watering. If potable water is not continually available to the dogs and cats, it must be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by the attending veterinarian. Water receptacles must be kept clean and sanitized in accordance with Sec. 3.11(b) of this subpart.

Sec. 3.9 Feeding. (a) Dogs and cats must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

(b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. If the food receptacles are disposable, they must be discarded after one use.

If self-feeders are used, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

Sec. 3.1 Housing facilities, general.

Source: 56 FR 6486, Feb. 15, 1991

Facilities and Operating Standards

(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

pet breeders shall keep the housing facilities in good repair.

(b) Cover, shade, and temperatures. Commercial pet breeders shall house animals in housing facilities that shelter pets from direct sunlight and extreme heat. Exterior housing facilities shall include shaded or covered areas large enough to fit all pets simultaneously, in a sitting, laying or outstretched position, and protect pets from the elements. Commercial pet breeders shall not keep pets in an exterior or sheltered housing facility when the temperature in the facility falls below 50 °F (10 °C) unless the pets are acclimated to lower temperatures, and can withstand such temperatures without stress and discomfort, as certified by a veterinarian, including that commercial pet breeders shall not keep sick, aged, young, or infirm pets under temperatures lower than 50 °F (10 °C) unless directed by a veterinarian. Commercial pet breeders shall provide dry bedding to pets located in exterior housing facilities when outside temperatures are below 50 degrees Fahrenheit in order to allow pets to conserve body heat. Commercial pet breeders using indoor housing facilities shall maintain such facilities sufficiently heated and cooled when necessary to protect the pets from temperature or humidity extremes and to provide for pets' health and well-being. When pets are present, the ambient temperature in the facility must not fall below 50°F for and must not rise above 85 °F,

(c) Surfaces. The surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility, but excluding fencing or walls that delineate outer boundaries of a facility or property,—that pets might touch, reach, or otherwise come in contact with shall be constructed of materials that allow the surfaces to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Commercial pet breeders shall keep all surfaces that pets might touch, reach, or otherwise come in contact with clean and sanitized. Surfaces that pets may reach, touch, or otherwise come in contact with must be free of jagged, sharp, or rough edges that might cause the pets injury. Any metal wire flooring that pets may come into contact with must be covered in a protective plastic or rubber coating and slatted surfaces shall not allow the pets' feet to pass through or get caught or trapped.

(d) Ventilation. Commercial pet breeders shall provide sufficient ventilation to indoor or sheltered housing facilities containing pets to provide for the pets' health

When dogs or cats are present, the ambient temperature in the facility must not fall below 50 [deg]F (10 [deg]C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats, except as approved by the attending veterinarian.

Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 [deg]F (10 [deg]C).

Sec. 3.2 Indoor housing facilities.(a) Heating, cooling, and temperature. Indoor housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must: (i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and(ii) Be free of jagged edges or sharp points that might injure the animals.

(b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health

and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Commercial pet breeders may provide the ventilation by using windows, vents, fans, or air conditioning, but they shall use auxiliary ventilation, such as fans, blowers, or air conditioning when the outside temperature is 85 °F (29.5 °C) or higher. Commercial pet breeders shall maintain the relative humidity at a level that ensures the health and well-being of the pets housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices. Commercial pet breeders shall maintain ammonia levels at less than 20 parts per million at all locations within the housing facility. Ammonia levels for the housing facility will be measured by taking measurements at various locations in the facility. The number of measurements to be taken shall be equal to the number that is 10% of the total number of pets housed in the facility. The measurements shall be taken at the shoulder height of randomly selected pets located throughout the housing facility. Ammonia in a primary enclosure shall be measured no sooner than 30 minutes after the completion of active cleaning of that primary enclosure.

(e) Running Water and Electricity. Commercial pet breeders shall provide or secure the provision of adequate running potable water to housing facilities to allow the commercial pet breeder to clean and sanitize, and to provide drinking water to the pets. Commercial pet breeders shall provide or secure the provision of reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with these rules.

(f) Outdoor floors. Outside floor areas in contact with pets and exposed to direct sun shall consist of concrete, compacted earth, absorbent bedding, sand, gravel, grass, or other material that does not transfer heat and become hot to the touch. Solid outdoor floors are subject to sanitization requirements, and commercial pet breeders shall remove feces and debris from the floor and clean as necessary on a daily basis. Commercial pet breeders shall rake or spot-clean outdoor floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Commercial pet breeders shall replace contaminated outdoor material that is not solid whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation.

and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 [deg]F (29.5 [deg]C) or higher.

(d) Water and electric power. The housing facility must have reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this subpart. The housing facility must provide adequate running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

Surfaces--(1) General requirements. The surfaces of housing facilities-- including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must (4) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in paragraph (b)(3) of this section, such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(2) Maintenance and replacement of surfaces. All surfaces must be maintained on a regular basis. Surfaces of housing facilities-- including houses, dens, and other furniture-type fixtures and objects within the facility--that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

(g) General maintenance. Commercial pet breeders shall keep housing facilities free of accumulations of trash, junk, waste products, and discarded matter, and they shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the pets.

