

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1788\*

Short Title: Regulate Dangerous Animals.

(Public)

Sponsors: Senator Jones.

Referred to: Judiciary I (Civil).

May 21, 2008

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE  
3 HEALTH AND SAFETY RISKS POSED BY INHERENTLY DANGEROUS  
4 WILD ANIMALS, TO PROTECT THE WELFARE OF INHERENTLY  
5 DANGEROUS WILD ANIMALS, AND TO AUTHORIZE A FEE FOR  
6 REGISTERING INHERENTLY DANGEROUS WILD ANIMALS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 6 of Chapter 153A of the General Statutes is amended  
9 by adding a new section to read:

10 **"§ 153A-131.1 Possession or harboring of inherently dangerous wild animals.**

11 (a) Definitions. – The following definitions apply in this section:

12 (1) "Animal control authority" means the agency designated by the county  
13 to administer ordinances regulating, restricting, or prohibiting the  
14 possession of inherently dangerous wild animals. The animal control  
15 agency may be a municipal or county animal control agency, county  
16 sheriff, or other agency designated by the county.

17 (2) "Direct contact" means any situation in which an individual may touch  
18 or come into physical contact with an inherently dangerous wild  
19 animal or the primary enclosure containing the animal.

20 (3) "Inherently dangerous wild animal" means any of the members of the  
21 Order Carnivora listed below and any hybrids of these animals unless  
22 otherwise specified:

23 a. Family Canidae – only wolves, not including wolf  
24 hybrids.

25 b. Family Felidae – only lions, tigers, cheetahs, jaguars,  
26 cougars, leopards, snow leopards, and clouded leopards.

27 c. Family Hyaenidae – all hyena species.

28 d. Family Ursidae – all bear species.

- 1           (4)    "Person" means any individual, partnership, corporation, organization,  
2           trade or professional association, firm, limited liability company, joint  
3           venture, association, trust, estate, or any other legal entity and any  
4           employee, agent, or representative of the entity.
- 5           (5)    "Possessor" means any person who owns, possesses, keeps, harbors,  
6           brings into the State, acts as a custodian of, or has custody or control  
7           of an inherently dangerous wild animal.
- 8           (6)    "Qualified United States Department of Agriculture (USDA) Class A  
9           or Class B license holder" means a person who, as of January 1, 2009,  
10          holds a USDA Class A or B license and meets the following  
11          conditions:
- 12           a.     The license holder's USDA license remains in good standing  
13           with the USDA.
- 14           b.     The license holder has on hand appropriate drugs for chemical  
15           immobilization and has a member of staff who has firearms  
16           training and proficiency in order to recapture an escaped  
17           inherently dangerous wild animal.
- 18           c.     The license holder does not allow direct contact between  
19           inherently dangerous wild animals and any person, which  
20           includes but is not limited to, members of the public and the  
21           owner's family and friends, other than the person possessing the  
22           animal, the designated handler(s), or a veterinarian  
23           administering medical examination, treatment, or care; provided  
24           that a license holder may allow direct contact between members  
25           of the public and animals that are at least 8 weeks old but less  
26           than 16 weeks old.
- 27           d.     The license holder provides the county with a copy of the  
28           annual license renewal and, within five days of receipt, a copy  
29           of any inspection report, notice of violation, fine, or other  
30           disciplinary action by the USDA against the license holder.
- 31          (7)    "Qualified United States Department of Agriculture (USDA) Class C  
32          license holder" means a person who, as of January 1, 2009, holds a  
33          USDA Class C license, meets the conditions set forth in subdivision  
34          (6) of this subsection, and whose facility housing an inherently  
35          dangerous wild animal is open to the public or the license holder  
36          provides programs featuring an inherently dangerous wild animal to  
37          the public off-site.
- 38          (8)    "Wildlife sanctuary" means a facility that cares for inherently  
39          dangerous wild animals and:
- 40           a.     Was incorporated and qualified as a corporation that is exempt  
41           from taxation under section 501(a) of the Internal Revenue  
42           Code of 1986 and described in sections 501(c)(3) and  
43           170(b)(1)(A)(vi) of the Code on or before January 1, 2009;

- 1            b. Does not commercially trade in animals listed as inherently  
2            dangerous wild animals, including the offspring, parts, and  
3            by-products of such animals;  
4            c. Does not propagate inherently dangerous wild animals; and  
5            d. Does not allow direct contact between the public and inherently  
6            dangerous wild animals.

