

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 778

Short Title: Prot. Public Dangrs. Animls/End Animl Cruelty. (Public)

Sponsors: Representatives Harrison, Fisher, and Gill (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 16, 2019

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR PROTECTION OF THE PUBLIC AGAINST THE HEALTH
3 AND SAFETY RISKS THAT CERTAIN DANGEROUS WILD ANIMALS POSE TO THE
4 COMMUNITY AND FOR AN END TO CERTAIN EXCEPTIONS TO THE WILDLIFE
5 AND ANIMAL CRUELTY STATUTES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 19A of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 7.

10 "Dangerous Wild Animals.

11 "**§ 19A-71. Definitions.**

12 The following definitions apply in this Article:

- 13 (1) Animal control authority. – A county or city that has exercised its right to
14 regulate animals under Chapter 153A or Chapter 160A of the General Statutes
15 and any other organization with which the city or county has contracted for
16 purposes of animal control.
- 17 (2) Circus. – An exhibitor holding a valid Class "C" license issued under the
18 federal Animal Welfare Act (7 U.S.C. § 2131, et seq.) that does not have any
19 permanent animal facilities in this State and that regularly conducts
20 performances featuring live animals and multiple trained human entertainers
21 such as clowns and acrobats.
- 22 (3) Dangerous wild animal. – Any live individual animal of the following
23 scientific classifications belonging to Class Mammalia:
- 24 a. Order Carnivora:
- 25 1. Family Canidae: gray wolves (*Canis lupus*).
- 26 2. Family Felidae: all species of felids, excluding domestic cats
27 (*Felis catus*), and including hybrids of lions (*Panthera leo*),
28 tigers (*Panthera tigris*), leopards (*Panthera pardus*), clouded
29 leopards (*Neofelis nebulosa*, *Neofelis diardi*), snow leopards
30 (*Panthera uncia*), jaguars (*Panthera onca*), cheetahs
31 (*Acinonyx jubatus*), and mountain lions (*Puma concolor*).
- 32 3. Family Hyaenidae: all species of hyenas and aardwolves.
- 33 4. Family Ursidae: all species of bears.



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- 1 b. Order Primates: apes, old world monkeys, new world monkeys,
2 excluding humans, all species of marmosets, capuchin monkeys,
3 lemurs, and lorises.
- 4 (4) Law enforcement officer. – An animal control officer, an animal cruelty
5 investigator as provided for in Article 4 of this Chapter, a State or local law
6 enforcement officer, or a public prosecutor.
- 7 (5) Person. – Any individual, partnership, corporation, organization, or any other
8 legal entity and any officer, member, shareholder, director, employee, agent,
9 or representative of one of those legal entities.
- 10 (6) Wildlife sanctuary. – A charitable organization that is exempt from taxation
11 under section 501(c)(3), Internal Revenue Code of 1986, that is described by
12 section 170(b)(1)(A)(vi), Internal Revenue Code of 1986, and that:
- 13 a. Operates a place of refuge where abused, neglected, unwanted,
14 impounded, abandoned, orphaned, or displaced animals are provided
15 care for the lifetime of the animal.
- 16 b. Does not conduct commercial activity with respect to dangerous wild
17 animals, including, but not limited to, (i) the sale, trade, auction, or
18 lease of dangerous wild animals or their parts or (ii) the use of
19 dangerous wild animals in any manner in a for-profit business or
20 operation.
- 21 c. Does not use dangerous wild animals for entertainment purposes or in
22 a traveling exhibit.
- 23 d. Does not breed any dangerous wild animals.

24 **"§ 19A-72. Prohibited Activities.**

25 (a) Notwithstanding any other provision of law, unless exempt under this Article, it is
26 unlawful for any person to possess, sell, transfer, or breed a dangerous wild animal.

27 (b) Notwithstanding any other provision of law, it is unlawful for any person to allow any
28 member of the public to come into direct physical contact with a dangerous wild animal,
29 regardless of the age of the animal. Members of the public do not include any of the following:

- 30 (1) Employees.
- 31 (2) Supervised interns or volunteers.
- 32 (3) Students at public or private colleges or universities engaged in academic
33 coursework or research.

