

Hall of the House of Representatives

84th General Assembly - Regular Session, 2003

Amendment Form

Subtitle of House Bill No. 2857

"TO REGULATE THE OWNERSHIP AND POSSESSION OF CERTAIN LARGE
CARNIVORES AND TO PROHIBIT THE OWNERSHIP AND POSSESSION OF CERTAIN
LARGE CARNIVORES."

Amendment No. 1 to House Bill No. 2857.

Amend House Bill No. 2857 as originally introduced:

Page 1, delete Section 1. of the bill and substitute new sections to read as follow:

"SECTION 1. Definitions.

As used in this act:

(1) "Large carnivore" means any live individual of those species of animals that are inherently dangerous to humans, including, but are not limited to:

(A) Tigers;

(B) Lions;

(C) Cougars;

(D) Leopards;

(E) Ocelots;

(F) Servals;

(G) All bears;

(H) Bobcats;

(I) Lynx;

(J) Cheetahs;

(K) Jaguars; and

(L) Any hybrids of the animals listed in subdivisions (1)(A) through (K) of this section;

(2) "Possessor" means a person who owns, keeps, or has custody or control of a large carnivore; and

(3) "Wildlife sanctuary" means:

(A) A nonprofit organization under § 501(c)(3) of the Internal Revenue Code that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or displaced large carnivores are provided care for their lifetime; and

(B) Does not mean a place that:

(i) Conducts any activity that is not inherent to the animal's nature;



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(ii) Uses the animal for any type of entertainment;
(iii) Sells, trades, or barter the animal or the animal's
body parts; or
(4) Breeds the animal for purposes of sale.

SECTION 2. Prohibited acts.

(a) Except as permitted under this act, it is unlawful for a person
to:

(1) Own or possess a large carnivore;
(2) Breed a large carnivore; or
(3) Transfer ownership or possession of, or receive a transfer
of ownership or possession of a large carnivore, with or without
remuneration.

(b) Except under this act, it is prohibited for a possessor in control
of any property, residence, or business premises to knowingly permit any
other person to be in possession of a large carnivore upon the property,
residence, or premises.

SECTION 3. Exemptions.

This act does not apply to:

(1) Institutions accredited by the American Zoo and Aquarium
Association;
(2) Registered nonprofit humane societies;
(3) Animal control officers or law enforcement officers acting under
the authority of this act;
(4) Veterinary hospitals or clinics;
(5) Wildlife sanctuaries;
(6) Employees of the Arkansas Game and Fish Commission in the
performance of their duties; or
(7) Those persons holding a valid Arkansas Game and Fish Commission
scientific collection permit applicable to a large carnivore.

SECTION 4. Permit for personal possession.

(a) A person may possess a large carnivore only if:

(1) The person was in possession of the large carnivore and was
the legal possessor of the large carnivore on or before the effective date of
this act; and

(2) The person applies for and is granted a permit for personal
possession for each large carnivore in the person's possession not more than
ninety (90) days after the effective date of this act.

(b)(1) A person under subsection (a) of this section shall annually
obtain a permit for personal possession.

(2) After the effective date of this act, a new large carnivore
shall not be brought into possession under the authority of a permit for
personal possession.

(c)(1) An applicant shall file an application to receive a permit for
personal possession with the Department of Health on forms provided by the
department.

(2) The application shall include:

(A) The name, address, and telephone number of the
applicant;

(B) A description of each large carnivore, including the

scientific classification, name, sex, age, color, weight, and distinguishing marks or coloration that would aid in the identification of the animal;

(C) A photograph of the large carnivore;

(D) The location where the animal is kept; and

(E) The name, address, and telephone number of the person from whom the applicant obtained the large carnivore, if known.

(3) The application shall be signed by the veterinarian who is expected to provide veterinary care to the large carnivore and shall have the veterinarian's name, address, telephone number.

