

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS55252-LLf-132 (3/3)

Short Title: Public Safety Registration.

(Public)

Sponsors: Senator Jones.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE  
3 HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD  
4 ANIMALS POSE TO THE COMMUNITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The General Statutes are amended by adding a new Chapter to read:

7 **Chapter 19B.**

8 **"Characteristically Wild Animals.**

9 **"§ 19B-1. Definitions.**

10 The following terms as used in this Chapter mean:

- 11 (1) "Animal control authority" means the agency designated by the city or  
12 county to administer ordinances regulating, restricting, or prohibiting the  
13 possession of characteristically wild animals. The animal control agency  
14 may be a municipal or county animal control agency, county sheriff, or other  
15 designated agency.
- 16 (2) "Characteristically wild animal" means one of the following types of animals  
17 of the Order Carnivora, and any hybrids of these animals, unless otherwise  
18 specified:
- 19 a. Family Felidae – only lions, tigers, and leopards.  
20 b. Family Ursidae – all bears that are not native to this State.
- 21 (3) "Person" means any individual, partnership, corporation, organization, trade  
22 or professional association, firm, limited liability company, joint venture,  
23 association, trust, estate, or any other legal entity, and any employee, agent,  
24 or representative of the entity.
- 25 (4) "Possessor" means any person who owns, possesses, keeps, harbors, brings  
26 into the State, acts as a custodian of, or has custody or control of, a  
27 characteristically wild animal.
- 28 (5) "Wildlife sanctuary" means a nonprofit organization that cares for animals  
29 defined as characteristically wild animals and within whose facilities:
- 30 a. No activity that is not inherent to the animal's nature, natural  
31 conduct, or the animal in its natural habitat is conducted;  
32 b. No commercial activity involving an animal occurs including, but not  
33 limited to, the sale of or trade in animals, animal parts, animal by-  
34 products, or animal offspring, or the sale of photographic



1 opportunities involving an animal, or the use of an animal for any  
2 type of entertainment purpose;

3 c. No unescorted public visitations or direct contact occurs between the  
4 public and an animal; and

5 d. No breeding of animals occurs.

6 **§ 19B-2. Exemptions.**

7 (a) The provisions of this Chapter do not apply to:

8 (1) Institutions accredited by the American Zoo and Aquarium Association  
9 (AZA).

10 (2) Duly incorporated nonprofit animal protection organizations, such as  
11 humane societies and shelters, housing a characteristically wild animal at the  
12 written request of the animal control authority or acting under the authority  
13 of this Chapter.

14 (3) Federal or State wildlife enforcement officers acting under the scope of their  
15 authority.

16 (4) Animal control or law enforcement agencies or officers acting under the  
17 authority of this act.

18 (5) Veterinary hospitals, clinics, veterinarians, and persons employed at such  
19 facilities under the direction of a veterinarian who are actively treating a  
20 characteristically wild animal in their professional capacity as a veterinarian  
21 or employee of such facility.

22 (6) Any wildlife sanctuary as defined in G.S. 19B-1(e).

23 (7) A university, college, laboratory, or other research facility holding a Class R  
24 registration under the Animal Welfare Act, 7 U.S.D.A. Section 2131.

25 (8) Circuses, defined as incorporated, Class C licensees under the Animal  
26 Welfare Act, 7 U.S.D.A. Section 2131, as amended, that are temporarily in  
27 this State, and that offer performances by live animals, clowns, and acrobats  
28 for public entertainment. Circuses do not include persons, whether or not  
29 Class C licensees, who present any listed animal to the public as part of a  
30 carnival or for the purpose of (i) exhibition; or (ii) entertainment that  
31 includes wrestling, a photography opportunity with a patron, or an activity in  
32 which any listed animal and a patron are in close contact with each other.

33 (9) Any person who possesses a valid United States Department of Agriculture  
34 Class A, B, or C license and is in compliance with the United States  
35 Department of Agriculture Animal Welfare Act regulations and standards on  
36 January 1, 2010, may acquire new characteristically wild animals after that  
37 date in order to maintain the inventory of characteristically wild animals  
38 possessed on that date, and must:

39 a. Register with the animal control authority as required by  
40 G.S. 19B-4(1) of this Chapter.

41 b. Maintain a liability insurance policy with an insurer authorized or  
42 approved to write such insurance in this State that covers claims for  
43 injury or damage to persons or property.

44 c. Not allow photo opportunities or direct contact between animals and  
45 members of the public and the owner's family and friends, except that  
46 the owner's family and friends may be allowed direct contact with  
47 animals that are under the age of six months. "Direct contact" means  
48 any situation in which an individual may potentially touch or  
49 otherwise come into physical contact with a characteristically wild  
50 animal.

1           If a characteristically wild animal dies of neglect or cruelty, is seized  
2           pursuant to G.S. 19B-5, or if the person is involved in illegal activities, the  
3           possessor shall no longer be permitted to continue to replace any animal in  
4           order to maintain the operating inventory of characteristically wild animals  
5           possessed on January 1, 2010.

6           (10) A person who does not reside in this State and is traveling through this State  
7           with listed species if the transit time is not more than 72 hours and the  
8           animal is at all times maintained within a confinement sufficient to prevent  
9           the animal from escaping.

10          (11) Indigenous species already regulated by the North Carolina Wildlife  
11          Resources Commission.

12 **"§ 19B-3. Keeping of characteristically wild animals; conditions under which**  
13 **grandfathered animals may be kept.**

14          (a) Except as otherwise provided in this Chapter, it is unlawful for a person to import  
15 into, possess, keep, purchase, have custody or control of, breed, or sell within this State, by any  
16 means, a characteristically wild animal, including transactions conducted via the Internet.

