

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 339

(Delegate Menes, *et al.*)

Judiciary

Criminal Law - Prohibition Against Wild Animals as Pets

This bill clarifies and broadens the prohibition against keeping specified wild animals as pets. The bill adds possession and breeding to the list of prohibited activities and applies the prohibition to nonhuman primates, and specified dogs and cats, other than domesticated dogs and cats. The bill also broadens the exemptions from the prohibition.

The bill is effective June 1, 2006.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from applicable monetary penalty provisions. It is expected that the bill's requirements could be met with existing resources.

Local Effect: Enforcement of this bill could be handled with existing resources.

Small Business Effect: Minimal. Handlers of exotic animals would be required to limit their activities under this bill.

Analysis

Bill Summary: The prohibition in this bill does not apply to a person who owns a wild animal solely for purposes other than as a pet or curiosity and that is:

- an accredited and federally licensed zoological facility, as specified;

- a circus that is a federal Class C licensee and offers performances by live animals, clowns, or acrobats;
- a federally registered and State-approved research facility;
- a nonprofit animal sanctuary as recognized by the federal tax code that operates a refuge for abused, neglected, or displaced wildlife and does not conduct commercial activity or buy, sell, trade, loan, auction, or breed any animal except to promote species survival, as specified;
- a local animal control authority that is a unit of the State, a county, a municipal corporation, or a private contractor of the State that is responsible for animal control operations;
- a wildlife rehabilitation or nature center with a license or permit from the Department of Natural Resources (DNR); or
- a person licensed to practice veterinary medicine who treats species in accordance with customary and normal veterinary practices.

A person may not possess or breed, as well as import into the State, offer for sale, trade, barter, or exchange as a household pet, a live skunk, raccoon, bear, alligator, crocodile, or caiman. The prohibition is expanded to apply to wild or hybrids of wild and domesticated dogs or cats. The bill also prohibits a person from possessing, breeding, offering for sale, trading, bartering, or exchanging a live venomous reptile or a nonhuman primate, including a lemur, monkey, chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin.

The bill does not limit a county or municipal corporation from enacting laws or adopting regulations that are more stringent concerning any potentially dangerous animals, including those animals specified in the bill. A county, municipal corporation, and local authority must comply with local restraint and care requirements if stricter than regulations from the U.S. Department of Agriculture Animal and Plant Health Inspection Service.

The bill does not prohibit the lawful possession of any of the specified animals by a person who had lawful possession of the animal on or before May 31, 2006. That person may keep the animal until its death or until transferring possession to one of the authorized persons specified in the bill. Any person who possesses a prohibited animal as specified in the bill must provide to the local animal control authority, on or before

August 1, 2006, written notification that includes the person's identification, the number and type of animals kept, and a photo, tattoo, or microchip identification of the animal.

Current Law: State law does not apply to a person who offers the specified animals for sale, barter, trade, import, or exchange to a public zoo, park, museum, or educational institution. It does not apply to a person who holds a valid State or federal permit to use the named animal species for educational, medical, scientific, or exhibition purposes. The law does not apply to an animal of a species of wildlife that is not kept as a household pet and is individually exempted from the law's provisions under a permit from DNR.

A person is prohibited from importing into the State, or offering for sale, trade, barter, or exchange as a household pet, a live fox, skunk, raccoon, bear, alligator, or crocodile. Also prohibited is a member of the cat family except for a domestic cat, or a poisonous snake of specified family groups. A person who violates this section is guilty of a misdemeanor. An individual is subject to a maximum fine of \$1,000. If the person is not an individual, the maximum fine is \$10,000.

Background: According to the Animal Protection Institute, 47 of 50 states regulate the private ownership of exotic animals. The states of Iowa, Wisconsin, and West Virginia do not have laws or regulations in this area. Some states regulate ownership through the issuance of permits or certificates. Some states require the animal owner to obtain a license for private possession. Other states, like Maryland, may allow individual private ownership of exotic animals, but prohibit the sale, importation, barter, or exchange of these species. Fourteen states (Alaska, California, Colorado, Georgia, Hawaii, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Tennessee, Utah, Vermont, and Wyoming) impose a comprehensive ban on private ownership of exotic animals that covers felines, wolves, bears, reptiles, and nonhuman primates.

State Revenues: General fund revenues could increase minimally from the applicable monetary penalty provisions for those cases heard in the District Court.

Local Expenditures: Carroll, Cecil, and Montgomery counties indicate that it is unlikely that the bill will have a significant fiscal impact. Prince George's County reports that the fiscal impact is unknown and depends upon the number of calls generated due to citizens having wild animals as pets. The towns of Elkton and Thurmont do not anticipate a fiscal impact, as the county usually has jurisdiction over animal control matters.

Additional Information

Prior Introductions: None.

Cross File: SB 296 (Senator Stone, *et al.*) – Judicial Proceedings.

Information Source(s): City of Bowie, Town of Elkton, Town of Thurmont, City of Takoma Park, City of Annapolis, Cecil County, Montgomery County, Prince George's County, Harford County, St. Mary's County, Judiciary (Administrative Office of the Courts), Maryland Department of Agriculture, Carroll County, Animal Protection Welfare Institute, Humane Society of the United States, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2005
ncs/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510