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SESSION 2019

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HOUSE BILL 577
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Short Title: Limit Ownership of Certain Animals. (Public)

Sponsors: Representatives R. Turner, Fraley, and Faircloth (Primary Sponsors).
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Referred to: Judiciary, if favorable, Wildlife Resources, if favorable, Rules, Calendar, and
Operations of the House

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE OWNERSHIP, POSSESSION, IMPORT, PURCHASE, OR
3 SALE OF BIG CATS, BEARS, HYENAS, AND GREAT APES IN CERTAIN
4 SITUATIONS AND TO STUDY SAFETY REQUIREMENTS FOR ENTITIES EXEMPT
5 FROM THE PROHIBITION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 19A of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 7.

10 "Big Cats, Bears, Hyenas, and Great Apes.

11 "**§ 19A-71. Definitions.**

12 The following definitions apply in this Article:

- 13 (1) "Animal control authority" means a county or city that has exercised its right
14 to regulate animals under Chapter 153A or Chapter 160A of the General
15 Statutes and any other organization with which the city or county has
16 contracted for purposes of animal control.
- 17 (2) "Circus" means an exhibitor holding a valid Class "C" license issued under
18 the federal Animal Welfare Act (7 U.S.C. § 2131, et seq.) that does not have
19 any permanent animal facilities in this State and that regularly conducts
20 performances featuring live animals and multiple trained human entertainers,
21 including clowns and acrobats.
- 22 (3) "Big cat, bear, hyena, or great ape" means any one of the following types of
23 animals of the order Carnivora or Primate and any hybrids of these animals:
- 24 a. Order Carnivora:
- 25 1. Family Felidae: all members of the genus *Panthera*, including
26 lions, tigers, leopards, jaguars, and snow leopards; all members
27 of the genus *Neofelis*, clouded leopards; and *Acinonyx jubatus*,
28 cheetahs.
- 29 2. Family Ursidae: all species of bears, excluding native species
30 already regulated by the North Carolina Wildlife Resources
31 Commission.
- 32 3. Family Hyaenidae: all species of hyena and aardwolf.
- 33 b. Order Primates:



1 1. Family Hominidae: all great apes, including all species of
2 chimpanzees, gorillas, and orangutans.

3 (4) "Law enforcement officer" means an animal control officer, an animal cruelty
4 investigator as provided for in Article 4 of this Chapter, a State or local law
5 enforcement officer, or a public prosecutor.

6 (5) "Person" means any individual, partnership, corporation, organization, or any
7 other legal entity and any officer, member, shareholder, director, employee,
8 agent, or representative of one of those legal entities.

9 (6) "Wildlife sanctuary" means a charitable organization that is exempt from
10 taxation under section 501(c)(3), Internal Revenue Code of 1986, that is
11 described by section 170(b)(1)(A)(vi), Internal Revenue Code of 1986, and
12 that:

13 a. Operates a place of refuge where abused, neglected, unwanted,
14 impounded, abandoned, orphaned, or displaced animals are provided
15 care for the lifetime of the animal.

16 b. Does not conduct commercial activity with respect to big cats, bears,
17 hyenas, or great apes, including, but not limited to, (i) the sale, trade,
18 auction, or lease of big cats, bears, hyenas, or great apes or their parts
19 or (ii) the use of big cats, bears, hyenas, or great apes in any manner
20 in a for-profit business or operation.

21 c. Does not use big cats, bears, hyenas, or great apes for entertainment
22 purposes or in a traveling exhibit.

23 d. Does not breed any big cats, bears, hyenas, or great apes.

24 **"§ 19A-72. Prohibited activities.**

25 Notwithstanding any other provision of law, unless exempt under this Article, it is unlawful
26 for any person to import into, possess, keep, purchase, have custody or control of, breed, or sell
27 within this State, by any means, a big cat, bear, hyena, or great ape, including transactions
28 conducted via the Internet.

29 **"§ 19A-73. Exemptions.**

30 The prohibitions in G.S. 19A-72(a) shall not apply to:

31 (1) Institutions holding a valid license issued by the U.S. Department of
32 Agriculture (USDA) pursuant to the federal Animal Welfare Act.

33 (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §
34 2132(e)) and in corresponding federal regulations (9 C.F.R. § 1.1, et al.).

35 (3) Wildlife sanctuaries, as defined in G.S. 19A-71(6).

36 (4) Duly incorporated nonprofit animal protection organizations, such as humane
37 societies and shelters, temporarily housing a big cat, bear, hyena, or great ape
38 at the written request of law enforcement officers acting under the authority
39 of this Article.

40 (5) Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians,
41 and persons employed by such entities, for the purpose of providing veterinary
42 care or veterinary services to the big cat, bear, hyena, or great ape.

43 (6) Law enforcement officers for purposes of enforcement.

44 (7) Circuses, as defined in G.S. 19A-71(2).