17          (b) A person in legal possession of a characteristically wild animal prior to January 1,  
18 2010, and who is the legal possessor of the animal, may keep possession of the animal for the  
19 remainder of the animal's life, subject to the following conditions:

20           (1) Within 90 days of January 1, 2010, the possessor of a characteristically wild  
21 animal shall register with the animal control authority for the county in  
22 which the animal is located. The registration shall include the person's name,  
23 address, telephone number, a complete inventory of each characteristically  
24 wild animal that the person possesses, a photograph or microchip number for  
25 each animal possessed, and the payment to the county of a onetime fee of  
26 one hundred dollars (\$100.00) per animal to cover the costs of enforcement  
27 of this Chapter.

28           (2) The possessor shall prepare and submit to the county at the time of payment  
29 of the fee required by subdivision (1) of this section a contingency plan to  
30 protect first responders by providing for the quick and safe recapture of the  
31 characteristically wild animal in the event of an escape.

32           (3) The possessor shall maintain veterinary records, acquisition papers for the  
33 animal, if available, or other documents or records that establish that the  
34 person possessed the animal prior to January 1, 2010.

35           (4) The possessor shall present paperwork described in subdivision (3) of this  
36 subsection to an animal control or law enforcement authority upon request.

37           (5) The possessor shall comply with the basic standards for housing exotic  
38 animals and protecting the public under the federal Animal Welfare Act as  
39 amended, 7 U.S.C. §§ 2131, et seq., and the regulations adopted pursuant to  
40 that act, and shall allow the animal control authority access to the animal's  
41 housing in order to ensure that the animal is properly cared for.

42           (6) A legally possessed characteristically wild animal shall not be traded or  
43 replaced by a person who does not have an exemption as established in  
44 G.S. 19B-2.

45           (7) The possessor shall notify the animal control authority, the local sheriff's  
46 department, and police department, if applicable, immediately upon  
47 discovery that the animal has escaped. The possessor of the animal shall be  
48 liable for any and all costs associated with the escape, capture, and  
49 disposition of a permitted animal.

1           (8) A possessor of a characteristically wild animal shall notify local law  
2 enforcement and local fire departments about the types and numbers of  
3 characteristically wild animals the possessor has.

4           (9) The possessor shall comply with any and all applicable federal, State, or  
5 local law, rule, regulation, ordinance, permit, or other permission. Failure to  
6 comply with any such law, rule, regulation, ordinance, permit, or other  
7 permission constitutes a violation of this Chapter.

8           A person in legal possession of a characteristically wild animal prior to January 1, 2010,  
9 who is the legal possessor of the animal, and who complies with the provisions of this Chapter  
10 during the animal's life, may replace the animal upon its death with an animal of the same  
11 species, so long as the animal's death was not the result of neglect or cruelty.

12 **"§ 19B-4. Confiscation of characteristically wild animals.**

13           (a) An animal control authority or other person authorized to enforce the provisions of  
14 this Chapter may immediately confiscate a characteristically wild animal if:

15               (1) The animal control authority or other person designated under this Chapter  
16 has probable cause to believe that the animal was acquired after January 1,  
17 2010;

18               (2) The animal poses a public safety or health risk;

19               (3) The animal is in poor health and condition as a result of the possessor; or

20               (4) The animal is being held in contravention of this Chapter.

21           (b) A characteristically wild animal that is confiscated under this section may be  
22 returned to the possessor only if the animal control authority or law enforcement officer  
23 establishes that the possessor had possession of the animal prior to January 1, 2010, and the  
24 return does not pose a public safety or health risk.

25           (c) The animal control or other persons authorized to enforce this Chapter under  
26 G.S. 19B-6 shall serve notice upon the possessor in person or by regular and certified mail,  
27 return receipt requested, notifying the possessor of the confiscation, that the possessor is  
28 responsible for payment of reasonable costs for caring and providing for the animal during the  
29 confiscation and that the possessor must meet the requirements of subsection (b) of this section  
30 in order for the animal to be returned to the possessor.

31           (d) If a characteristically wild animal that is confiscated under this section is not  
32 returned to the possessor, the animal control or other persons designated under this Chapter  
33 may release the animal to a facility such as a wildlife sanctuary or a facility exempted pursuant  
34 to G.S. 19B-2.

35           (e) If a characteristically wild animal escapes or is released and poses an immediate  
36 threat to public safety, the animal control authority or other persons designated under this  
37 Chapter may exercise judgment in attempting to recapture the animal or in killing the animal.

38 **"§ 19B-5. City or county ordinances.**

39           A city or county may adopt an ordinance governing characteristically wild animals that is  
40 more restrictive than this Chapter. However, nothing in this Chapter requires a city or county to  
41 adopt an ordinance to be in compliance with this Chapter.

42 **"§ 19B-6. Enforcement of Chapter.**

43           (a) The animal control authority and its staff and agents, local law enforcement agents,  
44 and county sheriffs are authorized and empowered to enforce the provisions of this Chapter.

45           (b) The possessor of a characteristically wild animal shall, at all reasonable times, allow  
46 the animal control authority or other persons designated by this Chapter to enter the premises  
47 where the animal is being kept to ensure compliance with this Chapter.

48 **"§ 19B-7. Penalties.**

49           A person who violates this Chapter is liable for a civil penalty to be determined by the  
50 court.

51 **"§ 19B-8. Severability.**

1        If any part of this Chapter is determined to be unconstitutional or unenforceable, it shall not  
2 affect the constitutionality or enforceability of any other part."

3                **SECTION 2.** This act becomes effective January 1, 2010, and applies to acts  
4 committed on or after that date.