

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 307
Judiciary II Committee Substitute Adopted 3/30/09

Short Title: Regulate Ownership & Use of Certain Reptiles.

(Public)

Sponsors:

Referred to:

February 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 55 of Chapter 14 of the General Statutes reads as rewritten:
5 "Article 55.

6 "Handling Regulation of Poisonous Certain Reptiles.

7 "**§ 14-416. Handling Mishandling of poisonous certain reptiles declared public nuisance**
8 **and criminal offense.**

9 The intentional or negligent exposure of other human beings to unsafe contact with reptiles
10 of a venomous nature venomous reptiles, large constricting snakes, or crocodylians being is
11 essentially dangerous and injurious and detrimental to public health, safety and welfare, the
12 indulgence in and inducement to such exposure is hereby and is therefore declared to be a
13 public nuisance and a criminal offense, to be abated and punished as provided in this Article.

14 "**§ 14-417. Regulation of ownership or use of poisonous venomous reptiles.**

15 (a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any
16 venomous reptile of a poisonous nature whose venom is not removed, unless such reptile is at
17 all times kept securely in a box, cage, or other safe container in which there are no openings of
18 sufficient size to permit the escape of such reptile, or through which such reptile can bite or
19 inject its venom into any human being. that is not housed in a sturdy and secure enclosure.
20 Permanent enclosures shall be designed to be escape-proof, bite-proof, and have an operable
21 lock. Transport containers shall be designed to be escape-proof and bite-proof.

22 (b) Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with
23 scientific name, common name, appropriate antivenom, and owner's identifying information
24 noted on the container. A written bite protocol that includes emergency contact information,
25 local animal control office, the name and location of suitable antivenom, first aid procedures,
26 and treatment guidelines, as well as an escape recovery plan must be within sight of permanent
27 housing, and a copy must accompany the transport of any venomous reptile.

28 (c) In the event of an escape of a venomous reptile, the owner or possessor of the
29 venomous reptile shall immediately notify local law enforcement.

30 "**§ 14-417.1. Regulation of ownership or use of large constricting snakes.**

31 (a) As used in this Article, large constricting snakes shall mean: Reticulated Python,
32 Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae;
33 Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of
34 their subspecies or hybrids.

35 (b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any
36 of the large constricting snakes that are not housed in a sturdy and secure enclosure. Permanent



1 enclosures shall be designed to be escape-proof and shall have an operable lock. Transport
2 containers shall be designed to be escape-proof.

3 (c) Each enclosure shall be labeled clearly and visibly with the scientific name,
4 common name, number of specimens, and owner's identifying information. A written safety
5 protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall
6 accompany the transport of any of the large constricting snakes. The safety protocol shall
7 include emergency contact information, identification of the local animal control office, and
8 first aid procedures.

9 (d) In the event of an escape of a large constricting snake, the owner or possessor shall
10 immediately notify local law enforcement.

11 **"§ 14-417.2. Regulation of ownership or use of crocodilians.**

12 (a) All crocodilians, excluding the American alligator, shall be regulated under this
13 Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any
14 crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be
15 designed to be escape-proof and have a fence of sufficient strength to prevent contact between
16 an observer and the crocodilian and shall have an operable lock. Transport containers shall be
17 designed to be escape-proof.

18 (b) A written safety protocol and escape recovery plan shall be within sight of
19 permanent housing, and a copy must accompany the transport of any crocodilian.

20 (c) In the event of the escape of a crocodilian, the owner or possessor shall immediately
21 notify local law enforcement.

22 **"§ 14-418. Prohibited handling of reptiles or suggesting or inducing others to handle.**

23 (a) It shall be unlawful for any person to ~~intentionally~~ handle any reptile ~~of a poisonous~~
24 ~~nature whose venom is not removed, by taking or holding such reptile in bare hands or by~~
25 ~~placing or holding such reptile against any exposed part of the human anatomy, or by placing~~
26 ~~their own or another's hand or any other part of the human anatomy in or near any box, cage, or~~
27 ~~other container wherein such reptile is known or suspected to be.~~ regulated under this Article in
28 a manner that intentionally or negligently exposes another person to unsafe contact with the
29 reptile.

30 (b) It shall ~~also~~ be unlawful for any person to intentionally or negligently suggest,
31 entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or
32 expose himself in an unsafe manner to any ~~such poisonous~~ reptile regulated in any manner
33 defined ~~in~~ under this Article.

34 (c) Safe and responsible handling of reptiles for purposes of animal husbandry,
35 exhibition, training, transport, and education is permitted under this section.

