



February 11, 2021

HOUSE BILL No. 1398

DIGEST OF HB 1398 (Updated February 9, 2021 3:23 pm - DI 139)

Citations Affected: IC 14-8; IC 14-22; IC 35-52.

Synopsis: Direct contact with specified animals. Provides for the definitions of the terms "proximity" and "trained". Provides that the definition of "direct contact" includes proximity between the public and the specified animal creating the likelihood of physical contact between the public and the specified animal, and excludes additional individuals from the term. Prohibits a person that owns or possesses a specified animal from allowing a member of the public to come into direct contact with the specified animal. Establishes a criminal penalty for a violation of the law.

Effective: Upon passage.

Abbott, Campbell, Karickhoff

January 14, 2021, read first time and referred to Committee on Natural Resources.
February 11, 2021, amended, reported — Do Pass. Referred to Committee on Courts and Criminal Code pursuant to Rule 127.

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February 11, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1398

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-70.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 70.8. "Direct contact", for purposes of**
4 **IC 14-22-26.5, has the meaning set forth in IC 14-22-26.5-1.**
5 SECTION 2. IC 14-8-2-221.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 221.5. "Proximity", for**
8 **purposes of IC 14-22-26.5, has the meaning set forth in**
9 **IC 14-22-26.5-2.**
10 SECTION 3. IC 14-8-2-262.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: **Sec. 262.5. "Specified animal", for**
13 **purposes of IC 14-22-26.5, has the meaning set forth in**
14 **IC 14-22-26.5-3.**
15 SECTION 4. IC 14-8-2-282.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: **Sec. 282.5. "Trained", for**

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1 purposes of IC 14-22-26.5, has the meaning set forth in
2 IC 14-22-26.5-4.

3 SECTION 5. IC 14-22-26.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]:

6 **Chapter 26.5. Specified Animals**

7 **Sec. 1. (a) As used in this chapter, "direct contact" means:**

- 8 (1) physical contact between the public and a specified
9 animal; or
10 (2) proximity between the public and a specified animal
11 creating the likelihood of physical contact between the public
12 and the specified animal.

13 (b) The term includes the taking of a photograph of a specified
14 animal except where there is located between the public and the
15 specified animal a permanent physical barrier designed to prevent
16 physical contact between the public and the specified animal.

17 (c) The term does not include physical contact or proximity
18 between a specified animal and:

- 19 (1) a trained professional employee or accompanying
20 employee, volunteer, or contractor of the facility or entity in
21 which the specified animal is kept;
22 (2) the owner of the facility in which the specified animal is
23 kept;
24 (3) a licensed veterinarian;
25 (4) a veterinary intern or specialist accompanying a licensed
26 veterinarian;
27 (5) a registered veterinary technician under the direct or
28 indirect supervision of a licensed veterinarian;
29 (6) a veterinary student under the direct supervision of a
30 licensed veterinarian; or
31 (7) a contractor, intern, or other service provider working on
32 behalf of the facility or entity under the direct supervision of
33 a trained professional employee.

34 **Sec. 2. As used in this chapter, "proximity" means a distance**
35 **that does not allow a member of the public to touch a primary,**
36 **permeable barrier of a specified animal that can be determined by**
37 **a visual or physical barrier, including a barrier fence, safety line,**
38 **or other means to signify a restricted area.**

39 **Sec. 3. As used in this chapter, "specified animal" means a live**
40 **animal that is any of the following:**

- 41 (1) An animal from the following species of Felidae:
42 (A) Lions (*Panthera leo*).



- 1 **(B) Tigers (*Panthera tigris*).**
 2 **(C) Leopards (*Panthera pardus*).**
 3 **(D) Snow leopards (*Panthera uncia*).**
 4 **(E) Jaguars (*Panthera onca*).**
 5 **(F) Mountain lions (*Puma concolor*).**
 6 **(G) Any hybrid of a species listed in clauses (A) through**
 7 **(F).**
 8 **(2) A bear (*Ursidae*).**
 9 **(3) An animal designated under a rule by the department.**
 10 **Sec. 4. As used in this chapter, "trained" means having**
 11 **participated in specific instruction with a specified animal.**
 12 **Sec. 5. A person that owns or possesses a specified animal may**
 13 **not allow a member of the public to come into direct contact with**
 14 **the specified animal, regardless of the age of the specified animal.**
 15 **Sec. 6. The department may adopt rules under IC 4-22-2 to**
 16 **implement this chapter.**
 17 **Sec. 7. A person that knowingly or intentionally violates this**
 18 **chapter commits a Class A misdemeanor.**
 19 SECTION 6. IC 35-52-14-27.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: **Sec. 27.5. IC 14-22-26.5-7 defines**
 22 **a crime concerning specified animals.**
 23 SECTION 7. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1398, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 14-8-2-221.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 221.5. "Proximity", for purposes of IC 14-22-26.5, has the meaning set forth in IC 14-22-26.5-2.**"

Page 1, line 9, delete "IC 14-22-26.5-2." and insert "**IC 14-22-26.5-3.**"

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 14-8-2-282.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 282.5. "Trained", for purposes of IC 14-22-26.5, has the meaning set forth in IC 14-22-26.5-4.**"

Page 2, line 1, delete "possibility" and insert "**likelihood**".

Page 2, line 9, delete "member of the staff" and insert "**professional employee or accompanying employee, volunteer, or contractor**".

Page 2, line 9, after "facility" insert "**or entity**".

Page 2, line 14, delete "intern;" and insert "**intern or specialist accompanying a licensed veterinarian;**".

Page 2, line 16, delete "or".

Page 2, line 18, delete "veterinarian." and insert "**veterinarian; or**".

Page 2, between lines 18 and 19, begin a new line block indented and insert:

"(7) a contractor, intern, or other service provider working on behalf of the facility or entity under the direct supervision of a trained professional employee.

Sec. 2. As used in this chapter, "proximity" means a distance that does not allow a member of the public to touch a primary, permeable barrier of a specified animal that can be determined by a visual or physical barrier, including a barrier fence, safety line, or other means to signify a restricted area."

Page 2, line 19, delete "2." and insert "**3.**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "trained" means having participated in specific instruction with a specified animal."



Page 2, line 32, delete "3." and insert "5".

Page 2, line 35, delete "4." and insert "6".

Page 2, line 37, delete "5." and insert "7".

Page 2, line 41, delete "IC 14-22-26.5-5" and insert "**IC 14-22-26.5-7**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1398 as introduced.)

EBERHART

Committee Vote: yeas 9, nays 2.

