

HOUSE BILL 1124

E1

4lr1496

By: Delegates Luedtke, Barkley, Barnes, Bobo, Cardin, Carr, DeBoy, Frush, Gilchrist, Gutierrez, Guzzone, Haddaway-Riccio, Healey, Hixson, Huckler, Kach, A. Kelly, Kramer, Malone, McIntosh, McMillan, Mizeur, S. Robinson, Rosenberg, Stein, Tarrant, F. Turner, Waldstreicher, and A. Washington

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Possession of Dangerous ~~and~~ or Wild Animals**

3 FOR the purpose of altering the list of entities and individuals to which certain
4 provisions relating to dangerous ~~and~~ or wild animals, including a prohibition on
5 importing into the State, offering for sale, trading, bartering, possessing,
6 breeding, or exchanging certain animals, do not apply; ~~prohibiting the holder of~~
7 ~~a certain federal exhibitor's license from possessing certain animals not~~
8 ~~possessed by the holder on a certain date under certain circumstances;~~
9 ~~authorizing a holder of a certain federal exhibitor's license to replace certain~~
10 ~~animals that were owned by the holder on a certain date if certain conditions~~
11 ~~are met; prohibiting a person from allowing a member of the public to come in~~
12 ~~direct contact with certain animals; requiring an owner of certain animals to~~
13 ~~report certain potential exposures to disease to the local animal control~~
14 ~~authority within a certain period of time~~ prohibiting certain holders of a certain
15 federal exhibitor's license from possessing certain animals not possessed on a
16 certain date; authorizing certain holders of a certain federal exhibitor's license
17 to possess or breed certain animals if certain conditions are met; requiring
18 rather than authorizing a local animal control authority to take certain steps to
19 find long-term placement of certain seized animals; and generally relating to
20 the possession of dangerous ~~and~~ or wild animals.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Criminal Law
 3 Section 10–621
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2013 Supplement)

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

8 **Article – Criminal Law**

9 10–621.

10 (a) (1) [This] **EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS**
 11 **SECTION, THIS** section does not apply to:

12 (i) a research facility or federal research facility licensed under
 13 the federal Animal Welfare Act;

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

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

21 (iv) ~~an animal sanctuary that:~~

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

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

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

28 ~~4. does not buy, sell, trade, lease, or breed any animal~~
 29 ~~except as an integral part of [the species survival plan of the American Zoo and~~
 30 ~~Aquarium Association] AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES~~
 31 ~~SURVIVAL PLAN; AND~~

32 ~~5. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO~~
 33 ~~BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS~~

~~1 SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE
2 ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS;~~

~~3 (v) an animal control officer under the jurisdiction of the State
4 or a local governing authority, a law enforcement officer acting under the authority of
5 this subtitle, or a private contractor of a county or municipal corporation that is
6 responsible for animal control operations;~~

~~7 (vi) a person who holds a valid license to practice veterinary
8 medicine in the State and treats the animal specified in subsection (b) of this section
9 in accordance with customary and normal veterinary practices; [and]~~

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

~~13 (VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE
14 UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:~~

~~15 1. IS IN THE STATE FOR LESS THAN 90 DAYS PER
16 CALENDAR YEAR;~~

~~17 2. REGULARLY CONDUCTS PERFORMANCES
18 FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING
19 ACROBATS AND CLOWNS; AND~~

~~20 3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO
21 BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS
22 SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE
23 ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS; AND~~

~~24 (IX) AN INSTITUTION ACCREDITED BY THE ASSOCIATION OF
25 ZOOS AND AQUARIUMS OR A CERTIFIED RELATED FACILITY THAT
26 COORDINATES AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES SURVIVAL
27 PLAN FOR THE BREEDING OF SPECIES LISTED AS THREATENED OR
28 ENDANGERED UNDER 16 U.S.C. § 1533.~~

~~29 (2) (i) This section does not prohibit a person who had lawful
30 possession of an animal specified in subsection (b) of this section on or before May 31,
31 2006, from continuing to possess that animal if the person provides written
32 notification to the local animal control authority on or before August 1, 2006.~~

~~33 (ii) The notification shall include:~~

~~34 1. the person's name, address, and telephone number;~~

1 ~~2. the number and type of animals being kept; and~~

2 ~~3. a photograph of the animal or a description of a tattoo~~
 3 ~~or microchip identification of the animal.~~

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(2) NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION:~~

25 ~~(i) 1. A PERSON MAY NOT ALLOW A MEMBER OF THE~~
 26 ~~PUBLIC TO COME IN DIRECT CONTACT WITH AN ANIMAL SPECIFIED IN~~
 27 ~~SUBSECTION (B)(1) OF THIS SECTION; AND~~

28 ~~2. AN OWNER OF AN ANIMAL SPECIFIED IN~~
 29 ~~SUBSECTION (B)(1) OF THIS SECTION, IF THE ANIMAL POTENTIALLY EXPOSES A~~

~~1 HUMAN TO RABIES OR ANY OTHER ZOO NOTIC DISEASE BY PENETRATION OR
2 ABRASION OF THE SKIN, SHALL REPORT THE POTENTIAL EXPOSURE TO THE
3 LOCAL ANIMAL CONTROL AUTHORITY WITHIN 24 HOURS OF THE EXPOSURE;~~

~~4 (H) EXCEPT AS PROVIDED IN ITEM (H) OF THIS
5 PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE
6 ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A
7 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW
8 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE
9 ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON
10 SEPTEMBER 30, 2014; AND~~

~~11 (H) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE
12 UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY REPLACE A
13 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW
14 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE
15 ANIMALS THAT WAS OWNED BY THE HOLDER OF THE LICENSE ON SEPTEMBER
16 30, 2014, ONLY IF DURING THE PRIOR 3 YEARS THE HOLDER OF THE LICENSE:~~