7            (b) Ordinances. – A county shall by ordinance regulate, restrict, or prohibit the  
8            possession or harboring of inherently dangerous wild animals provided that a county  
9            may not prohibit the possession of inherently dangerous wild animals by a qualified  
10           USDA Class A, Class B, or Class C license holder, or by a wildlife sanctuary.  
11           Ordinances adopted shall be effective no later than June 30, 2009. Ordinances  
12           regulating or restricting the possession or harboring of inherently dangerous wild  
13           animals shall include provisions requiring the person possessing an inherently  
14           dangerous wild animal to:

- 15           (1) Register with the local animal control authority within 30 days of the  
16           effective date of the ordinance or within 30 days of acquiring an  
17           inherently dangerous wild animal. Registration shall include the  
18           possessor's name, address, telephone number, and a list of each  
19           inherently dangerous wild animal in the person's possession. Persons  
20           acquiring additional animals after the date of the original registration  
21           shall register those animals within 10 days of the acquisition.  
22           Registrations shall be updated annually and subject to fees as provided  
23           in subsection (h) of this section.  
24           (2) Provide an inventory of each inherently dangerous wild animal held  
25           including (i) the species of each regulated animal; (ii) photographs of  
26           the animal, including photographs of any marks or distinctive  
27           characteristics of the animal, for example the whisker spots on the  
28           nose of a lion, a unique coat pattern such as the stripes on a tiger,  
29           scarring or other identifying feature; (iii) the exact location where each  
30           animal is kept; and (iv) the age, sex, color, weight, and any other  
31           distinguishing marks of each regulated animal.  
32           (3) Obtain and maintain a liability insurance policy with an insurer  
33           authorized or approved to write such insurance in this State that covers  
34           claims for injury or damage to persons or property in an amount of not  
35           less than two hundred fifty thousand dollars (\$250,000). In the  
36           alternative, a possessor may obtain a bond from a solvent surety in the  
37           amount of two hundred fifty thousand dollars (\$250,000). The  
38           possessor shall present proof of possession and maintenance of  
39           liability insurance or bond upon request to the animal control or law  
40           enforcement authority within 24 hours of the request.  
41           (4) Develop and maintain, at the location where the inherently dangerous  
42           wild animal is kept, a written plan for the quick and safe recapture or  
43           destruction of the animal in the event the animal escapes. This plan

1           shall also be filed with the animal control authority, local sheriff's  
2           department, and police department, if applicable.

3           (5) Notify the animal control authority, the local sheriff's department, and  
4           police department, if applicable, immediately upon discovery that an  
5           inherently dangerous wild animal has escaped. The possessor of the  
6           animal shall be liable for any and all costs associated with the escape,  
7           capture, and disposition of a permitted animal.

8           (6) Notify the animal control authority of a transfer of ownership,  
9           possession, or location of an inherently dangerous wild animal or the  
10           death of such an animal.

11           (c) Compliance with Other Laws. – In addition to meeting the county ordinance  
12           requirements, a person possessing an inherently dangerous wild animal shall comply  
13           with any and all applicable federal, State, or local laws, rules, regulations, or  
14           ordinances. Failure to comply with any applicable law, rule, regulation, or ordinance  
15           constitutes a violation of this section.

16           (d) Enforcement. – The animal control authority and its staff and agents, local  
17           law enforcement agents, county sheriffs, and federal or State wildlife enforcement  
18           officers may enforce the provisions of the county ordinance.

19           (e) Inspection. – The possessor of an inherently dangerous wild animal shall  
20           allow, at all reasonable times, the animal control authority or other persons designated  
21           under subsection (d) of this section, to enter the premises where the animal is kept to  
22           ensure compliance with the county ordinance.

23           (f) Confiscation and disposition. –

24           (1) The animal control authority or other persons designated under  
25           subsection (d) of this section may confiscate an inherently dangerous  
26           wild animal under the following conditions: (i) the animal poses a  
27           public safety or health risk; (ii) the animal is in poor health and  
28           condition as a result of the owner's actions or inaction; or (iii) the  
29           animal is being held in violation of the provisions of the ordinance.

30           (2) An inherently dangerous wild animal confiscated under this section  
31           may be returned to the possessor only if the animal control authority or  
32           other persons designated under subsection (d) of this section  
33           establishes that the return does not pose a public safety or health risk  
34           and the possessor is in compliance with the ordinance.

35           (3) The animal control authority or other persons designated under  
36           subsection (d) of this section shall serve notice upon the possessor in  
37           person or by regular and certified mail, return receipt requested, of the  
38           confiscation, that the possessor is responsible for payment of  
39           reasonable costs for caring and providing for the animal during the  
40           confiscation, and that the possessor must meet the requirements of the  
41           county ordinance in order for the animal to be returned to the  
42           possessor.

43           (4) If an inherently dangerous wild animal confiscated under this section  
44           is not returned to the possessor, the animal control authority or other

1 persons designated under subsection (d) of this section may release the  
2 animal to a facility such as a wildlife sanctuary or a facility exempted  
3 pursuant to subsection (i) of this section. If the animal control  
4 authority or other person designated under subsection (d) of this  
5 section is unable to relocate the animal within a reasonable period of  
6 time, it may euthanize the animal.

