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SENATE BILL DRS15189-BR-12

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

Sponsors: Senators Sawyer, Krawiec, and Gallimore (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE OWNERSHIP, POSSESSION, IMPORT, PURCHASE, OR
3 SALE OF BIG CATS, BEARS, AND GREAT APES IN CERTAIN SITUATIONS.

4 The General Assembly of North Carolina enacts:

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

7 "Article 7.

8 "Big Cats, Bears, and Great Apes.

9 **§ 19A-71. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) "Animal control authority" means a county or city that has exercised its right
12 to regulate animals under Chapter 153A or Chapter 160A of the General
13 Statutes and any other organization with which the city or county has
14 contracted for purposes of animal control.
- 15 (2) "Circus" means an exhibitor holding a valid Class "C" license issued under
16 the federal Animal Welfare Act (7 U.S.C. § 2131, et seq.) that does not have
17 any permanent animal facilities in this State and that regularly conducts
18 performances featuring live animals and multiple trained human entertainers,
19 including clowns and acrobats.
- 20 (3) "Big cat, bear, or great ape" means any one of the following types of animals
21 of the order Carnivora or Primate and any hybrids of these animals:
- 22 a. Order Carnivora:
- 23 1. Family Felidae: all members of the genus *panthera*.
- 24 2. Family Ursidae: all species of bears, excluding native species
25 already regulated by the North Carolina Wildlife Resources
26 Commission.
- 27 b. Order Primates:
- 28 1. Family Hominidae: all great apes, including all species of
29 chimpanzees, gorillas, and orangutans.
- 30 (4) "Law enforcement officer" means an animal control officer, an animal cruelty
31 investigator as provided for in Article 4 of this Chapter, a State or local law
32 enforcement officer, or a public prosecutor.
- 33 (5) "Person" means any individual, partnership, corporation, organization, or any
34 other legal entity and any officer, member, shareholder, director, employee,
35 agent, or representative of one of those legal entities.



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

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

8 b. Does not conduct commercial activity with respect to big cats, bears,
9 or great apes, including, but not limited to, (i) the sale, trade, auction,
10 or lease of big cats, bears, or great apes or their parts or (ii) the use of
11 big cats, bears, or great apes in any manner in a for-profit business or
12 operation.

13 c. Does not use big cats, bears, or great apes for entertainment purposes
14 or in a traveling exhibit.

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

16 **"§ 19A-72. Prohibited activities.**

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

21 **"§ 19A-73. Exemptions.**

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

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

25 (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §
26 2132(e)) and in corresponding federal regulations (9 C.F.R. § 1.1, et al.).

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

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

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

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

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

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

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

43 (10) A motion picture or television production company employing or contracting
44 with a dealer or exhibitor licensed under section 2133 of the federal Animal
45 Welfare Act (7 U.S.C. § 2133) or with a carrier, intermediate handler, or
46 unlicensed exhibitor registered under section 2136 of the federal Animal
47 Welfare Act (7 U.S.C. § 2136) for the transportation, purchase, exhibition, or
48 use of dangerous animals in its motion picture or television production.

49 **"§ 19A-74. Prior possession.**

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

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

38 **§ 19A-75. Transport and containment.**

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

42 (b) Any person possessing a big cat, bear, or great ape shall keep the animal in a
43 permanent enclosure that is designed to be escape-proof and has an operable lock. It is unlawful
44 for any person to allow members of the public within 15 feet of a big cat, bear, or great ape unless
45 there is a permanent barrier in place that prevents the risk of direct physical contact between a
46 member of the public and the animal.

47 (c) It is unlawful for any person to knowingly release a big cat, bear, or great ape into the
48 wild.

49 **§ 19A-76. Enforcement.**

50 (a) The provisions of this Article shall be enforced by any State law enforcement officer,
51 or by any other law enforcement officer in whose jurisdiction a violation occurs, or by any animal

1 control authority for the jurisdiction in which a violation occurs. Nothing in this Article shall be
2 construed to prohibit a city or county from adopting or enforcing any ordinance or other law that
3 places further restrictions or additional requirements on the possession, sale, transfer, or breeding
4 of big cats, bears, or great apes.

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

6 (1) Law enforcement officers shall, after obtaining a warrant from any judge or
7 magistrate upon probable cause, seize or impound any big cat, bear, or great
8 ape possessed, sold, transferred, bred, or exhibited in violation of this Article.
9 If the big cat, bear, or great ape poses a direct threat to public safety or is
10 suffering from apparent animal neglect or cruelty, that animal shall be
11 immediately placed in the custody and control of an institution described in
12 G.S. 19A-73(3), (4), (5), or (9), or a temporary holding facility, as described
13 in G.S. 19A-73(4). If there is no immediate threat to public safety or animal
14 welfare, law enforcement officers shall impound the big cat, bear, or great ape
15 in place.

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

25 (3) Upon judicial determination of a violation of any provision of this Article, the
26 seized or impounded big cat, bear, or great ape shall be deemed forfeited and
27 the court shall order the violator to pay all reasonable expenses incurred in
28 caring and providing for the big cat, bear, or great ape, from the time the big
29 cat, bear, or great ape is seized until the time that big cat, bear, or great ape is
30 forfeited, to an institution described in G.S. 19A-73(3), (4), (5), or (9), or a
31 temporary holding facility in possession of the big cat, bear, or great ape. The
32 court may also prohibit the possession or ownership of big cats, bears, or great
33 apes, or other nonnative wild animals, by the person found to have violated
34 this Article.

35 (4) A forfeited big cat, bear, or great ape shall be transferred to an institution
36 described in G.S. 19A-73(3), (4), (5), or (9) that is willing and able to take
37 custody of the forfeited big cat, bear, or great ape. Nothing in this Article shall
38 be construed to prevent law enforcement officers from humanely euthanizing
39 a big cat, bear, or great ape in compliance with State and federal law if, after
40 reasonable efforts, no institution described in G.S. 19A-73(3), (4), (5), or (9)
41 is willing and able to provide long-term care for the big cat, bear, or great ape.

42 (5) Nothing in this Article shall be construed to prevent the voluntary, permanent
43 relinquishment of any big cat, bear, or great ape by its owner to a person
44 legally able to possess the big cat, bear, or great ape and willing and able to
45 take possession. Voluntary relinquishment shall have no effect on any
46 criminal charges for violations of this Article.

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

1 **"§ 19A-77. Penalties.**

2 (a) Each violation of this Article shall constitute a Class 2 misdemeanor, and a person
3 who violates this Article is liable for a civil penalty of not more than five thousand dollars
4 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article constitutes
5 a separate offense.

6 (b) Any big cat, bear, or great ape owner or custodian whose act or omission in the care,
7 control, or containment of that animal results in the animal running loose or causing property
8 damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a big cat,
9 bear, or great ape running loose results in serious bodily injury to any person, the owner of the
10 animal shall be strictly liable and the offense is punishable as a Class I felony.

11 (c) Any person who lives in the county in which a big cat, bear, or great ape is kept may
12 bring a civil action against an owner or custodian of the big cat, bear, or great ape to enjoin a
13 violation of this Article."

14 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
15 committed on or after that date.