45 (8) A person temporarily transporting a legally owned big cat, bear, hyena, or
46 great ape through the State if the transit time is not more than 24 hours, the
47 big cat, bear, hyena, or great ape is not exhibited, and the big cat, bear, hyena,
48 or great ape is maintained at all times in a species-appropriate cage or travel
49 container.

50 (9) Institutions accredited by the Association for Assessment and Accreditation
51 of Laboratory Animal Care International.

- 1 (10) A motion picture or television production company employing or contracting
2 with a dealer or exhibitor licensed under section 2133 of the federal Animal
3 Welfare Act (7 U.S.C. § 2133) or with a carrier, intermediate handler, or
4 unlicensed exhibitor registered under section 2136 of the federal Animal
5 Welfare Act (7 U.S.C. § 2136) for the transportation, purchase, exhibition, or
6 use of dangerous animals in its motion picture or television production.

7 **"§ 19A-74. Prior possession.**

8 The prohibitions in G.S. 19A-72(a) shall not apply to persons who lawfully possessed a big
9 cat, bear, hyena, or great ape prior to June 1, 2019, provided that the person:

- 10 (1) Shall maintain veterinary records, acquisition papers, or other documents or
11 records that establish that the person lawfully possessed the animal prior to
12 June 1, 2019.
- 13 (2) May not acquire additional big cats, bears, hyenas, or great apes after June 1,
14 2019, whether by purchase, donation, relinquishment, or breeding; however,
15 this subdivision does not prohibit such a person from possessing the offspring
16 of a lawfully possessed big cat, bear, hyena, or great ape if written medical
17 records demonstrate that the animal was pregnant on June 1, 2019.
- 18 (3) Shall not have been convicted of an offense involving the abuse or neglect of
19 any animal pursuant to any State, local, or federal law.
- 20 (4) Shall not have had a license or permit regarding the care, possession,
21 exhibition, breeding, or sale of animals revoked or suspended by any State,
22 local, or federal agency.
- 23 (5) Shall develop and be prepared to implement escape, succession, and disaster
24 plans and maintain a current animal inventory, to be made available to law
25 enforcement officers upon request.
- 26 (6) Shall allow a law enforcement officer to enter the premises where the big cat,
27 bear, hyena, or great ape is kept at any reasonable time to ensure compliance
28 with this Chapter.
- 29 (7) Shall register with, and pay a registration fee to, the local animal control
30 authority by September 1, 2019, and annually thereafter, indicating the
31 number of animals of each big cat, bear, hyena, or great ape species in his or
32 her possession.
- 33 (8) Shall provide written notification to the animal control authority in the city or
34 county where the person resides of the death of a big cat, bear, hyena, or great
35 ape possessed under this section. The notice shall include the common name,
36 sex, and age of the animal, the date the animal was acquired, and any unique
37 identification marks to properly identify the animal.
- 38 (9) At least 72 hours prior to sale or transfer of an existing big cat, bear, hyena,
39 or great ape, shall notify in writing the local animal control authority,
40 identifying the recipient of the animal. At all times, possession, sale, transfer,
41 and transport of the big cat, bear, hyena, or great ape shall conform to all
42 applicable State, local, and federal laws.
- 43 (10) Shall have continuously posted and displayed at each possible entrance onto
44 the premises where a big cat, bear, hyena, or great ape is housed a conspicuous
45 sign, clearly legible, and easily readable by the public, warning that a big cat,
46 bear, hyena, or great ape is on the premises.

47 **"§ 19A-75. Transport and containment.**

48 (a) Any person transporting a big cat, bear, hyena, or great ape shall keep the animal at
49 all times in a species-appropriate cage or travel container and shall comply with federal transport
50 requirements (9 C.F.R. § Part 3).

1 (b) It is unlawful for any person to knowingly release a big cat, bear, hyena, or great ape
2 into the wild.

3 **"§ 19A-76. Enforcement.**

4 (a) The provisions of this Article shall be enforced by any State law enforcement officer,
5 or by any other law enforcement officer in whose jurisdiction a violation occurs, or by any animal
6 control authority for the jurisdiction in which a violation occurs. Nothing in this Article shall be
7 construed to prohibit a city or county from adopting or enforcing any ordinance or other law that
8 places further restrictions or additional requirements on the possession, sale, transfer, or breeding
9 of big cats, bears, hyenas, or great apes.

10 (b) Animals may be seized pursuant to this Article as follows:

11 (1) Law enforcement officers shall, after obtaining a warrant from any judge or
12 magistrate upon probable cause, seize or impound any big cat, bear, hyena, or
13 great ape possessed, sold, transferred, bred, or exhibited in violation of this
14 Article. If the big cat, bear, hyena, or great ape poses a direct threat to public
15 safety or is suffering from apparent animal neglect or cruelty, that animal shall
16 be immediately placed in the custody and control of an institution described
17 in G.S. 19A-73(1), (3), (4), or (5), or a temporary holding facility, as described
18 in G.S. 19A-73(4). If there is no immediate threat to public safety or animal
19 welfare, law enforcement officers shall impound the big cat, bear, hyena, or
20 great ape in place.

