

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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BILL DRAFT 2021-CCF-14 [v.6]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
07/23/2021 10:20:12 AM

Short Title: Inherently Dangerous Animals.

(Public)

Sponsors: Senators Nickel and Chaudhuri (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING FOR THE PROTECTION AGAINST THE HEALTH AND SAFETY  
3 RISKS THAT CERTAIN NON-NATIVE VENOMOUS REPTILES AND BIG CATS POSE  
4 TO THE PUBLIC.

5 The General Assembly of North Carolina enacts:

6  
7 **REGULATION OF NON-NATIVE VENOMOUS REPTILES**

8 **SECTION 1.** G.S. 14-417 reads as rewritten:

9 "**§ 14-417. Regulation of ownership or use of native venomous reptiles.**

10 (a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any  
11 venomous reptile native to the State of North Carolina that is not housed in a sturdy and secure  
12 enclosure. Enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock.

13 (b) Each enclosure shall be clearly and visibly labeled "~~Venomous~~ Native Venomous  
14 Reptile Inside" with scientific name, common name, appropriate antivenin, and owner's  
15 identifying information noted on the container. A written bite protocol that includes emergency  
16 contact information, local animal control office, the name and location of suitable antivenin, first  
17 aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight  
18 of permanent housing, and a copy must accompany the transport of any venomous reptile.

19 (c) In the event of an escape of a native venomous reptile, the owner or possessor of the  
20 venomous reptile shall immediately notify local law enforcement.

21 (d) For purposes of this Article, the Wildlife Resources Commission shall adopt a  
22 complete list of venomous reptiles native to the State of North Carolina and maintain this list on  
23 its website."

24 **SECTION 2.** Article 55 of Chapter 14 of the General Statutes is amended by adding  
25 a new section to read:

26 "**§ 14-417.3. Regulation of ownership or use of non-native venomous reptiles.**

27 (a) Notwithstanding any other provision of law, unless exempt under this Article, it is  
28 unlawful for any person to import into, possess, keep, purchase, have custody or control of, breed,  
29 or sell within this State, by any means, a non-native venomous reptile, including transactions  
30 conducted via the internet. For purposes of this Article, the term "non-native venomous reptile"  
31 means any venomous reptile not identified by the Wildlife Resources Commission as native to  
32 the State of North Carolina under the list maintained in accordance with subsection (d) of G.S.  
33 14-417.



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(b) A person who is in legal possession of a non-native venomous reptile prior to January 1, 2022 may keep possession of the reptile for the remainder of the reptile's life under the following conditions:

(1) Before April 1, 2022, the possessor of a non-native venomous reptile shall register with, and pay a registration fee to, the animal control authority in the city or county where the person possessing the non-native venomous reptile resides, and every three years thereafter. The registration shall include the following:

a. The person's name, address, telephone number, and the location where the non-native venomous reptile will be held.

b. An inventory of the number and species of each non-native venomous reptile the person possesses, including a description of the age, sex, color, weight, and any other distinguishing marks of each reptile.

c. Documentation that establishes that the person lawfully acquired the non-native venomous reptile prior to January 1, 2022.

d. A copy of both the escape recovery plan and the written bite protocol, as required by subdivision (2) of this subsection, including information on the name, location, and general availability of suitable antivenin.

e. Proof of possession and maintenance of liability insurance required by subdivision (4) of this subsection.

(2) Each non-native venomous reptile shall be housed in a sturdy and secure enclosure. Enclosures shall be designed to be escape proof, bite proof, and have an operable lock. Each enclosure shall be clearly and visibly labeled "Non-Native Venomous Reptile Inside" with scientific name, common name, appropriate antivenin, and owner's identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenin, first aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a copy must accompany the transport of any non-native venomous reptile.

(3) The possessor shall maintain veterinary records, acquisition papers, or other documents or records that establish that the person lawfully possessed the reptile prior to January 1, 2022.

(4) The possessor shall obtain and maintain a liability insurance policy with an insurer authorized or approved to write such insurance in this State that covers claims for injury or damage to persons or property in an amount of not less than one million dollars (\$1,000,000).

(5) The possessor shall not have been convicted of an offense involving either:

a. Abuse or neglect of any animal pursuant to any local, State, or federal laws.

b. Violation of any State or federal wildlife laws.