~~17 1. HAS NOT EXPERIENCED AN ESCAPE OF A
18 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW
19 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE
20 ANIMALS;~~

~~21 2. HAS NOT EXPERIENCED AN INCIDENT IN WHICH A
22 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW
23 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE
24 ANIMALS HAS INJURED A PERSON;~~

~~25 3. HAS NO UNITED STATES DEPARTMENT OF
26 AGRICULTURE NONCOMPLIANT ITEMS CATEGORIZED AS DIRECT OR REPEAT;~~

~~27 4. HAS NO UNITED STATES DEPARTMENT OF
28 AGRICULTURE NONCOMPLIANT ITEMS FOR INSUFFICIENT STAFFING LEVELS OR
29 INADEQUATELY TRAINED EMPLOYEES; AND~~

~~30 5. HAS NO UNITED STATES DEPARTMENT OF
31 AGRICULTURE NONCOMPLIANT ITEMS FOR FAILURE TO PROVIDE TO A
32 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW
33 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE
34 ANIMALS;~~

~~35 A. VETERINARY CARE;~~

~~B. SEPARATION FROM INCOMPATIBLE ANIMALS;~~

~~C. ENVIRONMENTAL ENRICHMENT;~~

~~D. PROPER HANDLING; OR~~

~~E. MINIMUM SPACE.~~

(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;

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

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

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

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

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

12 (2) (i) This section does not prohibit a person who had lawful
13 possession of an animal specified in subsection (b) of this section on or before May 31,
14 2006, from continuing to possess that animal if the person provides written
15 notification to the local animal control authority on or before August 1, 2006.

16 (ii) The notification shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
14 **PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE**
15 **ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A**
16 **NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW**
17 **LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE**
18 **ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON JUNE 30,**
19 **2014.**

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

25 **1. MAINTAINS A LIABILITY INSURANCE POLICY OF AT**
26 **LEAST \$1,000,000;**

27 **2. HAS A PAID FULL-TIME DIRECTOR;**

28 **3. HAS AT LEAST ONE PAID FULL-TIME STAFF**
29 **MEMBER TRAINED IN THE CARE OF EACH SPECIES THAT THE HOLDER KEEPS;**

30 **4. HAS AN ANIMAL DISPOSITION POLICY THAT**
31 **PROVIDES FOR THE PLACEMENT OF ANIMALS IN APPROPRIATE FACILITIES IF**
32 **THE HOLDER'S FACILITY CLOSES; AND**

- 1 1. a description of the animal seized;
 - 2 2. the authority for and the purpose of the seizure;
 - 3 3. the time, place, and circumstances of the seizure;
 - 4 4. a contact person and telephone number;
 - 5 5. a statement that the person from whom the animal
6 was seized may:
 - 7 A. post security to prevent disposition of the animal; and
 - 8 B. request a hearing concerning the seizure;
 - 9 6. a statement that failure to post security or request a
10 hearing within 10 days of the date of the notice will result in the disposition of the
11 animal; and
 - 12 7. a statement that, unless a court finds that the seizure
13 of the animal was not justified, the actual costs of the care, keeping, and disposal of
14 the animal are the responsibility of the person from whom the animal was seized.
- 15 (4) (i) Before a seizure under paragraph (1) of this subsection
16 occurs, the person in possession of the animal to be seized may request that the
17 animal remain in the person's physical custody for 30 days after the date the animal
18 was to be seized.
- 19 (ii) During the 30 days provided in subparagraph (i) of this
20 paragraph, the person shall take all necessary actions to comply with this section.
- 21 (iii) At any reasonable time during the 30-day period, the local
22 animal control authority may inspect the premises where the animal is being kept.
- 23 (5) (i) If a person who retains possession of an animal under
24 paragraph (4) of this subsection is not in compliance with this section after the 30-day
25 period has expired, the local animal control authority shall seize the animal and place
26 it in a holding facility that is appropriate for the species.
- 27 (ii) The authority seizing an animal under this paragraph shall
28 provide notice of the seizure in the same manner as provided in paragraph (3) of this
29 subsection.
- 30 (6) (i) A person from whom an animal was seized may request a
31 hearing in the District Court within 10 days of the seizure.

1 (ii) A hearing shall be held as soon as practicable to determine
2 the validity of the seizure and the disposition of the animal.

3 (7) (i) Unless the court finds that the seizure of the animal was not
4 justified by law, a person from whom the animal specified in subsection (b) of this
5 section is seized is liable for all actual costs of care, keeping, and disposal of the
6 animal.

7 (ii) The costs required under this paragraph shall be paid in full
8 unless a mutually satisfactory agreement is made between the local animal control
9 authority and the person claiming an interest in the animal.

10 (8) (i) If there is no request for a hearing within 10 days of the
11 notice or if the court orders a permanent and final disposition of the animal, the local
12 animal control authority ~~may~~ **SHALL** take steps to find long-term placement of the
13 animal with another appropriate facility that is equipped for the continued care of the
14 particular species of the animal.

15 (ii) If there is no entity that is suitable for the care of the
16 animal, the animal may be euthanized.

17 (e) This section does not limit a county or municipality from enacting laws or
18 adopting regulations that are more restrictive pertaining to any potentially dangerous
19 animals, including those specified in subsection (b) of this section.

20 (f) If the owner of an animal specified in subsection (b) of this section dies
21 without making arrangements for the transfer of custody of the animal to another
22 person, the animal may be turned over to one of the organizations specified in
23 subsection (a)(1) of this section or euthanized if no suitable location can be found in a
24 reasonable amount of time.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~October~~ July 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.