

SECOND REGULAR SESSION

HOUSE BILL NO. 1847

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOW (39) (Sponsor), LAMPE AND CHAPPELLE-NADAL (Co-sponsors).

Read 1st time January 24, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3045L.01I

AN ACT

To amend chapter 578, RSMo, by adding thereto six new sections relating to wild animals, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 578, RSMo, is amended by adding thereto six new sections, to be known as sections 578.550, 578.553, 578.556, 578.559, 578.562, and 578.565, to read as follows:

578.550. As used in sections 578.550 to 578.565, the following terms shall mean:

(1) "Companion animal", any animal that is commonly kept as a pet, including but not limited to domesticated dogs, domesticated cats and feral cats, horses, hamsters, gerbils, guinea pigs, rabbits, turtles except for turtles determined by the department of agriculture to be a danger to public health and safety, ferrets, fish, coral and all aquatic invertebrates;

(2) "Farm animal", any ungulate, poultry, species of cattle, sheep, swine, goats, llama, horses, or fur-bearing animals which are raised for commercial or subsistence purposes. Fur-bearing animals shall not include dogs or cats;

(3) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(4) "Pet", an animal kept for the primary purpose of companionship that is

normally maintained in or near the household of the owner or person who cares for such domesticated animal;

(5) "Wild animal", any live animal that is wild by nature, whether bred in the wild or in captivity and whether or not native to Missouri. Wild animals shall not include companion animals. Wild animals shall include, but are not limited to, the following orders and families:

(a) Nonhuman primates and prosimians;

(b) Felidae and hybrids thereof, except for domesticated and feral cats;

(c) Canidae, except for domesticated dogs;

(d) Ursidae;

(e) Reptilia, including all reptiles that are venomous by nature as determined by department rule, including but not limited to Burmese python, reticulated python, African rock python, green anaconda, yellow anaconda, Indian python, Asiatic monitor, Nile monitor, white throat monitor, black throat monitor, and crocodile monitor, and any hybrids thereof;

(f) Crocodilia;

(g) Birds, including parrots, parakeets, finches, doves and pigeons, and canaries; and

(h) Any other animal deemed to be a wild animal by department rule;

(6) "Wildlife sanctuary", a nonprofit organization described in Section 170(b)(1)(a) (VI) of the Internal Revenue Code of 1986, as amended, and approved by the Association of Sanctuaries or the American Sanctuary Association, and that operates a place of refuge for abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals which are provided care for their lifetime or rehabilitated and released back into their natural habitat, and with respect to any animal owned by such organization, does not:

(a) Use the animal for any type of entertainment, recreational, or commercial purpose;

(b) Sell, trade, lend, or barter the animal or the animal's body parts; or

(c) Breed the animal.

578.553. No person shall knowingly possess, harbor, sell, barter, transfer, exchange, or import any wild animal for use as a pet in the state of Missouri except as provided in section 578.559.

578.556. Sections 578.550 to 578.565 shall not apply to any of the following persons or entities with respect to wild animals owned or harbored solely for a purpose other than for use as a pet:

(1) Zoological facilities licensed under 7 U.S.C. Section 2132 et seq. and accredited by the American Association of Zoological Parks and Aquariums (AAZPA);

(2) Exhibitors licensed under the Animal Welfare Act, 7 U.S.C. Sections 2132 to 2134 who have demonstrated to the department of agriculture in accordance with rules promulgated by the director that the sole purpose for which the wild animal or animals are used is for exhibition to the public for profit or compensation;

(3) Research facilities, as defined in the Animal Welfare Act, 7 U.S.C. Section 2132 (e), which are licensed by the United States Department of Agriculture and approved under state law;

(4) Licensed veterinarians and incorporated humane societies, animal shelters, societies for the prevention of cruelty to animals, or animal welfare organizations in temporary possession of wild animals; provided that such persons or facilities notify the department of agriculture within forty-eight hours of obtaining custody of such animal;

(5) State universities or other state agencies working with wild animals;

(6) Licensed wildlife rehabilitators who are tending to sick or injured wild animals that are native to Missouri;

(7) A person having custody of a wild animal solely for the purpose of transporting it to a licensed veterinarian, wildlife rehabilitator, humane society, or other entity authorized by sections 578.550 to 578.565 to handle or treat wild animals;

(8) A wildlife sanctuary;

(9) A person with a falconry or hawk license; or

(10) A person who is not a resident of this state and who is in this state only for the purpose of traveling between locations outside the state. In no event shall such travel time period exceed thirty days.

