

HCS HB 284 -- POSSESSION OF EXOTIC ANIMALS

SPONSOR: Hummel

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Local Government by a vote of 17 to 4.

This substitute changes the laws regarding the Large Carnivore Act and establishes the Nonhuman Primate Act.

LARGE CARNIVORE ACT

In its main provisions, the substitute:

- (1) Removes the clouded leopard from the requirements of the Large Carnivore Act;
- (2) Requires a permit for each site. If multiple possessors keep large carnivores on the same site, each adult possessor must be separately listed on the permit. Current law requires a permit for each large carnivore;
- (3) Changes the information required to be in the permit issued by the department;
- (4) Removes the maximum permit fees and allows the Department of Agriculture to set the fees in amounts that allow the department to cover only up to its actual costs to administer and enforce the Large Carnivore Act. Current law sets a maximum fee of \$2,500 for a large carnivore permit and \$500 for a renewal permit that may be charged by the department;
- (5) Specifies that a person is ineligible for a large carnivore permit if he or she does not possess a valid license from the United States Department of Agriculture (USDA) for the animal if the person is required under federal law to have a license;
- (6) Specifies that any information submitted to the department in relation to a large carnivore permit is a closed record under the Open Meetings and Records Law, commonly known as the Sunshine Law, subject only to disclosure by court order or when requested by law enforcement;
- (7) Removes the requirement that a large carnivore owner must notify the department within 10 business days of the death of a large carnivore and instead gives 30 days in which to notify the department of any change to the information on the permit;
- (8) Prohibits large carnivores from coming into physical contact

with the public except as allowable by the department;

(9) Reduces the amount of insurance an owner is required to carry from \$250,000 to either \$50,000 or an amount set by the department. The substitute allows the acquisition of a surety bond or the making of certain cash deposits with the State Treasurer to serve as evidence of financial responsibility in lieu of liability insurance in the event of damages caused by the large carnivore;

(10) Requires the owners of large carnivores to have an emergency plan in the event of a natural disaster, and a recapture plan in the event of escape or release. Intentionally releasing a large carnivore is prohibited;

(11) Allows the department to deny an application for a large carnivore permit or suspend or revoke a permit for cause. The department must give the person written notice of the reason for the denial, and may give the person written notice of the reason for the suspension or revocation;

(12) Authorizes the department and law enforcement officers to enforce any provision of the Large Carnivore Act; and

(13) Changes the exemptions to the Large Carnivore Act to include a person temporarily transporting a large carnivore through the state if transit time is less than 72 hours, a person temporarily transporting a large carnivore within the state if transit time is less than 24 hours, and a person or site licensed by the USDA as long as the licensed facility registers with the department. The substitute removes the grandfather exemption for certain owners of large carnivores who held a Class C license from the USDA as of August 28, 2010. Zoos established under Chapter 184, RSMo, are no longer exempt under current law.

NONHUMAN PRIMATE ACT

The substitute creates the Nonhuman Primate Act. In its main provisions, the substitute:

(1) Specifies that beginning September 1, 2014, no person in the state may own, keep, or otherwise possess a baboon or great ape without a permit issued by the department;

(2) Exempts certain specified organizations from the provisions of the Nonhuman Primate Act, except that a wildlife sanctuary is not exempt from the animal identification requirement and must be accredited or approved by the department;

(3) Requires owners of nonhuman primates to comply with any USDA

regulation;

(4) Requires owners of nonhuman primates to have permanent identification on the animals, the form of which must be determined by rule of the department. Individuals who possess a nonhuman primate as of August 28, 2013, will be given a one-year grace period after the department issues its rules in which to comply;

(5) Requires the owners of nonhuman primates to apply for a permit within 30 days of the acquisition of the animal or if the owner already has possession of the primate, within 30 days of September 1, 2014. One permit is required per site where a nonhuman primate is kept, regardless of the number of nonhuman primates kept at that site. A person licensed by the USDA for a nonhuman primate is exempt from the permit requirements as long as the USDA license is registered with the department;

(6) Requires permit applicants to be at least 21 years of age and must not have pled guilty to or been found guilty of a state or local law prohibiting neglect or mistreatment of any animal or any felony within the last 10 years;

(7) Specifies that all information submitted to the department in relation to a nonhuman primate permit is a closed record under the Open Meetings and Records Law, commonly known as the Sunshine Law, except the department must cooperate with law enforcement upon request;

(8) Specifies that the department may only issue a permit to a person who meets all of the requirements. Permits are valid for one year and are renewable. The department may charge a fee for an original permit and a renewal permit;

(9) Requires specified information on the permit application to help locate and identify a nonhuman primate;

(10) Authorizes the department to deny anyone a permit, or revoke a permit, if a person fails at any time to meet or comply with the requirements. The department must give the person written notice of the reason for the denial, and may give the person written notice of the reasons for the suspension or revocation. The department may revoke a permit for a nonhuman primate if a permit holder pleads guilty to or is found guilty of the crime of animal abuse, abandonment, or animal neglect. Denied or revoked permits may be appealed;

(11) Specifies that if a person can no longer care for a nonhuman primate in his or her possession, the person can transfer the primate to another person who has a valid permit or the person can

contact the department or an accredited wildlife sanctuary;

(12) Prohibits nonhuman primates from being allowed to come into physical contact with a member of the public, except in accordance with rules prescribed by the department;

(13) Requires owners of nonhuman primates to have a plan for recapture in the event of escape and must maintain certain proof of financial responsibility for liability. Owners of nonhuman primates must notify law enforcement immediately if the primate escapes and will be responsible for the costs involved in recapturing the primate. Owners of nonhuman primates must allow law enforcement agents and the department's staff reasonable access to the animal's premises to ensure the animal is being kept in compliance with the act;

(14) Specifies that a person who kills a nonhuman primate if the primate is chasing, attacking, hurting or killing a person, livestock, poultry, or a mammalian pet will not be civilly liable for damages;

(15) Specifies that a violation of the act is a class A misdemeanor, except if a person intentionally releases a nonhuman primate, which is a class D felony. Violators of the act may also be subject to an additional penalty of up to 500 hours of community service, the loss of privilege to own an animal, or civil forfeiture of nonhuman primates; and

(16) Authorizes local governments to enact ordinances that are more restrictive than the provisions of the act.

PROPOSERS: Supporters say that the bill is a minimal first step forward and will ensure better public safety.

Testifying for the bill were Representative Hummel; Kansas City Zoo; Missouri Alliance for Animal Legislation; Humane Society of the United States; J.B. Anderson; and Dr. Robert Miller, St. Louis Zoo.

OPPOSERS: Those who oppose the bill say that many exotic animal owners are USDA licensed, and the bill will prevent them from doing things they are licensed to do by the federal government. The 24-hour in-state travel provision is not reasonable for a primate owner visiting family or friends in Missouri with the primate.

Testifying against the bill were Missouri Federation of Animal Owners; and Vickey Grabowski.