

1 HB172
2 181779-2
3 By Representative Rowe
4 RFD: Public Safety and Homeland Security
5 First Read: 09-FEB-17

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to animals; to amend Section 3-8-1 of the
9 Code of Alabama 1975, relating to required rabies vaccines for
10 canidae or felidae, to further provide for the possession of
11 certain canidae or felidae; to add Section 3-8-2 to the Code
12 of Alabama 1975, to make it illegal to possess, sell,
13 transfer, or breed any living large felidae, as defined, or
14 wolf, with exceptions; to provide penalties; and in connection
15 therewith to have as its purpose or effect the requirement of
16 a new or increased expenditure of local funds within the
17 meaning of Amendment 621 of the Constitution of Alabama of
18 1901, now appearing as Section 111.05 of the Official
19 Recompilation of the Constitution of Alabama of 1901, as
20 amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 3-8-1 of the Code of Alabama
23 1975, is amended to read as follows:

24 "§3-8-1.

25 "Notwithstanding any provision of law to the
26 contrary, it shall be illegal to own, maintain, sell, or trade
27 any canidae or felidae for which there is no USDA licensed or

1 ~~FDA approved~~ FDA approved rabies vaccine. Anyone currently
2 owning or maintaining such animal may keep the animal for the
3 length of the animal's life ~~providing the animal is spayed or~~
4 ~~neutered and is registered with the Department of Agriculture~~
5 ~~and Industries~~. This section does not apply to any zoological
6 parks, circuses, colleges, and universities, animal refuges
7 approved by the Department of Agriculture and Industries,
8 county or municipal humane shelters, the Department of
9 Conservation and Natural Resources, or veterinary clinics."

10 Section 2. Section 3-8-2 is added to the Code of
11 Alabama 1975, to read as follows:

12 (a) For the purposes of this section, the following
13 terms shall have the following meanings:

14 (1) LARGE FELIDAE. A tiger, lion, leopard, snow
15 leopard, clouded leopard, jaguar, cheetah, or cougar. The term
16 includes a hybrid large felidae.

17 (2) WOLF. The term does not include a hybrid wolf.

18 (b) Notwithstanding Section 3-8-1, or any other law
19 to the contrary, unless exempted by subsections (c) or (d), it
20 is unlawful to possess, sell, transfer, or breed any living
21 large felidae or wolf.

22 (c) Subsection (b) does not apply to any of the
23 following:

24 (1) A Class C exhibitor licensed by the USDA,
25 including, but not limited to, zoological parks and circuses,
26 provided that the licensed exhibitor has developed and is
27 prepared to implement a disaster plan, maintains a current

1 animal inventory, and makes the plan and list available to law
2 enforcement, upon request.

3 (2) A research facility, as defined in the Animal
4 Welfare Act, 7 U.S.C. Section 2132(e).

5 (3) A nonprofit wildlife sanctuary that meets all of
6 the following criteria:

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

11 b. Does not conduct any commercial activity with
12 respect to large felidae or wolves, including, but not
13 limited to, the sale, trade, auction, lease, or loan of large
14 felidae or wolves or parts of large felidae or wolves or
15 uses large felidae or wolves in any manner in a for-profit
16 business or operation.

17 c. Does not allow direct contact between the public
18 and large felidae or wolves.

19 d. Does not use large felidae or wolves for
20 entertainment purposes or in a traveling exhibit.

21 e. Does not breed large felidae or wolves.

22 (4) A duly incorporated nonprofit animal protection
23 organization, such as a humane society or shelter, temporarily
24 housing a large felidae or wolf at the written request of law
25 enforcement, including any county sheriff, police officer,
26 animal control agent appointed pursuant to Sections 3-1-13 or

1 13A-11-242, or any warden deputized pursuant to Section
2 9-11-5, acting under the authority of this subsection.

3 (5) A licensed veterinary hospital, for the purpose
4 of providing treatment to a large felidae or wolf.

5 (6) A law enforcement officer, as described in
6 subdivision (4) of subsection (c), for purposes of
7 enforcement.

8 (d) Subsection (b) does not apply to a person who
9 lawfully possesses a large felidae or wolf prior to the
10 effective date of the act adding this section, if the person
11 meets all of the following criteria:

12 (1) The person maintained veterinary records,
13 acquisition papers, or other documents or records that the
14 person or entity possessed the animal prior to the effective
15 date of the act adding this section.

16 (2) The person has not acquired additional large
17 felidae or wolves after the effective date of the act adding
18 this section, whether by purchase, donation, or breeding.

19 (3) The person has not been convicted of an offense
20 involving the abuse or neglect of any animal pursuant to
21 local, state, or federal law.

22 (4) The person has not had a license or permit
23 regarding the care, possession, exhibition, breeding, or sale
24 of animals revoked or suspended by any local, state, or
25 federal agency.

26 (5) The person has developed and is prepared to
27 implement a disaster plan, maintains a current animal

1 inventory, and makes the plan and list available to law
2 enforcement, upon request.

3 (6) The person has shown to his or her local law
4 enforcement agency proof of liability insurance. For the
5 purposes of this subdivision, the term "local law enforcement
6 agency" means the municipal police department if a
7 municipality has a police department or the county sheriff's
8 office in all other cases.

9 (7) At least 72 hours prior to the sale or
10 relocation of an existing large felidae or wolf, the person
11 has notified local law enforcement, identifying the recipient
12 of the animal. At all times, possession, sale, transfer, and
13 transport of the large felidae or wolf shall conform with all
14 applicable local, state, and federal laws.

15 (e) This section is in addition to, and not in lieu
16 of, any other laws protecting animal welfare. This section is
17 not intended, and should not be construed, to limit any other
18 state law or rule protecting the welfare of animals. Nothing
19 in this section shall be construed to prohibit a local
20 governing body from adopting or enforcing any rule or law that
21 places further restrictions or additional requirements on the
22 possession, sale, transfer, or breeding of large felidae or
23 wolves.

24 (f) Any law enforcement officer, as described in
25 subdivision (4) of subsection (c), with or without warrant,
26 may arrest any person who violates this section in his or her
27 presence or view and may execute any warrant or other process

1 issued by any officer or court of competent jurisdiction and,
2 with a search warrant or as incident to a lawful arrest, may
3 search for and seize any large felidae or wolf possessed in
4 violation of this section or any regulations issued
5 thereunder.

6 (g) A violation of subsection (b) is a Class A
7 misdemeanor.

8 Section 3. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 4. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 09-FEB-17

Read for the second time and placed
on the calendar 1 amendment 23-FEB-17

Read for the third time and passed
as amended..... 09-MAR-17

Yeas 93, Nays 2, Abstains 1

Jeff Woodard
Clerk