(6) The possessor shall provide written notification to the animal control authority in the city or county where the person resides of the death of a non-native venomous reptile possessed under this section, or any other material changes to the information required for registration.

(7) The possessor shall, at all reasonable times, allow law enforcement or animal control officers to enter the premises where the reptile is kept to ensure compliance with this Article.

(8) Upon request, the possessor shall present documentation submitted as required by subdivision (1) of this subsection to law enforcement or animal control officers.

(9) In the event of an escape of a non-native venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement.

(10) In addition to complying with the requirements set forth in this section, the possessor shall comply with all applicable federal, State, or local law, rule, regulation, ordinance, permit, or other permission. Failure to comply with any such law, rule, regulation, ordinance, permit, or permission constitutes a violation of this Article.

(c) Except for persons exempted pursuant to G.S. 14-421, it is unlawful for a person to acquire additional non-native venomous reptiles after January 1, 2022, whether by purchase, donation, relinquishment, or breeding."

**SECTION 3.** G.S. 14-422 reads as rewritten:

**"§ 14-422. Criminal penalties and civil remedies for violation.**

(a) Except as otherwise provided in this section, any ~~Any~~ person violating any of the provisions of this Article shall be guilty of a Class 2 misdemeanor.

(b) ~~If Except as provided in subsection (b1) of this section, if~~ any person, other than the owner of a venomous reptile, large constricting snake, or crocodilian, the owner's agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as the result of a violation of this Article, the owner of the reptile shall be guilty of a Class A1 misdemeanor. This subsection shall not apply to violations that result from incidents that could not have been prevented or avoided by the owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the case of thefts of the reptile from the owner.

(b1) Notwithstanding subsection (b) of this section, any non-native venomous reptile owner or custodian whose act or omission in the care, control, or containment of such reptile results in the reptile running loose or causing property damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a non-native venomous reptile running loose results in serious bodily injury to any person, the owner of the reptile shall be strictly liable and the offense is punishable as a Class I felony.

(c) ~~Any person intentionally releasing into the wild a nonnative venomous reptile, a large constricting snake, snake-~~ Any person intentionally releasing into the wild a nonnative venomous reptile, a large constricting snake, or a crocodilian shall be guilty of a Class A1 misdemeanor.

(d) ~~Violations of this Article as set forth in subsections (b) or (c)~~ (b), (b1), or (c) of this section shall constitute wanton conduct within the meaning of G.S. 1D-5(7) and subject the violator to punitive damages in any civil action that may be filed as a result of the violator's actions."

**SECTION 4.** The Wildlife Resources Commission shall adopt rules to implement subsection (d) of G.S. 14-417, as enacted by section 1 of this act, no later than January 1, 2022. The Commission may adopt temporary rules to comply with the deadline set in this subsection. Any temporary rules adopted in accordance with this subsection shall remain in effect until permanent rules that replace the temporary rules become effective. In developing these rules, the Wildlife Resources Commission may consult with representatives of the North Carolina Museum of Natural Sciences, the North Carolina Zoological Park, or a designated representative of the North Carolina Department of Natural and Cultural Resources.

## **REGULATION OF BIG CATS**

**SECTION 5.** Chapter 19A of the General Statutes is amended by adding a new Article to read:

"Article 7.

"Regulation of Big Cats.

**"§ 19A-80. Definitions.**

The following definitions apply in this Article:

- (1) Animal control authority. — A county or city that has exercised its right to regulate animals under Chapter 153A or Chapter 160A of the General Statutes and any other organization with which the city or county has contracted for purposes of animal control.
- (2) Big cat. — Any live animal belonging to the family Felidae and any subspecies or hybrid of these animals, including lions (*Panthera leo*), tigers (*Panthera tigris*), leopards (*Panthera pardus*), cheetahs (*Acinonyx jubatus*), jaguars (*Panther onca*), and cougars (*Puma concolor*). The word "big cat" does not include domestic cats (*Felis catus*).
- (3) Circus. — An exhibitor holding a valid Class "C" license issued under the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) that does not have any permanent animal facilities in this State and that regularly conducts performances featuring live animals and multiple trained human entertainers, including clowns and acrobats.
- (4) Law enforcement officer. — An animal control officer, an animal cruelty investigator as provided for in Article 4 of this Chapter, a State or local law enforcement officer, or a public prosecutor.
- (5) Person. — Any individual, partnership, corporation, organization, or any other legal entity and any officer, member, shareholder, director, employee, agent, or representative of one of those legal entities.
- (6) Wildlife Sanctuary. — A charitable organization that is exempt from taxation under section 501(c)(3), Internal Revenue Code of 1986, that is described by section 170(b)(1)(A)(vi), Internal Revenue Code of 1986, and that:
- a. Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal.
  - b. Does not conduct commercial activity with respect to big cats, including, but not limited to, (i) the sale, trade, auction, or lease of big cats or their parts or (ii) the use of big cats in any manner in a for-profit business or operation.
  - c. Does not use big cats for entertainment or in a traveling exhibit.
  - d. Does not breed any big cats.