(h) Pest control. Commercial pet breeders shall adopt and use an effective program for the control of insects, vermin, external parasites affecting pets, and other pests, and to reduce contamination by pests in animal areas.

(i) Light. Commercial pet breeders shall provide all areas housing animals a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the pets. Commercial pet breeders shall arrange or place primary enclosures in a manner that protects the pets from excessive light.

(j) Compatibility. Commercial pet breeders may place only compatible pets in the same primary enclosure. Commercial pet breeders shall not place breeding female animals in heat in the same enclosure at the same time with sexually mature male animal, except for breeding purposes; breeding females and their litters in the same enclosure at the same time with other adult dogs; puppies or kittens under four months of age with other adult animals other than their dam or foster dam; or animals exhibiting vicious or an aggressive disposition with any other animal. Commercial pet breeders shall not place more than six (6) adult pets simultaneously in any enclosure. Notwithstanding the foregoing, breeding colonies are permitted.

(c) Housekeeping for premises. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. [56 FR 6486, Feb. 15, 1991,

(c) Lighting. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light. [56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10498, Mar. 4, 1998]

(2) Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

532: 15-2-3. Primary enclosures

(a) Size requirements for dogs.

(1) Commercial pet breeders may house up to six dogs who have been removed from their whelping box in the same primary enclosure, which primary enclosure must provide at least the following amount of square feet of floor space:

(A) For an enclosure containing one dog, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 2. Mathematically, the space the commercial pet

1) Space. (i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

breeder must provide for the first dog equals $2 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(B) For an enclosure containing two dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 3. Mathematically, the space the commercial pet breeder must provide for the first dog equals $3 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

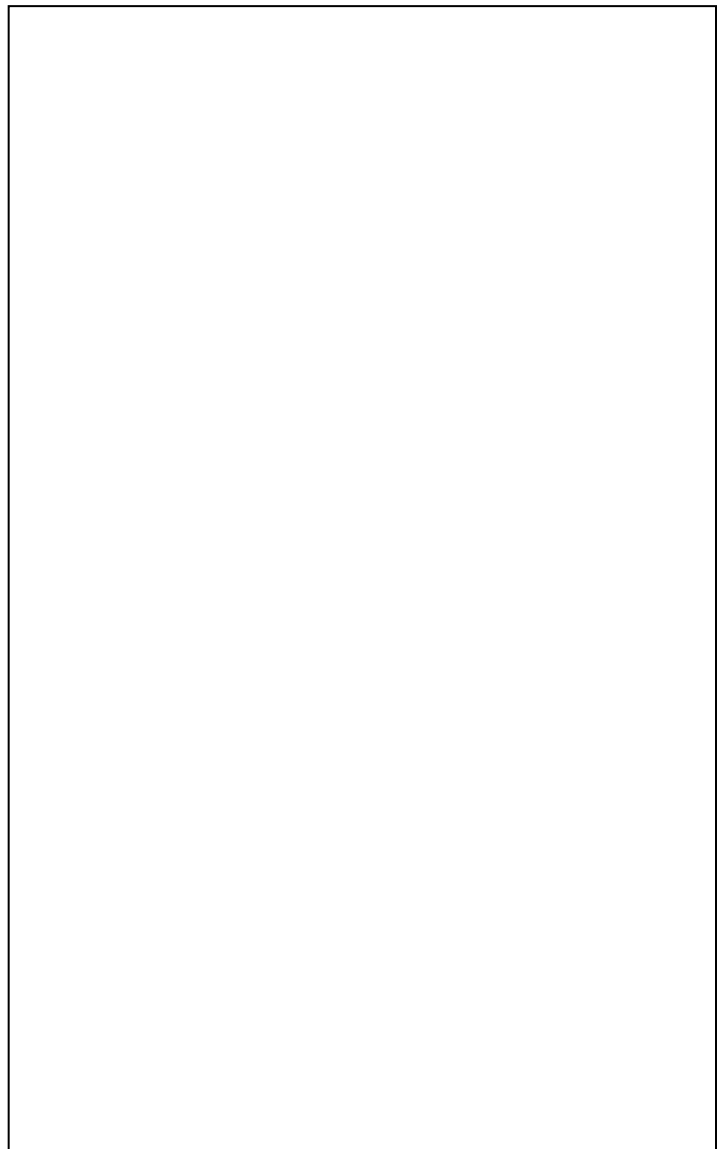
(C) For an enclosure containing three dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 4. Mathematically, the space the commercial pet breeder must provide for the first dog equals $4 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(D) For an enclosure containing four dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 5. Mathematically, the space the commercial pet breeder must provide for the first dog equals $5 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(E) For an enclosure containing five dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 6. Mathematically, the space the commercial pet breeder must provide for the first dog equals $6 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(F) For an enclosure containing six dogs, the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 7. Mathematically, the space the commercial pet breeder must provide for the first dog equals $7 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6)/144]$.