34 **"§ 19A-73. Exemptions.**

35 The prohibitions in G.S. 19A-72(a) shall not apply to:

- 36 (1) Institutions accredited or certified by the Association of Zoos and Aquariums
37 (AZA).
- 38 (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §
39 2132(e)) and in corresponding federal regulations (9 C.F.R. 1.1, et al.).
- 40 (3) Wildlife sanctuaries, as defined in G.S. 19A-71(6).
- 41 (4) Duly incorporated nonprofit animal protection organizations, such as humane
42 societies and shelters, temporarily housing a dangerous wild animal at the
43 written request of law enforcement officers acting under the authority of this
44 Article.
- 45 (5) Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians,
46 and persons employed by such entities, for the purpose of providing veterinary
47 care or veterinary services to the dangerous wild animal.
- 48 (6) Law enforcement officers for purposes of enforcement.
- 49 (7) Circuses, as defined in G.S. 19A-71(2).
- 50 (8) A person temporarily transporting a legally owned dangerous wild animal
51 through the State if the transit time is not more than 24 hours, the dangerous

1 wild animal is not exhibited, and the dangerous wild animal is maintained at
2 all times in a species-appropriate cage or travel container.

3 (9) Institutions accredited by the Association for Assessment and Accreditation
4 of Laboratory Animal Care International.

5 (10) Institutions accredited or certified by the Zoological Association of America.

6 (11) Institutions holding a valid license issued by the U.S. Department of
7 Agriculture (USDA) pursuant to the federal Animal Welfare Act and not
8 otherwise exempt under another subdivision of this section.

9 (12) A motion picture or television production company employing or contracting
10 with a dealer or exhibitor licensed under section 2133 of the federal Animal
11 Welfare Act (7 U.S.C. § 2133) or with a carrier, intermediate handler, or
12 unlicensed exhibitor registered under section 2136 of the federal Animal
13 Welfare Act (7 U.S.C. § 2136) for the transportation, purchase, exhibition, or
14 use of dangerous animals in its motion picture or television production.

15 **"§ 19A-74. Prior possession.**

16 The prohibitions in G.S. 19A-72(a) shall not apply to persons who lawfully possessed a
17 dangerous wild animal prior to June 1, 2019, provided that the person:

18 (1) Shall maintain veterinary records, acquisition papers, or other documents or
19 records that establish that the person lawfully possessed the animal prior to
20 June 1, 2019.

21 (2) May not acquire additional dangerous wild animals after June 1, 2019,
22 whether by purchase, donation, relinquishment, or breeding; however, this
23 subdivision does not prohibit such a person from possessing the offspring of
24 a lawfully possessed dangerous wild animal if written medical records
25 demonstrate that the animal was pregnant on June 1, 2019.

26 (3) Shall not have been convicted of an offense involving the abuse or neglect of
27 any animal pursuant to any State, local, or federal law.

28 (4) Shall not have had a license or permit regarding the care, possession,
29 exhibition, breeding, or sale of animals revoked or suspended by any State,
30 local, or federal agency.

31 (5) Shall develop and be prepared to implement escape, succession, and disaster
32 plans and maintain a current animal inventory, to be made available to law
33 enforcement officers upon request.

34 (6) Shall allow a law enforcement officer to enter the premises where the
35 dangerous wild animal is kept at any reasonable time to ensure compliance
36 with this Chapter.

37 (7) Shall register with, and pay a registration fee to, the local animal control
38 authority by September 1, 2019, and annually thereafter, indicating the
39 number of animals of each dangerous wild animal species in his or her
40 possession, and showing proof of liability insurance in an amount of not less
41 than two hundred fifty thousand dollars (\$250,000) for each occurrence of
42 property damage, bodily injury, or death caused by any dangerous wild animal
43 possessed by the person.

44 (8) Shall provide written notification to the animal control authority in the city or
45 county where the person resides of the death of a dangerous wild animal
46 possessed under this section. The notice shall include the common name, sex,
47 and age of the animal, the date the animal was acquired, and any unique
48 identification marks to properly identify the animal.

49 (9) At least 72 hours prior to sale or transfer of an existing dangerous wild animal,
50 shall notify in writing the local animal control authority, identifying the
51 recipient of the animal. At all times, possession, sale, transfer, and transport

1 of the dangerous wild animal shall conform with all applicable State, local,
2 and federal laws.

- 3 (10) Shall have continuously posted and displayed at each possible entrance onto
4 the premises where a dangerous wild animal is housed a conspicuous sign,
5 clearly legible, and easily readable by the public, warning that a dangerous
6 wild animal is on the premises.

7 **"§ 19A-75. Transport and containment.**

8 (a) Any person transporting a dangerous wild animal shall keep the animal at all times in
9 a species-appropriate cage or travel container and shall comply with federal transport
10 requirements (9 C.F.R. Part 3).

11 (b) Any person possessing a dangerous wild animal shall keep the animal in a permanent
12 enclosure that is designed to be escape-proof and has an operable lock. It is unlawful for any
13 person to allow members of the public within 15 feet of a dangerous wild animal unless there is
14 a permanent barrier in place that prevents the risk of direct physical contact between a member
15 of the public and the animal.

16 (c) It is unlawful for any person to knowingly release a dangerous wild animal into the
17 wild.

