

1 SB179
2 204376-1
3 By Senator Burkette
4 RFD: Tourism
5 First Read: 13-FEB-20

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8 SYNOPSIS: Under existing law, it is unlawful to own,
9 maintain, sell, or trade any canidae or felidae for
10 which there is no USDA licensed rabies vaccine,
11 under certain conditions.

12 This bill would further provide for the
13 possession of certain canidae or felidae for which
14 there is no USDA licensed rabies vaccine.

15 This bill would make it illegal to
16 intentionally or knowingly possess, sell, transfer,
17 or breed any living large felidae, wolf, or bear,
18 with certain exceptions.

19 This bill would allow persons who lawfully
20 possessed a large felidae, wolf, or bear prior to
21 the effective date of this bill to keep the animal
22 under certain conditions.

23 This bill would also provide penalties for
24 violations.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general
2 law whose purpose or effect would be to require a
3 new or increased expenditure of local funds from
4 becoming effective with regard to a local
5 governmental entity without enactment by a 2/3 vote
6 unless: it comes within one of a number of
7 specified exceptions; it is approved by the
8 affected entity; or the Legislature appropriates
9 funds, or provides a local source of revenue, to
10 the entity for the purpose.

11 The purpose or effect of this bill would be
12 to require a new or increased expenditure of local
13 funds within the meaning of the amendment. However,
14 the bill does not require approval of a local
15 governmental entity or enactment by a 2/3 vote to
16 become effective because it comes within one of the
17 specified exceptions contained in the amendment.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to animals; to amend Section 3-8-1, Code of
24 Alabama 1975, relating to required rabies vaccines for canidae
25 or felidae; to further provide for the possession of certain
26 canidae or felidae; to add Section 3-8-2 to the Code of
27 Alabama 1975, to make it unlawful, with certain exceptions, to

1 intentionally or knowingly possess, sell, transfer, or breed
2 any living large felidae, as defined, wolf, with exceptions,
3 or bear, with exceptions; to allow persons who already
4 lawfully possess a large felidae, wolf, or bear to keep the
5 animal under certain conditions; to provide penalties; and in
6 connection therewith to have as its purpose or effect the
7 requirement of a new or increased expenditure of local funds
8 within the meaning of Amendment 621 of the Constitution of
9 Alabama of 1901, now appearing as Section 111.05 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 3-8-1, Code of Alabama 1975, is
14 amended to read as follows:

15 "§3-8-1.

16 "Notwithstanding any ~~provision of~~ law to the
17 contrary, it shall be illegal to own, maintain, sell, or trade
18 any canidae or felidae for which there is no USDA licensed
19 rabies vaccine. Anyone ~~currently~~ owning or maintaining such an
20 animal on the effective date of the act adding this language
21 may keep the animal for the length of the animal's life
22 ~~providing the animal is spayed or neutered and is registered~~
23 ~~with the Department of Agriculture and Industries.~~ This
24 section does not apply to any zoological parks, circuses,
25 colleges, and universities, animal refuges approved by the
26 Department of Agriculture and Industries, county or municipal

1 humane shelters, the Department of Conservation and Natural
2 Resources, or veterinary clinics."

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

5 §3-8-2.

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

8 (1) BEAR. All species of bears, including hybrids
9 thereof, except American black bears (*Ursus americanus*), that
10 were not bred in captivity.

11 (2) LARGE FELIDAE. A tiger, lion, leopard, snow
12 leopard, clouded leopard, jaguar, cheetah, or cougar. The term
13 includes a hybrid large felidae.

14 (3) WOLF. The term does not include a hybrid wolf.

15 (b) Notwithstanding Section 3-8-1, or any other law
16 to the contrary, unless exempted by subsection (c) or (d), it
17 is unlawful to intentionally or knowingly possess, sell,
18 transfer, or breed any living large felidae, wolf, or bear.

19 (c) Subsection (b) does not apply to any of the
20 following:

21 (1) A Class C exhibitor licensed by the United
22 States Department of Agriculture (USDA), including, but not
23 limited to, zoological parks and circuses, provided that the
24 licensed exhibitor meets all of the following criteria:

25 a. Has not been, nor employs any person who has
26 been, convicted of or fined for an offense involving the abuse
27 or neglect of any animal pursuant to any state, local, or

1 federal law and has direct access to animals owned by the
2 licensee.

3 b. Displays the most recent annual USDA inspection
4 report in a prominent place on site, publishes the most recent
5 annual report on its website, and makes the most recent annual
6 report available upon request. For the purposes of this
7 paragraph, the most recent annual USDA inspection report means
8 the most recent USDA inspection report for which there are no
9 pending appeals on behalf of the licensee. Licensees may
10 redact information that identifies employees by name from the
11 published USDA inspection report.