(2) Commercial pet breeders shall provide each bitch with nursing puppies the amount of floor space calculated under subsection (1)(A) of this section plus sufficient floor space to allow for a whelping box and the litter, based on the bitch's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian, but at a minimum large enough



(ii) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian.

to allow the mother to stretch out on her side, permitting all the puppies to nurse. If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the attending veterinarian. At such time as the puppies are able to leave the whelping box, the calculations for additional dogs as specified immediately above shall apply. Any whelping box or enclosure shall provide for enough room to allow the bitch to separate from the pups in the box or enclosure. Minimum floor space required by this section shall be calculated excluding floor space taken up of by food pans, water pans, and litter boxes.

(b) Additional space requirements for cats.

Commercial pet breeders shall house cats in primary enclosures at least 24 inches high; containing a resting surface or surfaces large enough to hold all the occupants of the primary enclosure at the same time comfortably; and containing at least 3.0 square feet of floor space for each cat weighing up to 8.8 pounds, at least 4.0 square feet of floor space for each cat more than 8.8 pounds. Additionally, commercial pet breeders shall provide each queen with nursing kittens an additional amount of floor space per nursing kitten, based on the queen's breed and behavioral characteristics and in accordance with generally accepted husbandry practices, which per kitten additional floor space shall be in no event less than 5% of the minimum space requirement for the queen. Low resting surfaces that do not allow a cat to comfortably occupy the space under them will not be counted as part of the floor space. Minimum floor space required by this section shall be calculated excluding floor space taken up of by food pans, water pans, and litter boxes.

(c) Flooring requirements. Commercial pet breeders shall only use primary enclosures that have floors that are constructed in a manner that protects the pets' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the pets' feet to pass through or become stuck in any openings in the floor. If the floor of a primary enclosure is composed of a mesh or wire, the mesh or wire must be coated in plastic or rubber to protect pets' feet from injury. Additionally, if the floor of a primary enclosure is composed of coated wire, the commercial pet breeder shall provide temporary or permanent covers or inserts creating a solid surface within the primary enclosure equal to 25%

If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

(b) Additional requirements for cats.--(1)Space. Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows

(ii) On and after February 15, 1994:

(A) Each primary enclosure housing cats must be at least 24 in. high (60.96 cm); (B) Cats up to and including 8.8 lbs (4 kg) must be provided with at least 3.0 ft² (0.28 m²);

(C) Cats over 8.8 lbs (4 kg) must be provided with at least 4.0 ft² (0.37 m²); (iii) Each queen with nursing kittens

must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing kitten is equivalent to less than 5 percent of the minimum requirement for the queen

(iv) The minimum floor space required by this section is exclusive of any food or water pans.

(2) Compatibility. All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned cats may be housed in the same primary enclosure.

Flooring : ...on or after January 21, 2000, all primary enclosures must be in compliance with the requirements in this paragraph (a)(2). If the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass.

of the minimum size of the enclosure, as calculated under subsection a of this section. In all events commercial pet breeders may only use primary enclosures containing suspended or elevated floors if such floors are strong enough so that the floor does not sag or bend between the structural supports.

(d) Stacking of dog enclosures. Commercial pet breeders may stack primary enclosures containing pets over other primary enclosures containing pets if there is a barrier or drainage system between the upper enclosure and the lower enclosure that prevents all feces and debris from falling from the upper enclosure into the lower enclosure.

532:15-2-4. Waste removal and sanitization

(a) Generally. Commercial pet breeders shall sanitize at least once every week all solid or wire surfaces that the pets may reach, touch, or otherwise come in contact with.

(b) Waste Removal. Commercial pet breeders shall remove excreta, discarded food, and any type of waste daily from all surfaces that pets may reach, touch, or otherwise come in contact with.

(c) Sanitization. Sanitization, as used in this chapter shall mean the removal of all waste, standing water, and cleaning of all surfaces that animals may reach, touch, or otherwise come in contact with. Commercial pet breeders shall remove all pets from the enclosure during cleaning and sanitization and shall hold them in an enclosure satisfying the minimum space requirement set forth in this Chapter or in an exercise area. Commercial pet breeders shall ensure other pets and enclosures containing other pets do not become contaminated with wastes or discarded materials removed from an enclosure or the housing facility. Commercial pet breeders shall clean the pans under primary enclosures with slatted floors daily, or more often if necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