**"§ 19A-81. Prohibited activities.**

(a) Notwithstanding any other provision of law, unless exempt under this Article, it is unlawful for any person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this State, by any means, a big cat, including transactions conducted via the internet.

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

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

**"§ 19A-82. Exemptions.**

The prohibitions in G.S. 19A-81(a) shall not apply to:

- (1) Institutions accredited or certified by the Association of Zoos and Aquariums.
- (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. § 2132(e)) and in corresponding federal regulations (9 C.F.R. § 1.1, et al.).
- (3) Wildlife sanctuaries, as defined in G.S. 19A-80(6).

- (4) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, temporarily housing a big cat at the written request of law enforcement officers acting under the authority of this Article.
- (5) Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians, and persons employed by such entities, for the purpose of providing veterinary care or veterinary services to the big cat.
- (6) Law enforcement officers for purpose of enforcement.
- (7) Circuses, as defined in G.S. 19A-80(3).
- (8) A person temporarily transporting a legally owned big cat through the State if the transit time is not more than 24 hours, the big cat is not exhibited, and the big cat is maintained at all times in a species-appropriate cage or travel container.

**"§ 19A-83. Prior possession.**

(a) A person who is in legal possession of a big cat prior to January 1, 2022 may keep possession of the big cat for the remainder of the big cat's life under the following conditions:

- (1) Before April 1, 2022, the possessor of the big cat shall register with, and pay a registration fee to, the animal control authority in the city or county where the person possessing the big cat resides, and every three years thereafter. The registration shall include the following:
- a. The person's name, address, telephone number, and the location where the big cat will be held.
- b. An inventory of the number and species of each big cat the person possesses, including a description of the age, sex, color, weight, and any other distinguishing marks of each big cat.
- c. Documentation that establishes that the person lawfully possessed the big cat prior to January 1, 2022.
- d. Proof of possession and maintenance of liability insurance required by subdivision (3) of this subsection.
- (2) The possessor shall maintain veterinary records, acquisition papers, or other documents or records that establish that the person lawfully possessed the big cat prior to January 1, 2022.
- (3) The possessor shall obtain and maintain a liability insurance policy with an insurer authorized or approved to write such insurance in this State that covers claims for injury or damage to persons or property in an amount of not less than one million dollars (\$1,000,000).
- (4) The possessor shall not have been convicted of an offense involving either:
- a. Abuse or neglect of any animal pursuant to any local, State, or federal laws.
- b. Violation of any State or federal wildlife laws.
- (5) The possessor shall provide written notification to the animal control authority in the city or county where the person resides of the death of any big cat possessed under this section, or any other material changes to the information required for registration.
- (6) The possessor shall, at all reasonable times, allow law enforcement or animal control officers to enter the premises where the big cat is kept to ensure compliance with this Article.
- (7) Upon request, the possessor shall present documentation submitted as required by subdivision (1) of this subsection to law enforcement or animal control officers.
- (8) In the event of an escape of a big cat, the owner or possessor of the big cat shall immediately notify local law enforcement.

(9) In addition to complying with the requirements set forth in this section, the possessor shall comply with all applicable federal, State, or local law, rule, regulation, ordinance, permit, or other permission. Failure to comply with any such law, rule, regulation, ordinance, permit, or permission constitutes a violation of this Article.

(b) Except for persons exempted pursuant to G.S. 19A-82, it is unlawful for a person to acquire additional big cats after January 1, 2022, whether by purchase, donation, relinquishment, or breeding.