18 **"§ 19A-76. Enforcement.**

19 (a) The provisions of this Article shall be enforced by any State law enforcement officer,
20 or by any other law enforcement officer in whose jurisdiction a violation occurs, or by any animal
21 control authority for the jurisdiction in which a violation occurs. Nothing in this Article shall be
22 construed to prohibit a city or county from adopting or enforcing any ordinance or other law that
23 places further restrictions or additional requirements on the possession, sale, transfer, or breeding
24 of dangerous wild animals.

25 (b) Animals may be seized pursuant to this Article as follows:

- 26 (1) Law enforcement officers shall, after obtaining a warrant from any judge or
27 magistrate upon probable cause, seize or impound any dangerous wild animal
28 possessed, sold, transferred, bred, or exhibited in violation of this Article. If
29 the dangerous wild animal poses a direct threat to public safety or is suffering
30 from apparent animal neglect or cruelty, that animal shall be immediately
31 placed in the custody and control of an institution described in
32 G.S. 19A-73(1), (3), (4), (5), or (9), or a temporary holding facility, as
33 described in G.S. 19A-73(4). If there is no immediate threat to public safety
34 or animal welfare, law enforcement officers shall impound the dangerous wild
35 animal in place.

- 36 (2) Upon seizing or impounding a dangerous wild animal, a law enforcement
37 officer shall petition the district court for the district in which the dangerous
38 wild animal was seized or impounded for a hearing to determine whether the
39 dangerous wild animal was in fact possessed, sold, transferred, bred, or
40 exhibited in violation of this Article. The hearing shall be held not more than
41 14 days from the date of the seizure or impoundment and the law enforcement
42 officer shall provide written notice of the hearing at least five days prior to the
43 hearing to the person from whom the dangerous wild animal was seized or
44 impounded.

- 45 (3) Upon judicial determination of a violation of any provision of this Article, the
46 seized or impounded dangerous wild animal shall be deemed forfeited and the
47 court shall order the violator to pay all reasonable expenses incurred in caring
48 and providing for the dangerous wild animal, from the time the dangerous
49 wild animal is seized until the time that dangerous wild animal is forfeited, to
50 an institution described in G.S. 19A-73(1), (3), (4), (5), or (9), or a temporary
51 holding facility in possession of the dangerous wild animal. The court may

1 also prohibit the possession or ownership of dangerous wild animals, or other
2 nonnative wild animals, by the person found to have violated this Article.

3 (4) A forfeited dangerous wild animal shall be transferred to an institution
4 described in G.S. 19A-73(1), (3), (4), (5), or (9) that is willing and able to take
5 custody of the forfeited dangerous wild animal. Nothing in this Article shall
6 be construed to prevent law enforcement officers from humanely euthanizing
7 a dangerous wild animal in compliance with State and federal law if, after
8 reasonable efforts, no institution described in G.S. 19A-73(1), (3), (4), (5), or
9 (9) is willing and able to provide long-term care for the dangerous wild
10 animal.

11 (5) Nothing in this Article shall be construed to prevent the voluntary, permanent
12 relinquishment of any dangerous wild animal by its owner to a person legally
13 able to possess the dangerous wild animal and willing and able to take
14 possession. Voluntary relinquishment shall have no effect on any criminal
15 charges for violations of this Article.

16 (c) Any dangerous wild animal found to be not properly confined, whether on the
17 property of the owner or running at large, may be humanely destroyed by law enforcement
18 officers in order to protect public safety. The owner of a dangerous wild animal will be liable for
19 costs accrued to law enforcement officers in humanely destroying or otherwise securing that
20 animal.

21 **"§ 19A-77. Penalties.**

22 (a) Each violation of this Article shall constitute a Class 2 misdemeanor and a person
23 who violates this Article is liable for a civil penalty of not more than five thousand dollars
24 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article constitutes
25 a separate offense.

26 (b) Any dangerous wild animal owner or custodian whose act or omission in the care,
27 control, or containment of that animal that results in the animal running loose or causing property
28 damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a dangerous
29 wild animal running loose results in serious bodily injury to any person, the owner of the animal
30 shall be strictly liable and the offense is punishable as a Class I felony.

31 (c) Any person who lives in the county in which a dangerous wild animal is kept may
32 bring a civil action against an owner or custodian of the dangerous wild animal to enjoin a
33 violation of this Article."

34 **SECTION 2.** S.L. 2014-7 and S.L. 2015-73 are repealed.

35 **SECTION 3.** If any part of this Article is determined to be unconstitutional or
36 unenforceable, it shall not affect the constitutionality or enforceability of any other part.

37 **SECTION 4.** This act becomes effective December 1, 2019, and applies to offenses
38 committed on or after that date.