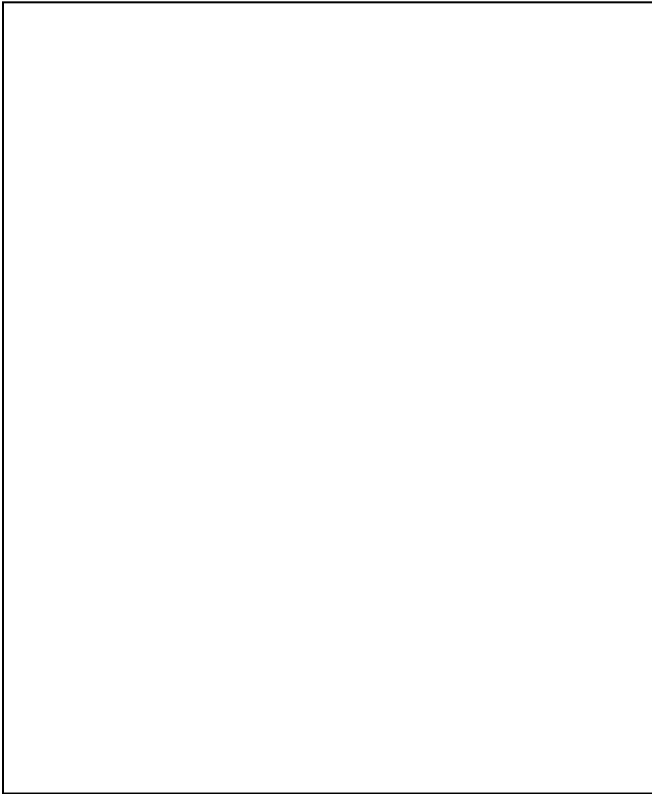
(d) Drainage and waste disposal. Commercial pet breeders' waste disposal practices shall comply with DEQ guidelines and other applicable municipal ordinances, state statutes, and federal codes for disposal of pet waste. Commercial pet breeders shall undertake regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead pets, in a manner that minimizes contamination and disease risks.

The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste,

(a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pests, insects and odors.

Commercial pet breeders shall equip housing facilities and primary enclosures with disposal facilities and drainage systems that rapidly eliminate pet waste and allow animals to remain clean and dry at all times. Commercial pet breeders shall properly construct, install, and maintain all drains. If commercial pet breeders use closed drainage systems, the drains must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor or any surface that animals might touch. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the pet area of the housing facility holding pets to prevent odors, diseases, pests, and vermin infestation. Trash containers in housing facilities and in food storage and food preparation areas must be leak proof and must have tightly fitted lids on them at all times. Commercial pet breeders shall not keep or allow to be kept animal carcasses or animal waste in food storage or preparation areas, food freezers, food refrigerators, or areas that pets may touch or reach. Cleaning and treatment of all waste including water shall be done in such a manner that there shall be no adverse effect on any animal in the area.



532:15-2-5. Veterinary care

Commercial pet breeders must provide animals with adequate veterinary care to ensure animals' well-being, including an annual physical exam conducted by an Oklahoma State Licensed Veterinarian. Commercial pet breeders shall provide sick or injured animals veterinary care within 24 hours, unless on weekends, in which case commercial pet breeders shall provide sick or injured animals veterinary care on the next business day. Commercial pet breeders shall follow the directives of the veterinary doctor for care of the animal, including that commercial pet breeders shall provide to the animals any medications prescribed by the veterinarian and additional food, water, exercise, or other element that the animal may be lacking. Rabies vaccine may only be administered under the supervision of an Oklahoma licensed veterinarian.

532:15-2-6. Grooming

Commercial pet breeders shall provide grooming to all dogs, including brushing, tangle removal, nail trims, and hair trimming, and bathing frequently enough to maintain good skin health and odor control, with less

than 5% of coat matted, and no signs of long standing dirt and grime, as recommended by the American Kennel Club in its standards for each particular breed.

532:15-2-7. Exercise requirements

Commercial pet breeders shall develop, document, and follow an appropriate plan to provide pets with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian, according to reasonable professional standards. The plan shall include written procedures to be followed in providing pets the opportunity for exercise. The plan must be made available to the Board upon request. The plan, at a minimum, must comply with each of the following:

(a) Dogs housed individually. Commercial pet breeders shall provide pets over 12 weeks of age that are housed, held or maintained individually, except bitches with litters, the opportunity for regular exercise in cages, pens, or runs that provide no less than two times the required floor space in a primary enclosure for that pet, as required in this Subchapter.

(b) Dogs housed in groups. Commercial pet breeder shall not be required to provide additional opportunity for exercise to pets over 12 weeks of age that are housed, held, or maintained in groups if the pets are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each pet if maintained separately.

(c) Contact requirement. Commercial pet breeders and attending veterinarians, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a pet is housed, held, or maintained in a primary enclosure without sensory contact with another pet, it must be provided with positive physical contact with humans at least daily.

(d) Method of exercise. The attending veterinarian shall determine the frequency, method, and duration of the opportunity for exercise. The opportunity for exercise may be provided in a number of ways, such as: (A) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each pet if maintained separately under the minimum floor space requirements for primary enclosures required in this Subchapter;

(B) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space for primary enclosures required in this Subchapter; or

Sec. 3.8 Exercise for dogs.

Dealers, exhibitors, and research facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise. The plan must be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding Federal agency. The plan, at a minimum, must comply with each of the following:

(a) Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any dealer, exhibitor, or research facility, including Federal research facilities, must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog.