**"§ 19A-84. Transport and containment.**

(a) Any person transporting a big cat shall keep the animal at all times in a species-appropriate cage or travel container and shall comply with federal transport requirements. For purposes of this section, federal transport requirements mean the requirements set forth in 9 C.F.R. Part 3.

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

(c) It is unlawful for any person to knowingly release a big cat into the wild.

**"§ 19A-85. Enforcement.**

(a) The provisions of this Article shall be enforced by any State law enforcement officer, or by any other law enforcement officer in whose jurisdiction a violation occurs.

(b) Law enforcement officers shall, after obtaining a warrant from any judge or magistrate upon probable cause, seize or impound any big cat possessed, sold, transferred, bred, or exhibited in violation of this Article. If the big cat poses a direct threat to public safety or is suffering from apparent animal neglect or cruelty, that animal shall immediately be placed in the custody and control of an institution described in G.S. 19A-82(1), (3), (4) or (5). If there is no immediate threat to public safety or animal welfare, law enforcement officers shall impound the big cat in place.

(c) Upon seizing or impounding a big cat, a law enforcement officer shall petition the district court for the district in which the big cat was seized or impounded for a hearing to determine whether the big cat was in fact possessed, sold, transferred, bred, or exhibited in violation of this Article. The hearing shall be held not more than 14 days from the date of the seizure or impoundment. The law enforcement officer shall provide written notice of the hearing at least five days prior to the hearing to the person from whom the big cat was seized or impounded.

(d) Upon judicial determination of a violation of any provision of this Article, the seized or impounded big cat shall be deemed forfeited and the court shall order the violator to pay all costs associated with the seizure, transport, care, and disposition of the big cat from the time the big cat is seized until the time it is forfeited to an institution described in G.S. 19A-82(1), (3), (4), or (5), or otherwise disposed of in accordance with the provisions of this Article.

(e) A forfeited big cat shall be transferred to an institution described in G.S. 19A-82(1), (3), (4), or (5) that is willing and able to take custody of the forfeited big cat. Nothing in this Article shall be construed to prevent law enforcement officers from humanely euthanizing a big cat in compliance with State and federal law if, after reasonable efforts, no institution described in G.S. 19A-82(1), (3), (4), or (5) is willing and able to provide long-term care for the big cat.

(f) If any big cat escapes or is released and poses an immediate threat to public safety, law enforcement officers may humanely destroy that big cat in order to protect the public. The owner of the big cat will be liable for all costs accrued to law enforcement in humanely destroying or otherwise securing that big cat.

(g) Nothing in this Article shall be construed to prevent the voluntary, permanent relinquishment of any big cat by its owner to a person legally able to possess the big cat and

1 willing and able to take possession. Voluntary relinquishment shall have no effect on any  
2 criminal charges for violations of this Article.

3 **"§ 19A-86. Penalties.**

4 (a) Except as otherwise provided in this section, each violation of this Article shall  
5 constitute a Class 2 misdemeanor, and a person who violates this Article is liable for a civil  
6 penalty of not more than five thousand dollars (\$ 5,000). Each big cat possessed, sold, transferred,  
7 or bred in violation of this Article constitutes a separate offense.

8 (b) Any big cat owner or custodian whose act or omission in the care, control, or  
9 containment of that big cat results in it running loose or causing property damage shall constitute  
10 a Class A1 misdemeanor. If that act or omission resulting in a big cat running loose results in  
11 serious bodily injury to any person, the owner of the big cat shall be strictly liable and the offense  
12 is punishable as a Class I felony.

13 (c) Any person who lives in the county in which a big cat is kept may bring a civil action  
14 against an owner or custodian of the big cat to enjoin a violation of this Article.

15 **"§ 19A-87. Local governing bodies.**

16 Nothing in this Article shall be construed to prohibit a city or county from adopting or  
17 enforcing any ordinance or other law that places further restrictions or additional requirements  
18 on the possession, sale, transfer, or breeding of big cats."

19 **SECTION 6.** If any provision of this act or its application is held invalid, the  
20 invalidity does not affect other provisions or applications of this act that can be given effect  
21 without the invalid provisions or application, and to this end the provisions of this act are  
22 severable.

23 **SECTION 7.** Sections 1, 2, 3, and 5 of this act become effective January 1, 2022, and  
24 apply to offenses committed on or after that date. The remainder of this act is effective when it  
25 becomes law.