

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H4/3/03
A Bill

HOUSE BILL 2857

5 By: Representative Jackson
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO REGULATE THE OWNERSHIP AND POSSESSION
10 OF CERTAIN LARGE CARNIVORES; TO PROHIBIT THE
11 OWNERSHIP AND POSSESSION OF CERTAIN LARGE
12 CARNIVORES; TO IMPOSE FEES; TO PRESCRIBE THE
13 POWERS AND DUTIES OF MUNICIPAL AND COUNTY
14 GOVERNMENTS; AND FOR OTHER PURPOSES.

15
16 **Subtitle**

17 TO REGULATE THE OWNERSHIP AND POSSESSION
18 OF CERTAIN LARGE CARNIVORES AND TO
19 PROHIBIT THE OWNERSHIP AND POSSESSION OF
20 CERTAIN LARGE CARNIVORES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Definitions.*

26 *As used in this act:*

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

30 *(A) Tigers;*

31 *(B) Lions;*

32 *(C) Cougars;*

33 *(D) Leopards;*

34 *(E) Ocelots;*

35 *(F) Servals;*

36 *(G) All bears;*



1 (H) Bobcats;
2 (I) Lynx;
3 (J) Cheetahs;
4 (K) Jaguars; and
5 (L) Any hybrids of the animals listed in subdivisions (1)(A)
6 through (K) of this section;

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

9 (3) "Wildlife sanctuary" means:

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

14 (B) Does not mean a place that:

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

17 (ii) Uses the animal for any type of entertainment;

18 (iii) Sells, trades, or barter the animal or the animal's
19 body parts; or

20 (4) Breeds the animal for purposes of sale.

21
22 SECTION 2. Prohibited acts.

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

25 (1) Own or possess a large carnivore;

26 (2) Breed a large carnivore; or

27 (3) Transfer ownership or possession of, or receive a transfer
28 of ownership or possession of a large carnivore, with or without
29 remuneration.

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

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35 SECTION 3. Exemptions.

36 This act does not apply to:

1 (1) Institutions accredited by the American Zoo and Aquarium
2 Association;

3 (2) Registered nonprofit humane societies;

4 (3) Animal control officers or law enforcement officers acting under
5 the authority of this act;

6 (4) Veterinary hospitals or clinics;

7 (5) Wildlife sanctuaries;

8 (6) Employees of the Arkansas Game and Fish Commission in the
9 performance of their duties; or

10 (7) Those persons holding a valid Arkansas Game and Fish Commission
11 scientific collection permit applicable to a large carnivore.

12
13 SECTION 4. Permit for personal possession.

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

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

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

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

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

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

29 (2) The application shall include:

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

32 (B) A description of each large carnivore, including the
33 scientific classification, name, sex, age, color, weight, and distinguishing
34 marks or coloration that would aid in the identification of the animal;

35 (C) A photograph of the large carnivore;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31
32 SECTION 5. Caging requirements.

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

36 (2) Failure to provide the caging required by this section will

1 result in the cancellation of the permit for personal possession.

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

4
5 SECTION 6. Insurance - Signs - and Notification.

6 (a)(1) A possessor of a large carnivore shall maintain liability
7 insurance coverage in an amount of not less than one hundred thousand dollars
8 (\$100,000) for each occurrence for liability damages for destruction of or
9 damage to property and for death or bodily injury to a person caused by the
10 large carnivore.

11 (2) The possessor of a large carnivore shall provide a copy of
12 the policy for liability insurance to the Department of Health on an annual
13 basis to obtain or renew a permit.

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

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

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

21
22 SECTION 7. Inspection.

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

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28 SECTION 8. Public contact - Warnings of escape.

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

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

36 (2) The possessor is liable for all expenses associated with

1 efforts to recapture the animal.

2
3 SECTION 9. Confiscation.

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

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

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

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

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

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

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

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21 SECTION 10. Penalties.

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

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25 SECTION 11. Rules and regulations.

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

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29 /s/ Jackson
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