(i) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements

(2) Dealers, exhibitors, and research facilities, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.

Sec. 3.6(c)(1) of this subpart; (iii) Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian;

(3) The opportunity for exercise may be provided in a number of ways, such as: **Group housing in cages,** pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of Sec. 3.6(c)(1) of this subpart; (ii) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by

(C) Other similar activities.

(e) **Prohibited exercise tools.** Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

532:15-2-8. Quarantine

In order to minimize the dissemination of disease, commercial pet breeders shall separate from other animals those animals that are under quarantine or receiving treatment for a suspected communicable disease.

532:15-2-9. Adequate rest between breeding cycles

Commercial pet breeders may only breed healthy female dogs or cats. Commercial pet breeders shall not breed a female dog or cat before she has reached age 10 months or her second heat cycle, whichever comes first.

532:15-2-10. Other facility and employee requirements

(a) **Washrooms and sinks.** Commercial pet breeder facilities must have readily accessible washing facilities such as washrooms, basins, sinks, or showers to be used by animal caretakers.

(b) **Employee requirements.** Commercial pet breeders shall provide at each facility sufficient caretakers, to carry out the level of husbandry practices and care required in this Chapter with respect to each pet housed or kept in the facility. Caretakers who provide for husbandry and care or handle animals must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of animals to supervise others. Caretakers may include unpaid volunteers, such as the owners of the commercial pet breeder and members of their family as well as other volunteers. If unpaid workers available to the commercial pet breeder are not able to carry out the level of husbandry practices and care required in this Chapter, the commercial pet breeders must employ additional staff persons, as necessary.

532:15-2-11. Permanent Pet identification requirement

Commercial pet breeders shall identify each pet two months of age or older and each pet prior to sale or transference of ownership, if before 2 months of age, with a form of permanent identification, including an

or (iv) Other similar activities.

(4) **Forced exercise** methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

Sec. 3.12 Employees.

Each person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) maintaining dogs and cats must have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide for husbandry and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

implanted permanent pet identification number microchip, tattoo, or other similar mechanism, mark, or devise. Licensees may tattoo in accordance with their registering organizations or Federal USDA licensing guidelines. The Licensee will insure that the permanent identification that is placed on the pet will match their sales and breeding records as required by the rules. Licensees that choose to tattoo, that are not tattooing according to any set guidelines or regulations from a registration agency or other licensing agency will tattoo in accordance with the following method: OK "License Number" -"Pet Tracking Number"

Example: OK123-12

532:15-2-12. Euthanasia procedures

Animals owned or housed by a commercial pet breeder may only be euthanized by an Oklahoma State licensed Veterinarian or Oklahoma Registered Veterinary Technician under the order of a Oklahoma licensed Veterinarian following Oklahoma Practice Act under OS 59 § 698 under accepted euthanasia protocol.

SUBCHAPTER 3. MINIMUM TRANSPORTATION AND SALES STANDARDS.

532: 15-3-1. General transportation requirements

When commercial pet breeders remove pets from housing facilities for transportation, including delivery to purchasers and transportation to auctions or sale locations, they shall transport and care for the pets in a manner that ensures traveling pets' safety, access to food and water, continued enclosure ventilation and sanitation, adequate space, and protection from the elements and extreme temperatures in a reasonably similar manner to that required by these Rules. Commercial pet breeders shall comply with the requirements of this Subchapter while the commercial pet breeder or its agents transport pets.

532:15-3-2. General travel requirements

(a) Food and water. Commercial pet breeders shall provide food and water to pets scheduled to be transported during the 4 hours before travel or before the commercial pet breeder delivers the pet to the

(c) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless the consignor certifies in writing to the carrier or intermediate handler that the dog or cat was offered food and water during the 4 hours before delivery to the carrier or intermediate handler. The certification must be securely attached to the outside of the primary enclosure in a manner that makes it easily noticed and read. Instructions for no food or water are not acceptable unless directed by the attending veterinarian.

carrier. Commercial pet breeders shall provide a small amount of food of the type the pet is regularly fed in a dry storage bag to accompany the animal during transport.

(b) Temperature and ventilation during travel. When transporting pets, commercial pet breeders shall maintain the temperature in pet holding, transportation, or cargo areas above 45 °F (7.2 °C) and below 85 °F (29.5 °C) while pets are present, except for temporary variations in temperature which in no event shall last more than 4 consecutive hours when animals are present inside a holding, transportation or cargo area or 45 minutes while animals are being transported between holding areas. Commercial pet breeders shall adequately ventilate pet holding areas through windows, doors, vents, fans, blowers, or air conditioning at all times that pets are present, and shall use auxiliary ventilation, such as exhaust fans, vents, fans, blowers, or air conditioning when the ambient temperature is 85 °F (29.5 °C) or higher.

(d) Pet removal from primary enclosures. During travel, commercial pet breeders shall remove pets their primary enclosures every 8 hours to allow the pet to urinate, defecate, and obtain exercise.