36 **"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;**
37 **disposition of reptiles.**

38 In any case in which any law-enforcement officer or animal control officer has ~~reasonable~~
39 ~~grounds~~ probable cause to believe that any of the provisions of this Article have been or are
40 about to be violated, it shall be the duty of ~~such the~~ officer and the officer ~~he is hereby~~
41 authorized, empowered, and directed to immediately investigate ~~such the~~ violation or
42 impending violation and to ~~forthwith~~ seize the reptile or reptiles involved, and ~~all such~~
43 ~~officers~~ the officer is ~~are hereby~~ authorized and directed to ~~deliver such reptiles~~ deliver: (i) a
44 reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to
45 its designated representative for examination ~~and test~~ for the purpose of ascertaining whether
46 said reptiles ~~contain venom and are poisonous.~~ the reptile is regulated under this Article; and,
47 (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina
48 Zoological Park for the purpose of ascertaining whether the reptile is regulated under this
49 Article. If the Museum or the Zoological Park ~~North Carolina State Museum of Natural~~
50 Sciences ~~or its designated representative~~ finds that said reptiles are ~~dangerously poisonous,~~ or
51 their designated representatives find that a seized reptile is a venomous reptile, large

1 ~~constricting snake, or crocodilian regulated under this Article, the North Carolina State~~
2 ~~Museum of Natural Sciences— Museum or the Zoological Park or its—their~~ designated
3 ~~representative shall be empowered to dispose~~ determine final disposition of said ~~reptiles~~ the
4 reptile in a manner consistent with the safety of the ~~public; but if~~ public. If the ~~Museum or the~~
5 ~~Zoological Park or its—their~~ designated ~~representative—representatives~~ find that the ~~reptiles~~ are
6 not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or
7 welfare, reptile is not a venomous reptile, large constricting snake, or crocodilian regulated
8 under this Article, and either no criminal warrants or indictments are initiated in connection
9 with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is
10 not being owned, possessed, used, transported, or trafficked in violation of this Article, then it
11 shall be the duty of such the law enforcement officer officers to return the said reptiles reptile
12 or reptiles to the person from whom they were seized within five—15 days.

13 **"§ 14-420. Arrest of persons violating provisions of Article.**

14 If ~~the an~~ examination ~~and tests~~ made by the North Carolina State Museum of Natural
15 Sciences or the North Carolina Zoological Park or its—their designated
16 ~~representatives~~ representative as provided herein show conducted pursuant to this Article shows
17 that such reptiles are dangerously poisonous, the reptile is a venomous reptile, large
18 constricting snake, or crocodilian subject to this Article, it shall be the duty of the officers
19 officer making the seizure with probable cause to believe that the reptile is being owned,
20 possessed, used, transported, or trafficked in violation of this Article, seizure, in addition to
21 destroying such reptiles, also to arrest all persons violating any of the provisions of this Article.

22 **"§ 14-421. Exemptions from provisions of Article.**

23 This Article shall not apply to the possession, exhibition, or handling of reptiles by
24 employees or agents of duly constituted veterinarians, zoos, serpentariums, museums,
25 laboratories, educational or scientific institutions, public and private, in the course of their
26 educational or scientific work—work, or Wildlife Damage Control Agents in the course of the
27 work for which they are approved by the Wildlife Resources Commission.

28 **"§ 14-422. ~~Violation made misdemeanor.~~ Criminal penalties and civil remedies for**
29 **violation.**

30 (a) Any person violating any of the provisions of this Article shall be guilty of a Class 2
31 misdemeanor.

32 (b) If any person, other than the owner of a venomous reptile, large constricting snake,
33 or crocodilian, the owner's agent, employee, or a member of the owner's immediate family,
34 suffers a life threatening injury or is killed as the result of a violation of this Article, the owner
35 of the reptile shall be guilty of a Class 1 misdemeanor. This subsection shall not apply to
36 violations that result from incidents that could not have been prevented or avoided by the
37 owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the
38 case of thefts, of the reptile from the owner.

39 (c) Any person intentionally releasing into the wild a nonnative venomous reptile, a
40 large constricting snake, or a crocodilian shall be guilty of a Class 1 misdemeanor.

41 (d) Violations of this Article as set forth in subsections (b) or (c) of this section shall
42 constitute wanton conduct within the meaning of G.S. 1D-5(7) and subject the violator to
43 punitive damages in any civil action that may be filed as a result of the violator's actions."

44 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
45 offenses committed on or after that date.