
By: **Senators Stone, Britt, Garagiola, Giannetti, Grosfeld, and Pinsky**
Introduced and read first time: January 28, 2005
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Prohibition Against Wild Animals as Pets**

3 FOR the purpose of clarifying and altering the application of a certain prohibition
4 against the ownership of certain wild animals for certain purposes; prohibiting a
5 person from possessing and breeding certain wild animals; providing that this
6 Act does not limit a county or municipal corporation from enacting certain laws
7 or adopting certain regulations; clarifying the requirement for certain county,
8 municipal, and local authorities to adhere to certain local restraint
9 requirements if stricter than certain federal restraint requirements; allowing a
10 person with lawful possession of a wild animal prior to a certain date to retain
11 ownership of that wild animal; requiring a person with possession of a listed
12 animal to provide notification to the local animal control authority on or before
13 a certain date; providing for a delayed effective date; and generally relating to a
14 prohibition against the ownership of wild animals as household pets.

15 BY repealing and reenacting, with amendments,
16 Article - Criminal Law
17 Section 10-621
18 Annotated Code of Maryland
19 (2002 Volume and 2004 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Criminal Law**

23 10-621.

24 (a) [(1)] This section does not apply to a person who OWNS A WILD ANIMAL
25 SOLELY FOR PURPOSES OTHER THAN FOR USE AS A PET OR CURIOSITY AND THAT IS:

26 [(i) (1) [offers the species listed in subsection (b) of this section
27 for sale, trade, barter, import, or exchange to a public zoo, park, museum, or
28 educational institution] A ZOOLOGICAL FACILITY LICENSED IN ACCORDANCE WITH

1 THE FEDERAL ANIMAL WELFARE ACT AND ACCREDITED BY THE AMERICAN ZOO AND
2 AQUARIUM ASSOCIATION; [or]

3 [(ii)] (2) [holds a valid State or federal permit to use the species
4 listed in subsection (b) of this section for educational, medical, scientific, or exhibition
5 purposes] A CIRCUS THAT:

6 (I) IS LICENSED AS A CLASS C LICENSEE UNDER THE FEDERAL
7 ANIMAL WELFARE ACT; AND

8 (II) OFFERS PERFORMANCES BY LIVE ANIMALS, CLOWNS, OR
9 ACROBATS;

10 (3) A RESEARCH FACILITY AS DEFINED IN THE FEDERAL ANIMAL
11 WELFARE ACT THAT IS:

12 (I) REGISTERED WITH THE UNITED STATES SECRETARY OF
13 AGRICULTURE; AND

14 (II) APPROVED UNDER APPLICABLE STATE LAW;

15 (4) AN ANIMAL SANCTUARY THAT:

16 (I) IS A NONPROFIT ORGANIZATION THAT IS QUALIFIED UNDER §
17 501(C)(3) OF THE INTERNAL REVENUE CODE;

18 (II) OPERATES A PLACE OF REFUGE WHERE ABUSED, NEGLECTED,
19 UNWANTED, IMPOUNDED, ABANDONED, ORPHANED, OR DISPLACED WILDLIFE ARE
20 PROVIDED CARE FOR LIFE;

21 (III) DOES NOT CONDUCT ANY COMMERCIAL ACTIVITY WITH
22 RESPECT TO ANY ANIMAL OF WHICH THE ORGANIZATION IS AN OWNER; AND

23 (IV) DOES NOT BUY, SELL, TRADE, AUCTION, LEASE, LOAN, OR
24 BREED ANY ANIMAL, EXCEPT AS AN INTEGRAL PART OF THE SPECIES SURVIVAL
25 PLAN OF THE AMERICAN ZOO AND AQUARIUM ASSOCIATION, IN ORDER TO RESCUE
26 OR PROVIDE SANCTUARY FOR A SPECIFIC ANIMAL;

27 (5) A LOCAL ANIMAL CONTROL AUTHORITY THAT IS:

28 (I) A UNIT OF:

29 1. THE STATE;

30 2. A COUNTY; OR

31 3. A MUNICIPAL CORPORATION; OR

32 (II) A PRIVATE CONTRACTOR OF THE STATE THAT IS RESPONSIBLE
33 FOR ANIMAL CONTROL OPERATIONS AND CHARGED WITH THE IMPOUNDMENT,