(d) The Department of Health shall not grant a permit unless:

(1) An annual permit fee of two hundred fifty dollars (\$250) for each animal accompanies the application;

(2) The applicant is eighteen (18) years of age or older;

(3) The applicant has not been found guilty or nolo contendere, or pled guilty to any animal cruelty violations in the past ten (10) years or to a felony for possession, sale, or use of illegal narcotics in the past ten (10) years;

(4) The facility and the conditions in which the large carnivore is kept comply with this act; and

(5) The applicant has obtained the liability insurance coverage for the large carnivore as required under this act.

(e)(1) The Department of Health shall keep records of who is issued a valid permit for personal possession of a large carnivore.

(2) A permit holder must notify the state of any changes of the permit holder's information, including the death of the large carnivore.

(f)(1) In addition to the other requirements for issuance of a permit for personal possession, the large carnivore shall be spayed or neutered before a permit is issued to the possessor unless a veterinarian confirms that spaying and neutering would endanger the animal.

(2) A record of the large carnivore being spayed or neutered by a veterinarian is to be kept on file.

(g) All fees levied and collected for permits of personal possession under this section are declared to be special revenues and shall be deposited in the State Treasury, there to be credited to the Public Health Fund.

SECTION 5. Caging requirements.

(a)(1) The possessor of a large carnivore is required to maintain the animal in a cage that meets the requirements recommended by the American Zoo and Aquarium Association for each species of large carnivore.

(2) Failure to provide the caging required by this section will result in the cancellation of the permit for personal possession.

(b) Deviations from these requirements may be approved by the Director of the Department of Health upon showing of good cause.

SECTION 6. Insurance - Signs - and Notification.

(a)(1) A possessor of a large carnivore shall maintain liability insurance coverage in an amount of not less than one hundred thousand dollars (\$100,000) for each occurrence for liability damages for destruction of or damage to property and for death or bodily injury to a person caused by the large carnivore.

(2) The possessor of a large carnivore shall provide a copy of the policy for liability insurance to the Department of Health on an annual

basis to obtain or renew a permit.

(b)(1) The possessor of a large carnivore shall post and display a sign at each possible entrance onto the premises where a large carnivore is kept.

(2) The sign shall be clearly legible, and easily readable by the public.

(3) The sign shall warn that there is a large carnivore on the premises.

SECTION 7. Inspection.

The possessor of a large carnivore shall allow an official of the Department of Health, an animal control officer, or a law enforcement officer of the municipality or county where the animal is kept to enter the premises to ensure compliance with this act.

SECTION 8. Public contact - Warnings of escape.

(a) The possessor shall not bring a large carnivore to any commercial or retail establishment unless the possessor is bringing the animal to the veterinarian clinic.

(b)(1) If a large carnivore escapes or is released, the possessor of the large carnivore shall immediately contact the Arkansas Game and Fish Commission and law enforcement officials of the city or county where the possessor resides to report the escape or release.

(2) The possessor is liable for all expenses associated with efforts to recapture the animal.

SECTION 9. Confiscation.

(a) A large carnivore may be immediately confiscated by the Department of Health if:

(1) The possessor does not have a permit for personal possession;

(2) The possessor does not secure the liability insurance coverage required under this act;

(3) Conditions under which the large carnivore is kept are directly or indirectly dangerous to human health and safety; or

(4) The caging requirements of Section 5 are not met.

(b)(1) If a large carnivore is confiscated, the possessor shall be liable for the costs of placement and care for the large carnivore from the time of confiscation until the time the animal has been relocated to an alternative facility.

(2) The Department of Health shall seek to place the confiscated animal with a wildlife sanctuary, humane society, or an institution accredited by the American Zoo and Aquarium Association.

SECTION 10. Penalties.

A person who is in violation of the prohibitions of Section 2. of this act is guilty of a Class A misdemeanor.

SECTION 11. Rules and regulations.

The State Board of Health is authorized to adopt rules and regulations to implement and enforce this act."

The Amendment was read _____
By: Representative Jackson
EAN/VJF - 032620031624
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Chief Clerk