

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1032
Judiciary II Committee Substitute Adopted 5/18/05
House Committee Substitute Favorable 7/26/05

Short Title: Study Inherently Dangerous Animals.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

1
2 AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL
3 RESOURCES TO DETERMINE THE BEST MEANS OF PROTECTING THE
4 PUBLIC AGAINST THE HEALTH AND SAFETY RISKS POSED BY
5 INHERENTLY DANGEROUS ANIMALS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Department of Environment and Natural Resources, in
8 consultation with the North Carolina Zoological Park and the Wildlife Resources
9 Commission, shall study the need to protect the public against the health and safety
10 risks posed by inherently dangerous animals and propose a means of best providing that
11 protection to the public while protecting the welfare of inherently dangerous animals as
12 well. In developing recommendations, the Department shall consult with the following
13 entities or groups, or appropriate representatives of those entities or groups:

- 14 (1) The Department of Agriculture and Consumer Services.
15 (2) The Division of Public Health of the Department of Health and Human
16 Services.
17 (3) The North Carolina State University College of Veterinary Medicine.
18 (4) The State Animal Response Team.
19 (5) Local law enforcement officials.
20 (6) Local animal control officials.
21 (7) Wild animal breeders.
22 (8) Exotic pet hobbyists.
23 (9) Commercial pet retailers.
24 (10) Small zoo owners.
25 (11) Humane organizations.
26 (12) Any other entities or groups whose interests may be affected by
27 proposed regulations.

1 **SECTION 2.** The Department shall report its findings to the General
2 Assembly no later than the convening of the 2006 Regular Session of the 2005 General
3 Assembly. Any legislation recommended in the report may be considered during the
4 2006 Regular Session of the 2005 General Assembly.

5 **SECTION 3.** The report made by the Department of Environment and
6 Natural Resources pursuant to this act shall include:

- 7 (1) A list of the types of animals that possess such inherently dangerous
8 characteristics that they should not be owned or possessed by persons
9 who do not have special expertise or training, and a determination as to
10 whether these animals should be grouped into classes for differential
11 treatment based upon the nature and extent of the threat they pose to
12 the public. This list should also include information about the nature of
13 the dangers posed by each type of animal.
- 14 (2) A suggested means for regulating ownership of certain animals,
15 including a means of enforcing any proposed restrictions on the
16 ownership or possession of those animals. This portion of the report
17 may include an evaluation of regulations in place in other jurisdictions
18 that have proven to be effective in protecting the public from
19 inherently dangerous animals.
- 20 (3) A plan for addressing inherently dangerous animals that are indigenous
21 species within the jurisdiction of the Wildlife Resources Commission
22 under Article 22 of Chapter 113 of the General Statutes and a
23 consideration as to whether any potential legislation should broadly
24 address the keeping of any wildlife as pets, whether indigenous or not
25 and whether inherently dangerous or not. This portion of the report
26 should result from extensive consultation with the Wildlife Resources
27 Commission.
- 28 (4) A recommendation as to whether persons owning or possessing
29 animals covered by any proposed restrictions should be grandfathered
30 in under a regulatory scheme and the appropriate means of
31 grandfathering those persons in, including consideration of whether
32 certain animals are so threatening to the public safety that the
33 grandfathering of untrained owners or possessors should not be
34 allowed under any circumstances.
- 35 (5) A recommended list, as comprehensive as possible, of persons and
36 entities that should be exempted from the proposed restrictions on
37 ownership or possession of the animals covered by any proposed
38 restrictions, such as zoos, veterinary hospitals, wildlife sanctuaries,
39 research institutions, and the like.

40 **SECTION 4.** This act is effective when it becomes law.