

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 547

(Senator Elfreth, *et al.*)

Education, Energy, and the Environment

Environment and Transportation

Wildlife - Traveling Animal Acts - Prohibition

This bill prohibits, with specified exceptions, a person from allowing for the performance of a “covered animal” in a “traveling animal act”. A person who violates this prohibition is subject to a civil penalty of up to \$2,000 per violation. The bill may be enforced by (1) a State or local law enforcement officer or (2) the local animal control authority for the jurisdiction where the violation occurs.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances. Any State enforcement can be handled with existing budgeted resources.

Local Effect: The bill is not anticipated to materially affect local government operations or finances. Any local enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: A “covered animal” means any of the following animals: (1) bear; (2) cougar; (3) elephant; (4) jaguar; (5) leopard; (6) lion; (7) nonhuman primate; and (8) tiger. The term includes a hybrid of one of those animals. A “traveling animal act” means any performance of animals for which the animals are transported in a mobile or traveling housing facility to, from, or between locations for the purpose of the performance.

The bill’s prohibition does not apply to a performance that takes place at a nonmobile, permanent institution or other fixed facility, provided that the covered animal is not

transported to the institution or facility for a period of less than 60 days for the sole purpose of a performance.

The bill may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than the bill. The bill's provisions are severable.

Current Law:

State Law Relating to Importing, Offering for Sale, Possessing, Breeding, or Exchanging Dangerous Animals

Under the Criminal Law Article, a person is generally prohibited from importing into the State, offering for sale, trading, bartering, possessing, breeding, or exchanging specified live animals. However, that prohibition does not apply to a circus holding a Class C Exhibitor's License under the federal Animal Welfare Act (AWA) 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, as specified; and (3) does not allow members of the public to be in proximity to one of the specified animals, including opportunities to be photographed with the animal, without sufficient distance and protective barriers.

The holder of a Class C Exhibitor's License may not possess a nonhuman primate, bear, lion, tiger, leopard, clouded leopard, snow leopard, jaguar, cheetah, or cougar (or a hybrid of one of those animals) that was not owned by the license holder on June 30, 2014. However, the holder of such a license may acquire or breed one of those animals if the holder (1) maintains specified liability insurance; (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 zoonotic disease and risk prevention.

These provisions may be enforced by any State or local law enforcement officer or the local animal control authority for the jurisdiction where the violation occurs. Specified criminal penalties apply for violations.

Federal Animal Welfare Act

The transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets (or for any such purpose or use) is regulated under AWA.

Under AWA, generally, individuals or businesses with warm-blooded animals that are on display, perform for the public, or are used in education presentations must obtain a license. A Class C Exhibitor's License is issued to a person who is subject to the licensing requirements and meets the definition of "exhibitor" and whose business involves the showing or displaying of animals to the public. "Exhibitor" means any person (public or private) exhibiting any animals that were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary of Agriculture. Licensed exhibitors generally include circuses, zoos, education displays, petting farms/zoos, animal acts, wildlife parks, marine mammal parks, and some sanctuaries.

Local Regulations

Local jurisdictions in the State may also regulate certain animal exhibitions, such as petting zoos and circuses.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 379 (Delegate Love, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore City; Howard and Prince George's counties; Department of Natural Resources; Department of State Police; U.S. Department of Agriculture; Department of Legislative Services

Fiscal Note History: km/lgc
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