

1 HB253
2 189282-1
3 By Representative Rowe
4 RFD: Agriculture and Forestry
5 First Read: 18-JAN-18

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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 further provide for the
12 possession of certain canidae or felidae for which
13 there is no USDA licensed rabies 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 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 bill to keep the animal
22 under certain conditions.

23 This bill would provide penalties for
24 violations.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official ReCompilation of the Constitution of

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

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

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to animals; to amend Section 3-8-1 of the
24 Code of Alabama 1975, relating to required rabies vaccines for
25 canidae or felidae, to further provide for the possession of
26 certain canidae or felidae; to add Section 3-8-2 to the Code
27 of Alabama 1975, to make it illegal to possess, sell,

1 transfer, or breed any living large felidae, as defined, or
2 wolf, with exceptions; to provide penalties; and in connection
3 therewith to have as its purpose or effect the requirement of
4 a new or increased expenditure of local funds within the
5 meaning of Amendment 621 of the Constitution of Alabama of
6 1901, now appearing as Section 111.05 of the Official
7 Recompilation of the Constitution of Alabama of 1901, as
8 amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 3-8-1 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§3-8-1.

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

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

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

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

6 (2) WOLF. The term does not include a hybrid wolf.

7 (b) Notwithstanding Section 3-8-1, or any other law
8 to the contrary, unless exempted by subsection (c) or (d), it
9 is unlawful to possess, sell, transfer, or breed any living
10 large felidae or wolf.

11 (c) Subsection (b) does not apply to any of the
12 following:

13 (1) A Class C exhibitor licensed by the USDA,
14 including, but not limited to, zoological parks and circuses,
15 provided that the licensed exhibitor has developed and is
16 prepared to implement a disaster plan, maintains a current
17 animal inventory, and makes the plan and list available to law
18 enforcement, upon request.

19 (2) A research facility, as defined in the Animal
20 Welfare Act, 7 U.S.C. Section 2132(e).

21 (3) A nonprofit wildlife sanctuary that meets all of
22 the following criteria:

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

1 b. Does not conduct any commercial activity with
2 respect to large felidae or wolves, including, but not
3 limited to, the sale, trade, auction, lease, or loan of large
4 felidae or wolves or parts of large felidae or wolves or
5 uses large felidae or wolves in any manner in a for-profit
6 business or operation.

7 c. Does not allow direct contact between the public
8 and large felidae or wolves.

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

11 e. Does not breed large felidae or wolves.

12 (4) A duly incorporated nonprofit animal protection
13 organization, such as a humane society or shelter, temporarily
14 housing a large felidae or wolf at the written request of law
15 enforcement, including any county sheriff, police officer,
16 animal control agent appointed pursuant to Sections 3-1-13 or
17 13A-11-242, or any warden deputized pursuant to Section
18 9-11-5, acting under the authority of this subsection.

19 (5) A licensed veterinary hospital, for the purpose
20 of providing treatment to a large felidae or wolf.

21 (6) A law enforcement officer, as described in
22 subdivision (4) of subsection (c), for purposes of
23 enforcement.

24 (d) Subsection (b) does not apply to a person who
25 lawfully possesses a large felidae or wolf prior to the
26 effective date of the act adding this section, if the person
27 meets all of the following criteria:

1 (1) The person maintained veterinary records,
2 acquisition papers, or other documents or records that the
3 person or entity possessed the animal prior to the effective
4 date of the act adding this section.

5 (2) The person has not acquired additional large
6 felidae or wolves after the effective date of the act adding
7 this section, whether by purchase, donation, or breeding.

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

11 (4) The person has not had a license or permit
12 regarding the care, possession, exhibition, breeding, or sale
13 of animals revoked or suspended by any local, state, or
14 federal agency.

15 (5) The person has developed and is prepared to
16 implement a disaster plan, maintains a current animal
17 inventory, and makes the plan and list available to law
18 enforcement, upon request.

19 (6) The person has shown to his or her local law
20 enforcement agency proof of liability insurance. For the
21 purposes of this subdivision, the term "local law enforcement
22 agency" means the municipal police department if a
23 municipality has a police department or the county sheriff's
24 office in all other cases.

25 (7) At least 72 hours prior to the sale or
26 relocation of an existing large felidae or wolf, the person
27 has notified local law enforcement, identifying the recipient

1 of the animal. At all times, possession, sale, transfer, and
2 transport of the large felidae or wolf shall conform with all
3 applicable local, state, and federal laws.

4 (e) This section is in addition to, and not in lieu
5 of, any other laws protecting animal welfare. This section is
6 not intended, and should not be construed, to limit any other
7 state law or rule protecting the welfare of animals. Nothing
8 in this section shall be construed to prohibit a local
9 governing body from adopting or enforcing any rule or law that
10 places further restrictions or additional requirements on the
11 possession, sale, transfer, or breeding of large felidae or
12 wolves.

13 (f) Any law enforcement officer, as described in
14 subdivision (4) of subsection (c), with or without warrant,
15 may arrest any person who violates this section in his or her
16 presence or view and may execute any warrant or other process
17 issued by any officer or court of competent jurisdiction and,
18 with a search warrant or as incident to a lawful arrest, may
19 search for and seize any large felidae or wolf possessed in
20 violation of this section or any regulations issued
21 thereunder.

22 (g) A violation of subsection (b) is a Class A
23 misdemeanor.

24 Section 3. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

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