

1 SB244  
2 205010-5  
3 By Senators Jones, Gudger and Livingston  
4 RFD: Agriculture, Conservation and Forestry  
5 First Read: 23-FEB-21

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8 SYNOPSIS: This bill would make it illegal to possess,  
9 sell, transfer, or breed a large wild cat, great  
10 ape, wolf, or non-native bear, with certain  
11 exceptions.

12 This bill would allow persons who lawfully  
13 possess a large wild cat, great ape, wolf, or  
14 non-native bear on the effective date of this bill  
15 to keep the animal or animals under certain  
16 conditions.

17 Amendment 621 of the Constitution of Alabama  
18 of 1901, now appearing as Section 111.05 of the  
19 Official Recompilation of the Constitution of  
20 Alabama of 1901, as amended, prohibits a general  
21 law whose purpose or effect would be to require a  
22 new or increased expenditure of local funds from  
23 becoming effective with regard to a local  
24 governmental entity without enactment by a 2/3 vote  
25 unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to large animals; to prohibit the  
16 possession, sale, transfer, and breeding of large wild cats,  
17 great apes, wolves, and non-native bears, except for  
18 possession by certain persons under certain conditions; to  
19 place certain conditions upon any person possessing large wild  
20 cats, great apes, wolves, or non-native bears after the  
21 effective date of this act; to provide for penalties; and in  
22 connection therewith would have as its purpose or effect the  
23 requirement of a new or increased expenditure of local funds  
24 within the meaning of Amendment 621 of the Constitution of  
25 Alabama of 1901, now appearing as Section 111.05 of the  
26 Official Recompilation of the Constitution of Alabama of 1901,  
27 as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited  
3 as the Exotic Animal Protection Act of 2021.

4 Section 2. For purposes of this act, the following  
5 terms shall have the following meanings:

6 (1) ANIMAL CONTROL AUTHORITY. The agency designated  
7 by a municipality or county to administer ordinances  
8 regulating, restricting, or prohibiting the possession of  
9 large wild cats, great apes, non-hybrid wolves, non-native  
10 bears, and hybrids of large wild cats, great apes, and  
11 non-native bears. An animal control authority may be a  
12 municipal or county animal control agency, county sheriff, or  
13 another designated law enforcement agency.

14 (2) GREAT APE. A non-human member of the family  
15 hominidae, as well as a gorilla, chimpanzee, bonobo, or  
16 orangutan.

17 (3) LARGE WILD CAT. A lion, tiger, leopard, jaguar,  
18 cougar, or snow leopard. The term includes a hybrid of any of  
19 these species.

20 (4) NON-NATIVE BEAR. Any bear that is not native to  
21 Alabama and is not subject to oversight by the Alabama  
22 Department of Conservation and Natural Resources, including,  
23 but not limited to, a sun bear, sloth bear, spectacled bear,  
24 Asian black bear, brown bear, polar bear, or giant panda.

25 (5) PERSON. Any individual, partnership,  
26 corporation, organization, trade, or professional association,  
27 firm, limited liability company, joint venture, association,

1 trust, estate, or any other legal entity, and any employee,  
2 agent, or representative of the entity.

3 (6) POSSESSOR. Any person who owns, possesses,  
4 keeps, harbors, brings into the state, acts as a custodian of,  
5 or has custody or control of, a large wild cat, great ape,  
6 wolf, or non-native bear.

7 (7) WOLF. A gray wolf or red wolf. This term shall  
8 not include hybrids of any wolf.

9 Section 3. This act shall not apply to any of the  
10 following:

11 (1) Duly incorporated animal protection  
12 organizations, such as humane societies and shelters, housing  
13 a large wild cat, great ape, wolf, or non-native bear  
14 temporarily at the written request of the animal control  
15 authority or acting under the authority of this act.

16 (2) Federal or state wildlife enforcement officers  
17 acting under the scope of their authority.

18 (3) Animal control or law enforcement agencies or  
19 officers acting under the authority of this act.

20 (4) Veterinary hospitals, clinics, veterinarians,  
21 and individuals employed at those facilities under the  
22 direction of a veterinarian who are actively treating a large  
23 wild cat, great ape, wolf, or non-native bear in their  
24 professional capacity as a veterinarian or employee of such  
25 facility.

