

SB0827/818872/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 827
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 6 down through “time” in line 13 and substitute “prohibiting certain holders of a certain federal exhibitor’s license from possessing certain animals not possessed on a certain date; authorizing certain holders of a certain federal exhibitor’s license to possess or breed certain animals if certain conditions are met; requiring rather than authorizing a local animal control authority to take certain steps to find long-term placement of certain seized animals”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 3 on page 2 through line 2 on page 5, inclusive, and substitute:

“(ii) [an exhibitor licensed under the federal Animal Welfare Act] THE HOLDER OF A CLASS C EXHIBITOR’S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., that displays the animals specified in subsection (b) of this section in a public setting as the exhibitor’s primary function;

(iii) a person who possesses a valid license or permit issued by the Department of Natural Resources to import, sell, trade, barter, possess, breed, or exchange an animal specified in subsection (b) of this section;

(iv) an animal sanctuary that:

1. is a nonprofit organization qualified under § 501(c)(3) of the Internal Revenue Code;

(Over)

2. operates a place of refuge for abused, neglected, impounded, abandoned, orphaned, or displaced wildlife;

3. does not conduct commercial activity with respect to any animal of which the organization is an owner; and

4. does not buy, sell, trade, lease, or breed any animal except as an integral part of the species survival plan of the American Zoo and Aquarium Association;

(v) an animal control officer under the jurisdiction of the State or a local governing authority, a law enforcement officer acting under the authority of this subtitle, or a private contractor of a county or municipal corporation that is responsible for animal control operations;

(vi) a person who holds a valid license to practice veterinary medicine in the State and treats the animal specified in subsection (b) of this section in accordance with customary and normal veterinary practices; [and]

(vii) a person who is not a resident of the State and is in the State for 10 days or less for the purpose of traveling between locations outside of the State; AND

(VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:

1. IS IN THE STATE FOR LESS THAN 90 DAYS PER CALENDAR YEAR;

2. REGULARLY CONDUCTS PERFORMANCES FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING ACROBATS AND CLOWNS; AND

3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS.

(2) (i) This section does not prohibit a person who had lawful possession of an animal specified in subsection (b) of this section on or before May 31, 2006, from continuing to possess that animal if the person provides written notification to the local animal control authority on or before August 1, 2006.

(ii) The notification shall include:

1. the person's name, address, and telephone number;
2. the number and type of animals being kept; and
3. a photograph of the animal or a description of a tattoo or microchip identification of the animal.

(3) This section does not prohibit a person who has a disability that severely limits mobility from possessing an animal specified in subsection (b) of this section if that animal is:

(i) trained to perform tasks for the owner by an organization described in Section 501(c) of the Internal Revenue Code; and

(ii) dedicated to improving the quality of life of a person who has a disability that severely limits mobility.

(b) (1) A person may not import into the State, offer for sale, trade, barter, possess, breed, or exchange a live:

[(1)] (I) fox, skunk, raccoon, or bear;

[(2)] (II) caiman, alligator, or crocodile;

[(3)] (III) member of the cat family other than the domestic cat;

[(4)] (IV) hybrid of a member of the cat family and a domestic cat if the hybrid weighs over 30 pounds;

[(5)] (V) member of the dog family other than the domestic dog;

[(6)] (VI) hybrid of a member of the dog family and a domestic dog;

[(7)] (VII) nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

[(8)] (VIII) poisonous snake in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae.

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO AN ENTITY DESCRIBED IN SUBSECTION (A)(1)(I), (III), (IV), (V), (VI), (VII), OR (VIII) OF THIS SECTION.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE

ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON JUNE 30, 2014.

(III) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY ACQUIRE OR BREED A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE ANIMALS IF THE HOLDER:

1. MAINTAINS A LIABILITY INSURANCE POLICY OF AT LEAST \$1,000,000;
2. HAS A PAID FULL-TIME DIRECTOR;
3. HAS AT LEAST ONE PAID FULL-TIME STAFF MEMBER TRAINED IN THE CARE OF EACH SPECIES THAT THE HOLDER KEEPS;
4. HAS AN ANIMAL DISPOSITION POLICY THAT PROVIDES FOR THE PLACEMENT OF ANIMALS IN APPROPRIATE FACILITIES IF THE HOLDER'S FACILITY CLOSES; AND
5. MAINTAINS AND IMPLEMENTS A TRAINING PLAN REGARDING ZONOTIC DISEASE RISK AND PREVENTION."

AMENDMENT NO. 3

On page 7, in line 12, strike "may" and substitute "SHALL"; and in line 26, strike "October" and substitute "July".