(e) Ban on shipment of young pets. Commercial pet breeders shall not sell or transfer ownership of, ship, directly or indirectly, pets under 8 weeks of age.

532: 15-3-3. Consignments to carriers

(a) Time of delivery. Commercial pet breeders shall not deliver a pet for transport in commerce more than 4 hours before the scheduled departure time of the car, truck, train, aircraft, or other vehicle or transport on which the pet is to be transported.

(b) Address of recipient. Commercial pet breeders shall obtain the name, address, and telephone number of the recipient before delivering a pet for transport by a carrier, and they must provide the address to the carrier.

(c) Certification of pet condition. The commercial pet breeder shall prepare a written statement of each traveling pet's condition and shall attach the certification to the outside of each traveling pet's primary enclosure in an easily visible location that allows persons looking at the primary enclosure to read the certification. The certification shall provide the following:

(1) The commercial pet breeder shall certify that it provided food and water to the pet during the 4 hours before the pet was delivered for transport and state the

Sec. 3.18 and 3.19

Even if the carrier or intermediate handler receives this certification, the temperatures the dog or cat is exposed to while in a terminal facility must not be lower than 45 [deg]F (2.2 [deg]C) for more than 4 consecutive hours when dogs or cats are present, as set forth in Sec. 3.18, nor lower than 45 [deg]F (2.2 [deg]C) for more than 45 minutes, as set forth

3.11If the dogs or cats are in transit for more than 24 hours, the enclosures must be cleaned and any litter replaced, or other methods, such as moving the animals to another enclosure, must be utilized to prevent the soiling of the dogs or cats by body wastes. If it becomes necessary to remove the dog or cat from the enclosure in order to clean, or to move the dog or cat to another enclosure, this procedure must be completed in a way that safeguards the dog or cat from injury and prevents escape.

(c) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless the consignor certifies in writing to the carrier or intermediate handler that the dog or cat was offered food and water during the 4 hours before delivery to the carrier or intermediate handler.

time the feeding and watering occurred;

(2) Instructions for feeding or watering the animal for a 24-hour period in accordance with these regulations, and commercial pet breeders, which, unless directed otherwise by a veterinarian, in no event shall instruct that the pet be provided no food or water are not acceptable unless directed by the attending veterinarian;

(3) The commercial pet breeder's name, address, and license number;

(4) The recipient's name, address, and telephone number;

(5) A description of the pet, as defined in this Chapter;

(6) A brief summary of the pet's immunization record; and

(7) The commercial pet breeder's signature and the date and time the certification was signed.

(d) Handling of pet at destination. The commercial pet breeder shall instruct the carrier that when a primary enclosure containing a pet has arrived at the animal holding area at a terminal facility after transport, the carrier shall attempt to notify the intended recipient upon arrival and at least once in every 6-hour period thereafter. The time, date, and method of all attempted notifications and the actual notification of the consignee, and the name of the person who notifies or attempts to notify the consignee must be written either on the carrier's or intermediate handler's copy of the shipping document or on the copy that accompanies the primary enclosure. The commercial pet breeder shall instruct the carrier that if the intended recipient cannot be notified within 24 hours after the pet has arrived at the terminal facility, the carrier shall return the pet to the commercial pet breeder or to a person that the commercial pet breeder shall designate, and the commercial pet breeder shall pay the carrier additional fees or costs associated with the re-delivery. The commercial pet breeder shall instruct the carrier that if the intended recipient is notified of the arrival of the pet and does not accept delivery of the pet within 48 hours after arrival of the animal, the carrier shall return the pet to the commercial pet breeder or to a person the commercial pet breeder designates, and the commercial pet breeder shall pay the carrier or intermediate handler additional fees or costs associated with the re-delivery. The commercial pet breeder shall contract with the carrier or intermediate handler for the carrier or intermediate handler to continue to provide proper care, feeding, and housing to the pet and maintain the pet in accordance with generally accepted professional and

The certification must be securely attached to the outside of the primary enclosure in a manner that makes it easily noticed and read. Instructions for no food or water are not acceptable unless directed by the attending veterinarian.

Instructions must be in compliance with Sec. 3.16 of this subpart. The certification must include the following information for each dog and cat:

(1) The consignor's name and address;

(2) The tag number or tattoo assigned to each dog or cat under Sec. Sec.

2.38 and 2.50 of this chapter;

(3) The time and date the animal was last fed and watered and the specific

instructions for the next feeding(s) and watering(s) for a 24-hour period; and

(4) The consignor's signature and the date and time the certification was signed.

husbandry practices while in transportation and until the intended recipient accepts delivery of the animal or until the carrier returns the pet to the commercial pet breeder or a person the commercial pet breeder designates.

