

HB 284 -- Possession of Exotic Animals

Sponsor: Hummel

This bill changes the laws regarding the Large Carnivore Act and establishes the Nonhuman Primate Act. In its main provisions, the bill:

(1) Removes the clouded leopard from the requirements of the Large Carnivore Act;

(2) Repeals the provision that requires a permit to transport large carnivores from the Large Carnivore Act;

(3) Requires a permit for each possessor of large carnivores per site. If multiple possessors keep large carnivores on the same site, each possessor must obtain his or her own permit. Current law requires a permit for each large carnivore;

(4) Changes the information required to be in the permit issued by the department;

(5) 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 \$2500 for a large carnivore permit and \$500 for a renewal permit that may be charged by the department;

(6) 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;

(7) 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;

(8) Requires a large carnivore to have a permanent identification, which must be prescribed by rule by the department. Currently, large carnivores must be microchipped;

(9) 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;

(10) Prohibits large carnivores from coming into physical contact with the public except as allowable by the department;

(11) 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 bill 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;

(12) Requires the owners of large carnivores to have recapture plans in the event of escape or release. Intentionally releasing a large carnivore is prohibited;

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

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

(15) 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 circus, and the University of Missouri-Columbia College of Veterinary Medicine. The bill 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 are no longer exempt under current law from the provisions; and

(16) Creates the Nonhuman Primate Act, which:

(a) 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 of Agriculture;

(b) 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;

(c) Requires owners of nonhuman primates to comply with any USDA regulation;

(d) Requires owners of nonhuman primates to have permanent identification on the animals which must be determined by rule of the department.

(e) Allows individuals who possess a nonhuman primate as of August

28, 2013, a one-year grace period after the department issues its rules in which to comply;

(f) Requires the owners of nonhuman primates to apply for a permit within 30 days of the acquisition of the animal. One permit is required per owner per location where a nonhuman primate is kept, regardless of the number of nonhuman primates kept at that location;

(g) 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;

(h) 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.

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

(j) 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; (switch i and j to keep in bill order)

(k) 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 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;

(l) 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 a wildlife sanctuary;

(m) 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;

(n) 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;

(o) 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;

(p) 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

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