7 (5) If an inherently dangerous wild animal escapes or is released and poses  
8 an immediate threat to public safety, the animal control authority or  
9 other persons designated under subsection (d) of this section may  
10 exercise discretion in attempting to recapture the animal or in killing  
11 the animal.

12 (g) Penalties. –

13 (1) A person who violates any provision of an ordinance adopted under  
14 this section shall be guilty, on the first offense, of a Class 3  
15 misdemeanor, punishable by a fine of up to five hundred dollars  
16 (\$500.00). A second offense shall be a Class 2 misdemeanor  
17 punishable by a fine of up to two thousand five hundred dollars  
18 (\$2,500). Subsequent offenses shall be Class 1 misdemeanors.

19 (2) Deliberate release of an inherently dangerous wild animal shall be a  
20 Class 1 misdemeanor. Deliberate release of an inherently dangerous  
21 wild animal resulting in serious injury or death shall be a Class H  
22 felony.

23 (h) Fees. – A county may charge a reasonable annual fee for the registration of an  
24 inherently dangerous wild animal. The fee shall not exceed fifty dollars (\$50.00) per  
25 animal held by the possessor in the county, nor a total of more than two hundred fifty  
26 dollars (\$250.00).

27 (i) Exemptions. – The provisions of this Article do not apply to:

28 (1) Institutions accredited by the American Zoo and Aquarium  
29 Association.

30 (2) Duly incorporated nonprofit animal protection organizations  
31 temporarily housing an inherently dangerous wild animal at the written  
32 request of the animal control authority.

33 (3) Federal or State wildlife enforcement officers acting under the scope  
34 of their authority.

35 (4) Animal control authorities or law enforcement agencies or officers  
36 acting under the authority of this section.

37 (5) Licensed veterinary hospitals or clinics.

38 (6) A university, college, laboratory, or other research facility that holds a  
39 Class R registration pursuant to 9 Code of Federal Regulations  
40 (January 1 2007 Edition), provided that each facility shall provide  
41 written notice, updated annually, to the county in which it is located,  
42 listing the number and species of animals held at the facility.

43 (7) Circuses that are incorporated and hold a Class C license pursuant to 9  
44 Code of Federal Regulations Part 2 (January 1 2007 Edition) that are

1 temporarily in this State and that offer performances by live animals,  
2 clowns, and acrobats for public entertainment. Circuses do not include  
3 persons, whether or not Class C licensees, who present any listed  
4 animal to the public as entertainment that includes wrestling, a  
5 photography opportunity with a patron, or an activity in which any  
6 listed animal and a patron are in direct contact with each other.

7 (8) A person who does not reside in this State and is traveling through this  
8 State with an inherently dangerous wild animal if the transit time is not  
9 more than 72 hours and the animal is at all times maintained within a  
10 confinement sufficient to prevent the animal from escaping.

11 (9) Indigenous species already regulated by the North Carolina Wildlife  
12 Resources Commission.

13 (10) A "production company," as defined in G.S. 105-164.3, that uses an  
14 inherently dangerous wild animal in the production of original motion  
15 pictures or television images for theatrical, commercial, advertising, or  
16 educational purposes.

17 (j) Nothing in this section shall be construed as limiting, repealing, or preventing  
18 the enactment of any county ordinance adopted pursuant to G.S. 153A-131 or other  
19 valid authority."

20 **SECTION 2.** Article 8 of Chapter 160A of the General Statutes is amended  
21 by adding a new section to read:

22 "**§ 160A-187.1. Possession or harboring of inherently dangerous wild animals.**

23 A municipality shall by ordinance regulate, restrict, or prohibit the possession or  
24 harboring of inherently dangerous wild animals in accordance with the provisions of  
25 G.S. 153A-131.1. Pursuant to G.S. 153A-122, a municipality may, by resolution, elect  
26 to have the county ordinance applicable within the city and to allow enforcement of the  
27 county ordinance within the city. Nothing in this section shall be construed as limiting,  
28 repealing, or preventing the enactment of any municipal ordinance adopted pursuant to  
29 G.S. 160A-187 or other valid authority."

30 **SECTION 3.** There is appropriated to the North Carolina Department of  
31 Environment and Natural Resources for allocation to the North Carolina Zoological  
32 Park, the sum of five hundred thousand dollars (\$500,000) for fiscal year 2008-2009 for  
33 the Department, in consultation with the North Carolina State University College of  
34 Veterinary Medicine, to develop and provide training for local government officials  
35 charged with implementing the provisions of this act.

36 **SECTION 4.** Section 3 of this act becomes effective July 1, 2008. The  
37 remainder of this act becomes effective January 1, 2009, and applies to inherently  
38 dangerous wild animals existing in this State on or after that date.