532:15-3-4. Primary enclosures used to transport live pets

(a) Construction of primary enclosures. Each pet must be contained in a primary enclosure such as a compartment, transport cage, or crate while being transported. Primary enclosures used to transport pet shall be constructed so that:

(1) The primary enclosure is strong enough to contain the pet securely and comfortably and to withstand the normal rigors of transportation;

(2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the pet contained in it;

(3) The pet is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animal nearby;

(4) The pet can be easily and quickly removed from the enclosure in an emergency;

(5) Unless the enclosure is permanently affixed to the conveyance, the enclosure must have devices such as handles or handholds on its exterior that enable persons to lift, manipulate, and move the enclosure without tilting it, and ensure that persons handling the enclosure will not come into physical contact with the pet contained inside;

(6) Unless the enclosure is permanently affixed to the conveyance, the commercial pet breeder shall clearly mark the primary enclosure on top and on one or more sides with the words "Live Animals," in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure;

(7) Any material, treatment, paint, preservative, or other chemical used in or on the enclosure must be nontoxic to the pet and not harmful to the health or well-being of the pet;

(8) The pet contained inside receives proper ventilation;

(9) The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the

Sec. 3.14 Primary enclosures used to transport live dogs and cats.

Primary enclosures used to transport dogs and cats must be constructed so that:

(1) The primary enclosure is strong enough to contain the dogs and cats securely and comfortably and to withstand the normal rigors of transportation;

(2) The interior of the primary enclosure has no sharp points or edges and

no protrusions that could injure the animal contained in it;

(3) The dog or cat is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animals nearby;

(4) The dog or cat can be easily and quickly removed from the enclosure in an emergency;

(5) Unless the enclosure is permanently affixed to the conveyance, adequate devices such as handles or handholds are provided on its exterior, and enable the enclosure to be lifted without tilting it, and ensure that anyone handling the enclosure will not come into physical contact with the animal contained inside;

(6) Unless the enclosure is permanently affixed to the conveyance, it is clearly marked on top and on one or more sides with the words "Live Animals," in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure;

(7) Any material, treatment, paint, preservative, or other chemical used in or on the enclosure is nontoxic to the animal and not harmful to the health or well-being of the animal;

(8) Proper ventilation is provided to the animal in accordance with paragraph (c) of this section; and

(9) The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. If a slatted or mesh floor is used in the enclosure, it must be designed and constructed so that

enclosure. If a slatted or mesh floor is used in the enclosure, it must be designed and constructed so that the pet cannot fit or place any part of its body between the slats or through the holes in the mesh. Unless the pets are on raised slatted floors or raised floors made of mesh, the primary enclosure must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material that is safe and nontoxic to pets;

(10) The primary enclosure must not allow for excreta or other wastes to fall on other pets, including that enclosures may not be stacked if the enclosures permit wastes or excreta to fall through the enclosure.

(b) Size. Primary enclosures used to transport live pets must be large enough to ensure that each pet contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

(c) Cleaning of primary enclosures. A primary enclosure used to hold or transport pets in commerce must be cleaned and sanitized before each use. If the dogs or cats are in transit for more than 24 hours, the commercial pet breeder shall clean the primary enclosure, replace all litters, and use other methods, such as moving the pets to another enclosure, to prevent the soiling of the pets by body wastes. If it becomes necessary to remove the pet from the enclosure in order to clean, or to move the pet to another enclosure, this procedure must be completed in a way that safeguards the pet from injury and prevents escape.

(d) Ventilation.

(1) Unless the primary enclosure is permanently affixed to the conveyance, the primary enclosure shall have:

(A) At least one-third of the ventilation area located on the upper half of the primary enclosure; and

(B) At least one of the following:

(i) Ventilation openings located on two opposing walls of the primary enclosure and the openings must be at least 16 percent of the surface area of each such wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(ii) Ventilation openings on three walls of the primary enclosure, and the openings on each of the two opposing walls must be at least 8 percent of the total surface area of the two walls, and the ventilation openings on the third wall of the primary enclosure must be at least 50 percent of the total surface area of

the animal cannot put any part of its body between the slats or through the holes in the mesh. Unless the dogs and cats are on raised slatted floors or raised floors made of mesh, the primary enclosure must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material

(d) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce in a primary enclosure unless the primary enclosure meets the requirements of Sec. 3.14 of this subpart. A carrier or intermediate handler must not accept a dog or cat for transport if the primary enclosure is obviously defective or damaged and cannot reasonably be expected to safely and comfortably contain the dog or cat without causing suffering or injury.

(b) Cleaning of primary enclosures. A primary enclosure used to hold or transport dogs or cats in commerce must be cleaned and sanitized before each use in accordance with the methods provided in Sec. 3.11(b)(3) of this subpart. If the dogs or cats are in transit for more than 24 hours, the enclosures must be cleaned and any litter replaced, or other methods, such as moving the animals to another enclosure, must be utilized to prevent the soiling of the dogs or cats by body wastes. If it becomes necessary to remove the dog or cat from the enclosure in order to clean, or to move the dog or cat to another enclosure, this procedure must be completed in a way that safeguards the dog or cat from injury and prevents escape.

