

1 SB66
2 173127-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 02-FEB-16

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8 SYNOPSIS: Under existing law, it is illegal to own,
9 maintain, sell, or trade any canidae or felidae for
10 which there is no USDA licensed rabies vaccine.

11 This bill would include in the authorized
12 vaccines that can be used an FDA approved rabies
13 vaccine.

14 This bill would make it illegal to possess,
15 sell, transfer, or breed any large felidae, defined
16 as a tiger, lion, leopard, snow leopard, clouded
17 leopard, jaguar, cheetah, or cougar, or any wolf,
18 or hybrid thereof, with certain exceptions.

19 This bill would allow persons who lawfully
20 possessed a large felidae or wolf prior to the
21 effective date of this act to keep the animal under
22 certain conditions.

23 This bill would authorize a local governing
24 body to adopt registration fees based on the number
25 of large felidae or wolves owned and require
26 payment of these registration fees annually.

27 This bill would provide penalties.

1 Amendment 621 of the Constitution of Alabama
2 of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of
4 Alabama of 1901, as amended, prohibits a general
5 law whose purpose or effect would be to require a
6 new or increased expenditure of local funds from
7 becoming effective with regard to a local
8 governmental entity without enactment by a 2/3 vote
9 unless: it comes within one of a number of
10 specified exceptions; it is approved by the
11 affected entity; or the Legislature appropriates
12 funds, or provides a local source of revenue, to
13 the entity for the purpose.

14 The purpose or effect of this bill would be
15 to require a new or increased expenditure of local
16 funds within the meaning of the amendment. However,
17 the bill does not require approval of a local
18 governmental entity or enactment by a 2/3 vote to
19 become effective because it comes within one of the
20 specified exceptions contained in the amendment.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to animals; to amend Section 3-8-1 of the
27 Code of Alabama 1975, relating to required rabies vaccines for

1 canidae or felidae, to further provide for the authorized
2 rabies vaccines that can be used; to add Section 3-8-2 to the
3 Code of Alabama 1975, to make it illegal to possess, sell,
4 transfer, or breed any living large felidae, as defined, or
5 wolf, or hybrid thereof, with exceptions; to authorize a local
6 governing body to adopt annual registration fees for large
7 felidae or wolves, under certain conditions; to provide
8 penalties; and in connection therewith to have as its purpose
9 or effect the requirement of a new or increased expenditure of
10 local funds within the meaning of Amendment 621 of the
11 Constitution of Alabama of 1901, now appearing as Section
12 111.05 of the Official Recompilation of the Constitution of
13 Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 3-8-1 of the Code of Alabama
16 1975, is amended to read as follows:

17 "§3-8-1.

18 "Notwithstanding any provision of law to the
19 contrary, it shall be illegal to own, maintain, sell, or trade
20 any canidae or felidae for which there is no USDA licensed or
21 FDA approved rabies vaccine. Anyone currently owning or
22 maintaining such animal may keep the animal for the length of
23 the animal's life providing the animal is spayed or neutered
24 and is registered with the Department of Agriculture and
25 Industries. This section does not apply to any zoological
26 parks, circuses, colleges, and universities, animal refuges
27 approved by the Department of Agriculture and Industries,

1 county or municipal humane shelters, the Department of
2 Conservation and Natural Resources, or veterinary clinics."

3 Section 2. Section 3-8-2 is added to the Code of
4 Alabama 1975, to read as follows:

5 (a) For the purposes of this section, the following
6 terms shall have the following meanings:

7 (1) LARGE FELIDAE. A tiger, lion, leopard, snow
8 leopard, clouded leopard, jaguar, cheetah, or cougar. The term
9 includes a hybrid large felidae.

10 (2) WOLF. The term includes a hybrid wolf.

11 (b) Notwithstanding Section 3-8-1, or any other law
12 to the contrary, unless exempted by subsections (c) or (d), it
13 shall be illegal to possess, sell, transfer, or breed any
14 living large felidae or wolf.

15 (c) Subsection (b) may not apply to any of the
16 following:

17 (1) A research facility, as defined in the Animal
18 Welfare Act, 7 U.S.C. Section 2132(e).

19 (2) A nonprofit wildlife sanctuary that meets all of
20 the following criteria:

21 a. Operates a place of refuge where abused,
22 neglected, unwanted, impounded, abandoned, orphaned, or
23 displaced animals are provided care for the lifetime of the
24 animal.

25 b. Does not conduct any commercial activity with
26 respect to large felidae or wolves, including, but not
27 limited to, the sale, trade, auction, lease, or loan of large

1 felidae or wolves or parts of large felidae or wolves or
2 uses large felidae or wolves in any manner in a for-profit
3 business or operation.

4 c. Does not allow direct contact between the public
5 and large felidae or wolves.

6 d. Does not use large felidae or wolves for
7 entertainment purposes or in a traveling exhibit.

8 e. Does not breed large felidae or wolves.