26 (5) A university, college, laboratory, or other  
27 research facility holding a Class R registration under the

1 federal Animal Welfare Act, 7 U.S.C. § 2131, et seq., as  
2 amended.

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

5 a. Operates a place of refuge where it provides care  
6 to abused, neglected, unwanted, impounded, abandoned,  
7 orphaned, or displaced animals for the lifetimes of the  
8 animals.

9 b. Does not conduct any transactions with respect to  
10 large wild cats, great apes, wolves, and non-native bears  
11 including, but not limited to, the sale, trade, auction,  
12 lease, or loan of large wild cats, great apes, wolves, or  
13 non-native bears.

14 c. Does not allow direct contact between the public  
15 and large wild cats, great apes, wolves, or non-native bears.

16 d. Does not use large wild cats, great apes, wolves,  
17 or non-native bears for entertainment purposes in a traveling  
18 exhibit.

19 e. Does not breed, accidentally or otherwise, large  
20 wild cats, great apes, wolves, or non-native bears.

21 (7) A person who possesses a valid United States  
22 Department of Agriculture Class A, B, or C license on or who  
23 obtains and maintains that licensure after the effective date  
24 of this act and is in compliance with the federal Animal  
25 Welfare Act, 7 U.S.C. § 2131, et seq., as amended.

26 (8) A person who is an intermediate handler, as  
27 defined by the federal Animal Welfare Act, 7 U.S.C. § 2132.

1           Section 4. Except as otherwise provided in this act,  
2 a person shall not import, export, transport, sell, receive,  
3 acquire, purchase, breed, or possess a large wild cat, great  
4 ape, wolf, or non-native bear. This shall include transactions  
5 conducted via the Internet.

6           Section 5. A person in legal possession of a large  
7 wild cat, great ape, wolf, or non-native bear prior to the  
8 effective date of this act and who is the legal possessor of  
9 the animal may keep possession of the animal for the remainder  
10 of the animal's life, subject to all of the following:

11           (1) On or before January 1, 2022, the legal  
12 possessor shall register with the animal control authority for  
13 the municipality or county in which the animal is located.

14           a. The registration shall include all of the  
15 following:

16           1. The person's name, address, and telephone number.

17           2. A complete inventory of each large wild cat,  
18 great ape, wolf, or non-native bear that the person possesses,  
19 a photograph or microchip number for each animal, and the  
20 address for the site at which each animal is located.

21           3. Payment to the animal control authority of a  
22 one-time fee of five hundred dollars (\$500) per site at which  
23 a large wild cat, great ape, wolf, or non-native bear is to be  
24 located.

25           b. A possessor shall have a continuing obligation to  
26 promptly notify the animal control authority with jurisdiction

1 of any material changes to the information required for  
2 registration.

3 (2) A possessor shall pay an annual fee of one  
4 hundred dollars (\$100) per large wild cat, great ape, wolf, or  
5 non-native bear located in his or her possession.

6 (3) A possessor may not breed or acquire a large  
7 wild cat, great ape, wolf, or non-native bear.

8 (4) A possessor shall maintain veterinary records,  
9 acquisition papers, and other documents or records that  
10 establish that the person possessed each large wild cat, great  
11 ape, wolf, or non-native bear prior to January 1, 2022, and  
12 shall present these records to an animal control or law  
13 enforcement authority upon request.

14 (5) A possessor shall comply with the basic  
15 standards and laws for maintaining animals and protecting the  
16 public under the federal Animal Welfare Act, 7 U.S.C. § 2131,  
17 et seq., as amended, and the rules adopted pursuant to that  
18 act, and shall allow the animal control authority reasonable  
19 access to the animal's enclosure in order to ensure that the  
20 animal is properly cared for and poses no risk of unauthorized  
21 contact with the public.

22 (6) A possessor shall prepare and submit upon  
23 request to the animal control authority a contingency plan to  
24 protect first responders by providing for the quick and safe  
25 recapture of a large wild cat, great ape, wolf, or non-native  
26 bear in the event of an escape.