12 c. Maintains liability insurance for each occurrence
13 of property damage, bodily injury, or death caused by any
14 large felidae, wolf, or bear owned or possessed by the person.

15 d. Maintains a current animal inventory, has a
16 written plan for the quick and safe recapture or destruction
17 of animals in the event of an escape, including, but not
18 limited to, written protocols for training staff on methods of
19 safe recapture of the escaped animal, has a disaster plan, and
20 makes all of this information available to law enforcement
21 upon request.

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

24 (3) A nonprofit wildlife sanctuary that meets all of
25 the following criteria:

26 a. Operates a place of refuge where abused,
27 neglected, unwanted, impounded, abandoned, orphaned, or

1 displaced animals are provided care for the lifetime of the
2 animal.

3 b. Does not conduct any commercial activity with
4 respect to large felidaes, wolves, or bears including, but not
5 limited to, the sale, trade, auction, lease, or loan of large
6 felidaes, wolves, or bears or parts of large felidaes, wolves,
7 or bears, or uses large felidaes, wolves, or bears in any
8 manner in a for-profit business or operation.

9 c. Does not allow direct contact between the public
10 and large felidaes, wolves, or bears.

11 d. Does not use large felidaes, wolves, or bears for
12 entertainment purposes or in a traveling exhibit.

13 e. Does not breed, accidentally or otherwise, large
14 felidaes, wolves, or bears.

15 (4) A duly incorporated nonprofit animal protection
16 organization, such as a humane society or shelter, temporarily
17 housing a large felidae, wolf, or bear at the written request
18 of law enforcement, including any county sheriff, police
19 officer, animal control agent appointed pursuant to Section
20 3-1-13 or 13A-11-242, or any warden deputized pursuant to
21 Section 9-11-5, acting under the authority of this section.

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

24 (6) A law enforcement officer, including any person
25 described in subdivision (4), for purposes of enforcement.

26 (7) A motion picture or television production
27 company employing or contracting with a dealer or exhibitor

1 licensed under the Animal Welfare Act, 7 U.S.C. Section 2133,
2 or with a carrier or intermediate handler registered under the
3 Animal Welfare Act, 7 U.S.C. Section 2136, for the
4 transportation, exhibition, or use of dangerous animals in its
5 motion picture or television production.

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

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

14 (2) Has not acquired additional large felidae,
15 wolves, or bears after the effective date of the act adding
16 this section, whether by purchase, donation, or breeding.

17 (3) Has not been convicted of an offense involving
18 the abuse or neglect of any animal pursuant to local, state,
19 or federal law.

20 (4) Has not had a license or permit regarding the
21 care, possession, exhibition, breeding, or sale of animals
22 revoked or suspended by any local, state, or federal agency.

23 (5) Has developed and is prepared to implement an
24 escape and disaster plan, maintains a current animal inventory
25 list, and makes the plans and list available to law
26 enforcement, upon request.

1 (6) Has shown to his or her local law enforcement
2 agency proof of liability insurance for each occurrence of
3 property damage, bodily injury, or death caused by any
4 dangerous wild animal possessed by the person. 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, wolf, or bear, the
11 person has notified local law enforcement, identifying the
12 recipient of the animal. At all times, possession, sale,
13 transfer, and transport of a large felidae, wolf, or bear
14 shall conform with all applicable local, state, and federal
15 laws.

16 (8) Has a surety bond of at least one million
17 dollars (\$1,000,000) in force providing coverage for property
18 damage, bodily injury, or death caused by any large felidae,
19 wolf, or bear owned or possessed by the person.

20 (9) Complies with Alabama Administrative Code Rule
21 220-2-.154 of the Department of Conservation and Natural
22 Resources, "Standards of Care for Wildlife used for Public
23 Exhibition Purposes."

24 (e) This section is in addition to, and not in lieu
25 of, any other laws protecting animal welfare. This section is
26 not intended, and may not be construed, to limit any other
27 state law or rule protecting the welfare of animals. Nothing

1 in this section shall be construed to prohibit a local
2 governing body from adopting or enforcing any rule or law that
3 places further restrictions or additional requirements on the
4 possession, sale, transfer, or breeding of large felidae,
5 wolves, or bears.

6 (f) Any law enforcement officer, including a person
7 described in subdivision (4) of subsection (c), with or
8 without a warrant, may arrest any person who violates this
9 section in his or her presence or view and may execute any
10 warrant or other process issued by any officer or court of
11 competent jurisdiction, and with a search warrant or as
12 incident to a lawful arrest, may search for and seize any
13 large felidae, wolf, or bear possessed in violation of this
14 section or any rules issued pursuant to this section.

15 (g) A violation of subsection (b) is a Class A
16 misdemeanor.

17 Section 3. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

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