21 (2) Upon seizing or impounding a big cat, bear, hyena, or great ape, a law
22 enforcement officer shall petition the district court for the district in which the
23 big cat, bear, hyena, or great ape was seized or impounded for a hearing to
24 determine whether the big cat, bear, hyena, or great ape was in fact possessed,
25 sold, transferred, bred, or exhibited in violation of this Article. The hearing
26 shall be held not more than 14 days from the date of the seizure or
27 impoundment and the law enforcement officer shall provide written notice of
28 the hearing at least five days prior to the hearing to the person from whom the
29 big cat, bear, hyena, or great ape was seized or impounded.

30 (3) Upon judicial determination of a violation of any provision of this Article, the
31 seized or impounded big cat, bear, hyena, or great ape shall be deemed
32 forfeited and the court shall order the violator to pay all reasonable expenses
33 incurred in caring and providing for the big cat, bear, hyena, or great ape, from
34 the time the big cat, bear, hyena, or great ape is seized until the time that big
35 cat, bear, hyena, or great ape is forfeited, to an institution described in
36 G.S. 19A-73(1), (3), (4), or (5), or a temporary holding facility in possession
37 of the big cat, bear, hyena, or great ape. The court may also prohibit the
38 possession or ownership of big cats, bears, hyenas, or great apes, or other
39 nonnative wild animals, by the person found to have violated this Article.

40 (4) A forfeited big cat, bear, hyena, or great ape shall be transferred to an
41 institution described in G.S. 19A-73(1), (3), (4), or (5) that is willing and able
42 to take custody of the forfeited big cat, bear, hyena, or great ape. Nothing in
43 this Article shall be construed to prevent law enforcement officers from
44 humanely euthanizing a big cat, bear, hyena, or great ape in compliance with
45 State and federal law if, after reasonable efforts, no institution described in
46 G.S. 19A-73(1), (3), (4), or (5), is willing and able to provide long-term care
47 for the big cat, bear, hyena, or great ape.

48 (5) Nothing in this Article shall be construed to prevent the voluntary, permanent
49 relinquishment of any big cat, bear, hyena, or great ape by its owner to a
50 person legally able to possess the big cat, bear, hyena, or great ape and willing

1 and able to take possession. Voluntary relinquishment shall have no effect on
2 any criminal charges for violations of this Article.

3 (c) Any big cat, bear, hyena, or great ape found to be not properly confined, whether on
4 the property of the owner or running at large, may be humanely destroyed by law enforcement
5 officers in order to protect public safety. The owner of a big cat, bear, hyena, or great ape will be
6 liable for costs accrued to law enforcement officers in humanely destroying or otherwise securing
7 that animal.

8 **"§ 19A-77. Penalties.**

9 (a) Each violation of this Article shall constitute a Class 2 misdemeanor, and a person
10 who violates this Article is liable for a civil penalty of not more than five thousand dollars
11 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article constitutes
12 a separate offense.

13 (b) Any big cat, bear, hyena, or great ape owner or custodian whose act or omission in
14 the care, control, or containment of that animal results in the animal running loose or causing
15 property damage shall constitute a Class A1 misdemeanor. If that act or omission results in a big
16 cat, bear, hyena, or great ape causing serious bodily injury to any member of the public, the owner
17 of the animal shall be strictly liable and the offense is punishable as a Class I felony. For the
18 purposes of this section, "member of the public" does not include employees, supervised interns
19 or volunteers, or students at public or private colleges or universities engaged in academic
20 coursework or research."

21 **SECTION 2.** The Joint Legislative Oversight Committee on Agriculture and Natural
22 and Economic Resources shall study the safety requirements and regulations applicable to the
23 institutions, entities, and organizations exempt from Article 7 of Chapter 19A pursuant to
24 G.S. 19A-73. The study shall include the following for each type of institution, entity, or
25 organization:

- 26 (1) A determination on what safety requirements and regulations currently exist,
27 including whether or not there is a requirement for a safety plan and safety
28 drills, and whether or not the plan is required to be shared to a law enforcement
29 agency.
- 30 (2) A determination on what procedures exist to review incidents with animals
31 resulting in death or injury to a person, and what consequences may result if
32 a lack of property safety equipment or protocols is found.
- 33 (3) A determination on whether or not liability insurance is required and in what
34 amounts for property damage, bodily injury, or death caused by an animal.
- 35 (4) Whether additional statutes or regulations are needed to protect persons from
36 death or injury by animals in the custody or care of the institution, entity, or
37 organization.

38 The Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources
39 shall report its findings and any recommendations to the General Assembly by April 1, 2020.

40 **SECTION 3.** Section 1 of this act becomes effective December 1, 2019, and applies
41 to offenses committed on or after that date. The remainder of this act is effective when it becomes
42 law.