1           (7) A possessor shall notify the animal control  
2 authority, the local sheriff's department, and local police  
3 department, if applicable, immediately upon discovery that a  
4 large wild cat, great ape, wolf, or non-native bear has  
5 escaped.

6           (8) A possessor shall be liable for any and all  
7 costs associated with the escape, capture, and disposition of  
8 a registered large wild cat, great ape, wolf, or non-native  
9 bear.

10           (9) A possessor shall comply with all applicable  
11 federal, state, or local laws, rules, regulations, ordinances,  
12 permits, or other permission regarding ownership of a large  
13 wild cat, great ape, wolf, or non-native bear. Failure to  
14 comply with any law, rule, regulation, ordinance, permit, or  
15 other permission constitutes a violation of this act.

16           Section 6. (a) An animal control authority or other  
17 person authorized to enforce the provisions of this act may  
18 confiscate a large wild cat, great ape, wolf, or non-native  
19 bear under any of the following circumstances:

20           (1) The large wild cat, great ape, wolf, or  
21 non-native bear poses an immediate, imminent danger to the  
22 health and safety of the public.

23           (2) If a veterinarian determines, in writing, that a  
24 large wild cat, great ape, wolf, or non-native bear is in  
25 imminent danger of loss of life as a result of the action or  
26 inaction of its possessor.

1                   (3) Upon conviction in a court of general  
2 jurisdiction that a person is holding or acquiring a large  
3 wild cat, great ape, wolf, or non-native bear in contravention  
4 of this act.

5                   (b) Prior to confiscating a large wild cat, great  
6 ape, wolf, or non-native bear, an animal control authority or  
7 other person authorized to enforce this act shall notify a  
8 possessor of a confiscation in person or by certified mail  
9 with return receipt requested. The notice shall include  
10 language informing the recipient that, if a court of general  
11 jurisdiction in the county determines that the confiscated  
12 animal was in imminent danger of loss of life or an immediate  
13 threat to public safety, the possessor shall be responsible  
14 for payment of reasonable costs for caring and providing for  
15 the animal during the confiscation and that the possessor must  
16 meet all requirements for the animal to be returned to the  
17 possessor. Possessors are not responsible for costs of caring  
18 and providing for an improperly confiscated animal.

19                   (c) A large wild cat, great ape, wolf, or non-native  
20 bear that is confiscated under this section shall be returned  
21 to the possessor if the animal control authority or law  
22 enforcement office establishes all of the following:

23                   (1) That the possessor had legal possession of the  
24 large wild cat, great ape, wolf, or non-native bear pursuant  
25 to this act, state law, and federal law.

1           (2) The return of the large wild cat, great ape,  
2 wolf, or non-native bear would not pose a public safety or  
3 health risk.

4           (3) The large wild cat, great ape, wolf, or  
5 non-native bear is not in poor health or condition as a result  
6 of the action or inaction of its possessor.

7           (d) If a large wild cat, great ape, wolf, or  
8 non-native bear that is confiscated under this section is not  
9 returned to the possessor under subsection (c), the animal  
10 control authority or other person designated under this act  
11 shall release the animal to a facility exempted pursuant to  
12 this act or to a United States Department of Agriculture Class  
13 C licensed facility in another state.

14           Section 7. (a) The animal control authority and its  
15 staff and agents, local law enforcement agents, state law  
16 enforcement agents, and county sheriffs are authorized to  
17 enforce this act.

18           (b) If a large wild cat, great ape, wolf, or  
19 non-native bear escapes or is released, and poses an immediate  
20 threat to public safety, the animal control authority or other  
21 person designated under this act may recapture, contain, or  
22 destroy the animal.

23           Section 8. A person in violation of this act shall  
24 be guilty of a Class A misdemeanor punishable by a fine of one  
25 thousand dollars (\$1,000) for a first offense and five  
26 thousand dollars (\$5,000) for a second offense.

1           Section 9. A municipality or county may adopt an  
2 ordinance governing large wild cats, great apes, wolves, or  
3 non-native bears that is more restrictive than this act.  
4 However, nothing in this act requires a municipality or county  
5 to adopt any ordinance.

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

14           Section 11. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.