9 (3) A duly incorporated nonprofit animal protection
10 organization, such as a humane society or shelter, temporarily
11 housing a large felidae or wolf at the written request of law
12 enforcement, including any county sheriff, police officer,
13 animal control agent appointed pursuant to Sections 3-1-13 or
14 13A-11-242, or any warden deputized pursuant to Section
15 9-11-5, acting under the authority of this subsection.

16 (4) A licensed veterinary hospital, for the purpose
17 of providing treatment to a large felidae or wolf.

18 (5) A law enforcement officer, as defined by
19 subsection (c) (3), for purposes of enforcement.

20 (6) A Class C exhibitor licensed by the USDA,
21 including, but not limited to, zoological parks and circuses,
22 provided that the licensed exhibitor meets all of the
23 following criteria:

24 a. Has not been or has not employed a person who has
25 been convicted of or fined for an offense involving the abuse
26 or neglect of any animal pursuant to any local, state, or
27 federal law.

1 b. Has not had a license or permit regarding the
2 care, possession, exhibition, propagation, or sale of animals
3 revoked or suspended by any local, state, or federal agency,
4 has not received any official notices of warnings or entered
5 into any stipulations, consent decrees, or settlements with
6 the USDA within the last five years, and has disclosed any
7 known pending investigations that are being conducted by the
8 USDA.

9 c. Has not allowed direct contact between the public
10 and large felidae or wolves.

11 d. Maintains liability insurance in an amount of not
12 less than two hundred fifty thousand dollars (\$250,000).

13 e. Has a written plan that is made available to
14 local law enforcement and state agencies, upon request, for
15 the quick and safe recapture or destruction of a large felidae
16 or a wolf in the event a large felidae or wolf escapes,
17 including, but not limited to, written protocols for training
18 staff on methods of safe recapture of the escaped large
19 felidae or wolf.

20 (7) A person temporarily transporting a legally
21 owned large felidae or wolf through the state if the transit
22 time is not more than 24 hours, the large felidae or wolf is
23 not exhibited, and the large felidae or wolf is maintained at
24 all times in a species-appropriate cage or travel container.
25 The person transporting the large felidae or wolf shall
26 provide notice of the transport to local law enforcement at
27 least 72 hours prior to entering the state, identifying the

1 number and type of large felidae or wolves that will be
2 transported, in addition to obtaining any veterinary
3 certificate or other permits required by local, state, or
4 federal law.

5 (d) Subsection (b) does not apply to a person who
6 lawfully possesses a large felidae or wolf prior to the
7 effective date of this act, if the person meets all of the
8 following criteria:

9 (1) The person maintained veterinary records,
10 acquisition papers, or other documents or records that the
11 person or entity possessed the animal prior to the effective
12 date of this act.

13 (2) The person has not acquired additional large
14 felidae or wolves after the effective date of this act,
15 whether by purchase, donation, or breeding.

16 (3) The person has not been convicted of an offense
17 involving the abuse or neglect of any animal pursuant to
18 local, state, or federal law.

19 (4) The person has not had a license or permit
20 regarding the care, possession, exhibition, breeding, or sale
21 of animals revoked or suspended by any local, state, or
22 federal agency.

23 (5) The person has developed and is prepared to
24 implement a disaster plan, maintains a current animal
25 inventory, and makes the plan and list available to law
26 enforcement, upon request.

1 (6) The person has registered with and paid the
2 registration fee to his or her local law enforcement agency by
3 January 1, 2017, and annually thereafter, indicating the
4 number of animals each of large felidae and wolves in his or
5 her possession, and the person has shown proof of liability
6 insurance in an amount of not less than two hundred fifty
7 thousand dollars (\$250,000). For the purposes of this
8 subdivision, the term "local law enforcement agency" means the
9 municipal police department if a municipality has a police
10 department or the county sheriff's office in all other cases.

11 (7) At least 72 hours prior to the sale or
12 relocation of an existing large felidae or wolf, the person
13 has notified local law enforcement, identifying the recipient
14 of the animal. At all times, possession, sale, transfer, and
15 transport of the large felidae or wolf shall conform with all
16 applicable local, state, and federal laws.

17 (e) This act is in addition to, and not in lieu of,
18 any other laws protecting animal welfare. This act is not
19 intended, and should not be construed, to limit any other
20 state law or rule protecting the welfare of animals. Nothing
21 in this act shall be construed to prohibit a local governing
22 body from adopting or enforcing any rule or law that places
23 further restrictions or additional requirements on the
24 possession, sale, transfer, or breeding of large felidae or
25 wolves.

1 (f) A local governing body may adopt annual
2 registration fees based on the number of large felidae or
3 wolves a person possesses on January 1, 2017.

4 (g) Any law enforcement officer, as defined by
5 subsection (c) (3), with or without warrant, may arrest any
6 person who violates this act in his or her presence or view
7 and may execute any warrant or other process issued by any
8 officer or court of competent jurisdiction and, with a search
9 warrant or as incident to a lawful arrest, may search for and
10 seize any large felidae or wolf possessed in violation of this
11 section or any regulations issued thereunder.

12 (h) A violation of subsection (b) is a Class A
13 misdemeanor.

14 Section 3. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 4. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.