578.559. 1. Any person who is in possession or is harboring a wild animal on the effective date of this section may retain possession of such animal for the remainder of such animal's life if such person:

(1) Has not been convicted of any offense relating to cruelty to animals or involving a violation of a court order prohibiting possession of animals;

(2) Applies to the department of agriculture within sixty days of the effective date of this section and obtains from the department a permit authorizing possession of a wild animal; and

(3) Complies with all rules promulgated by the department as prerequisites for issuance of such a permit, including but not limited to proof of the following:

(a) The name, address, and telephone number of the person who owns, possesses, or harbors the wild animal or animals, including an acknowledgment that such person is at least twenty-one years of age;

(b) The address of the location where the wild animal or animals will be kept, if

different from the address in paragraph (a) of this subdivision;

(c) A detailed description of each such wild animal, including species, gender, age, and any identifying characteristics;

(d) The name, address, and telephone number of the veterinarian who will treat the wild animal or animals;

(e) An acknowledgment indicating that the wild animal or animals will not be bred;

(f) A detailed statement establishing that the location in which the wild animal or animals will be kept complies with all standards of care promulgated by the department, but at a minimum complies with the standards for animal care set forth in the Federal Animal Welfare Act, including but not limited to housing, temperature, ventilation, drainage, sanitation, food, water, exercise, and veterinary care appropriate to the species and sufficient to maintain the wild animal in good health;

(g) An acknowledgment that the wild animal or animals will not be tied, tethered, leashed, or chained outdoors, allowed to run at large, and will not be brought to any public park or commercial or retail establishment unless it is being brought to a veterinarian or veterinary clinic;

(h) An acknowledgment that possessing, harboring, or owning a wild animal or animals does not violate any applicable federal, state, or local law; and

(i) A statement that such person will comply with any rules promulgated by the department requiring a copy of a policy of liability insurance in the name of the owner of the wild animal or animals in an amount deemed appropriate by the department and insuring for bodily injury and death of a person and destruction of property caused by the wild animal or animals, or a copy of a surety bond in a form and in an amount determined by rule of the department.

2. The department shall issue permits authorizing possession of a wild animal or animals to any person who complies with the requirements of this section and any rules promulgated thereto. Such permits shall be valid in any jurisdiction within the state where possession of a wild animal is not prohibited by local law and shall be renewable annually subject to continued compliance with the provisions of this section and any rules promulgated thereto. The department shall forward copies of such permits to the clerk of the city, town, or village where each wild animal is harbored.

3. The department shall determine by rule annual permit fees for the possession of wild animals under this section in an amount determined to be reasonable, but in no event less than twenty dollars per year for each wild animal. Permit fees shall be used solely by the department for enforcement of this section.

4. Any person in possession of a wild animal or animals as a pet under this section shall not breed, sell, trade, barter, or exchange such wild animal or animals. Any person in

possession of a wild animal or animals shall not transfer such wild animal or animals except as authorized in this section.

5. Prior to denial or revocation of a permit under this section, the department shall hold a hearing upon due notice to the person who owns, harbors, or possesses the wild animal and such person shall have an opportunity to be heard. The decision to deny or revoke a permit under this section shall be subject to appeal.

6. Any person issued a permit under this section shall report the presence of a wild animal or animals on his or her premises or otherwise in his or her possession to the clerk of the city, town, or village in which such wild animal or animals are owned, possessed, or harbored. Such report shall be filed annually on a date and in a manner to be determined by the state fire marshal. A separate report shall be filed for each street address at which any such wild animal or animals may be found.

7. The clerk shall forward a copy of such report to:

(1) The Missouri state highway patrol;

(2) Each appropriate county sheriff and municipal police agency having jurisdiction over such wild animal or animals;

(3) Each fire department serving such location; and

(4) Each ambulance or emergency medical service serving such location.

In lieu of forwarding a copy of each report, the clerk may compile the contents of several reports and forward a compilation on a quarterly basis.

578.562. 1. Any person who fails to report the presence of a wild animal or animals as required under sections 578.550 to 578.565 shall be fined not more than two hundred fifty dollars for the first offense, and for a second and subsequent offense, a fine of not less than two hundred fifty dollars or more than one thousand dollars shall be imposed.

2. Any person who willfully breeds a wild animal or owns, harbors, sells, barter, transfers, exchanges, or imports a wild animal for use as a pet in violation of sections 578.550 to 578.565 shall be fined not more than five hundred dollars for the first offense, and for a second and subsequent offense, a fine of not more than one thousand dollars shall be imposed. Each instance of breeding, owning, harboring, sale, barter, transfer, exchange, or import of a wild animal in violation of sections 578.550 to 578.565 shall constitute a separate offense.

3. A person possessing, owning, or harboring a wild animal who is denied a permit under section 578.559 or whose permit is revoked shall surrender such wild animal to the department or an authorized agent thereof, a peace officer of this state, or an incorporated society for the prevention of cruelty to animals.

578.565. 1. The department of agriculture, peace officers, or incorporated society for the prevention of cruelty to animals is authorized to enforce the provisions of sections 578.550 to 578.565 and to issue notices of violations. The department, peace officers, and incorporated society may seize any wild animal held in violation of sections 578.550 to 578.565. Wild animals seized or surrendered under this section shall be transferred to an incorporated wildlife sanctuary or a zoological facility accredited by the American Association of Zoological Parks and Aquariums, or shall be humanely euthanized. The department may seek injunctive relief in any court of competent jurisdiction to prevent continued violation of sections 578.550 to 578.565.

2. Nothing in this section shall prohibit or otherwise restrict any city, town, or village from enacting more restrictive provisions governing the possession of wild animals for use as pets.

•