1 CARE, HANDLING, AND DISPOSAL OF DOMESTIC OR WILD ANIMALS KEPT IN
2 CAPTIVITY;

3 (6) A WILDLIFE REHABILITATOR OR NATURE CENTER THAT HOLDS A
4 LICENSE OR PERMIT FROM THE DEPARTMENT OF NATURAL RESOURCES; OR

5 (7) A PERSON WHO HOLDS A VALID STATE LICENSE TO PRACTICE
6 VETERINARY MEDICINE AND TREATS THE SPECIES IN ACCORDANCE WITH
7 CUSTOMARY AND NORMAL VETERINARY PRACTICES.

8 [(2) This section does not apply to an animal of a species of wildlife not
9 kept as a household pet that is individually exempted from this section under a
10 permit issued by the Department of Natural Resources.]

11 (b) A person may not import into the State, offer for sale, trade, barter,
12 POSSESS, BREED, or exchange as a household pet a live:

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

14 (2) alligator [or], crocodile, OR CAIMAN;

15 (3) member of the cat family other than the domestic cat, A MEMBER OF
16 THE DOG FAMILY OTHER THAN THE DOMESTIC DOG, OR A HYBRID OF A MEMBER OF
17 THE CAT FAMILY AND A DOMESTIC CAT OR A HYBRID OF A MEMBER OF THE DOG
18 FAMILY AND A DOMESTIC DOG; [or]

19 (4) [poisonous snake in the family groups of Hydrophidae, Elapidae,
20 Viperidae, or Crotolidae] VENOMOUS REPTILE; OR

21 (5) NONHUMAN PRIMATE, INCLUDING A LEMUR, MONKEY, CHIMPANZEE,
22 GORILLA, ORANGUTAN, MARMOSSET, LORIS, OR TAMARIN.

23 (c) A person who violates this section is guilty of a misdemeanor and on
24 conviction is subject to:

25 (1) if an individual, a fine not exceeding \$1,000; or

26 (2) if not an individual, a fine not exceeding \$10,000.

27 (D) (1) THIS SECTION DOES NOT LIMIT A COUNTY OR MUNICIPAL
28 CORPORATION FROM ENACTING LAWS OR ADOPTING REGULATIONS THAT ARE MORE
29 RESTRICTIVE PERTAINING TO ANY POTENTIALLY DANGEROUS ANIMALS, INCLUDING
30 THOSE LISTED IN SUBSECTION (B) OF THIS SECTION.

31 (2) A COUNTY, MUNICIPAL CORPORATION, AND LOCAL AUTHORITY
32 SHALL ADHERE TO LOCAL RESTRAINT AND CARE REQUIREMENTS IF STRICTER THAN
33 THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH
34 INSPECTION SERVICE REGULATIONS.

35 (E) (1) THIS SECTION DOES NOT PROHIBIT THE POSSESSION OF ANY
36 ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS SECTION BY A PERSON WHO HAD

1 LAWFUL POSSESSION OF THAT ANIMAL ON OR BEFORE MAY 31, 2006. THAT PERSON
2 MAY CONTINUE TO POSSESS THE ANIMAL UNTIL THAT ANIMAL'S DEATH OR ON
3 TRANSFERRING POSSESSION AND OWNERSHIP TO A PERSON DESCRIBED IN
4 SUBSECTION (A)(1) OF THIS SECTION.

5 (2) ON OR BEFORE AUGUST 1, 2006, A PERSON WHO POSSESSES AN
6 ANIMAL LISTED IN SUBSECTION (B) OF THIS SECTION MUST PROVIDE:

7 (I) WRITTEN NOTIFICATION TO THE LOCAL ANIMAL CONTROL
8 AUTHORITY THAT INCLUDES THE PERSON'S NAME, ADDRESS, AND TELEPHONE
9 NUMBER;

10 (II) NUMBER AND TYPE OF ANIMAL OR ANIMALS KEPT; AND

11 (III) PHOTO, TATTOO, OR MICROCHIP IDENTIFICATION OF THE
12 ANIMAL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect June 1, 2006.