Ventilation. (1) Unless the primary enclosure is permanently affixed to the conveyance, there must be:

(i) Ventilation openings located on two opposing walls of the primary enclosure and the openings must be at least 16 percent of the surface area of each such wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(ii) Ventilation openings on three walls of the primary enclosure, and the openings on each of the two opposing walls must be at least 8 percent of the total surface area of the two walls, and the ventilation openings on the third wall of the primary enclosure must be at least 50 percent of the total surface area of that wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the

that wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(iii) Ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each of the four walls must be at least 8 percent of the total surface area of each such wall, and the total combined surface area of the openings must be at least 14 percent of total combined surface area of all the walls of the primary enclosure.

(2) If a primary enclosure is permanently affixed to the primary conveyance so that there is only a front ventilation opening for the enclosure, the primary enclosure must be affixed to the primary conveyance in such a way that the front ventilation opening cannot be blocked, and the front ventilation opening must open directly to an unobstructed aisle or passageway inside the conveyance. The ventilation opening must be at least 90 percent of the total area of the front wall of the enclosure, and must be covered with bars, wire mesh, or smooth expanded metal having air spaces.

(e) Sharing of Primary Enclosures. Commercial pet breeders shall transport in the same primary enclosure no more than one animal 6 months of age or older; one live puppy, 8 weeks to 6 months of age, and weighing over 20 lbs; or two live puppies or kittens up to 6 months of age, that are of comparable size, and weighing 20 lbs or less each. Commercial pet breeders shall not transport puppies or kittens 4 months of age or less in the same primary enclosure with adult animals other than their dams. Commercial pet breeders may only transport in the same primary enclosure compatible pets of the same species.

(f) Placement. Primary enclosures used to transport pets must be positioned in the primary conveyance so as to allow pets access to sufficient air for normal breathing at all times, and provide protection from the elements, including that pets shall not be wetted by precipitation when windows, doors, or other openings of animal holding or transportation areas are open. The openings of primary enclosures must be accessible at all times for emergency removal of the pets.

(f) Accompanying documents and records. Shipping documents that must accompany shipments of pets must either be held by the operator of the primary conveyance, for surface transportation only, or must be securely attached in a readily accessible manner to the outside of any primary enclosure that is part of the shipment, in a manner that allows them to be detached

total combined surface area of all the walls of the primary enclosure; or

(iii) Ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each of the four walls must be at least 8 percent of the total surface area of each such wall, and the total combined surface area of the openings must be at least 14 percent of total combined surface area of all the walls of the primary enclosure;

(3) If a primary enclosure is permanently affixed to the primary conveyance so that there is only a front ventilation opening for the enclosure, the primary enclosure must be affixed to the primary conveyance in such a way that the front ventilation opening cannot be blocked, and the front ventilation opening must open directly to an unobstructed aisle or passageway inside the conveyance. The ventilation opening must be at least 90 percent of the total area of the front wall of the enclosure, and must be covered with bars, wire mesh, or smooth expanded metal having air spaces.

(d) Compatibility. (1) Live dogs or cats transported in the same primary enclosure must be of the same species and be maintained in compatible groups, except that dogs and cats that are private pets, are of comparable size, and are compatible, may be transported in the same primary enclosure.

(2) No more than one live puppy, 8 weeks to 6 months of age, and weighing over 20 lbs (9 kg), may be transported in a primary enclosure when shipped via air carrier.

(3) No more than two live puppies or kittens, 8 weeks to 6 months of age, that are of comparable size, and weighing 20 lbs (9 kg) or less each, may be transported in the same primary enclosure when shipped via air carrier.

3.19, when moving dogs or cats to or from terminal facilities or primary conveyances. A copy of the certification must accompany the dog or cat to its destination and must include the following information: (1) The consignor's name and address; (2) The tag number or tattoo assigned to each dog or cat under Sec2.38 and 2.50 of this chapter; (3) A statement by a veterinarian, dated no more than 10 days before delivery, that to the best of his or her knowledge, each of the dogs or cats contained in the primary enclosure

for examination and securely reattached, such as in a pocket or sleeve. Instructions for administration of drugs, medication, and other special care must be attached to each primary enclosure in a manner that makes them easy to notice, to detach for examination, and to reattach securely. The certification of pet condition required by of these Rules must be affixed to the primary enclosure. Shipping documents shall state the number and species of animals being transported.

(g) Litter Box. If the trip is 6 hours or more in length, a litterbox shall be provided within each crate for cats. The litterbox shall not cover more than 50% of the crate floor, and the remaining space must be large enough for the cat to stand, lie down, and turn around.

532:15-3-5. Food and water during transportation

Commercial pet breeders shall provide food at least once every 24 hours to each animal that is 16 weeks of age and at least once every 12 hours to puppies and kittens less than 16 weeks of age. Commercial pet breeders shall provide all pets potable water at least once every 12 hours.

Sec. 3.16 Food and water requirements.

(a) Each dog and cat that is 16 weeks of age or more must be offered food at least once every 24 hours. Puppies and kittens less than 16 weeks of age must be offered food at least once every 12 hours. Each dog and cat must be offered potable water at least once every 12 hours.