

1 HB244  
2 198773-4  
3 By Representative Ball  
4 RFD: Agriculture and Forestry  
5 First Read: 20-MAR-19



1           "§3-8-1.

2           "Notwithstanding any ~~provision of~~ law to the  
3 contrary, it shall be illegal to own, maintain, sell, or trade  
4 any canidae or felidae for which there is no USDA licensed  
5 rabies vaccine. Anyone currently owning or maintaining such an  
6 animal may keep the animal for the length of the animal's life  
7 ~~providing the animal is spayed or neutered and is registered~~  
8 ~~with the Department of Agriculture and Industries.~~ This  
9 section does not apply to any zoological parks, circuses,  
10 colleges, and universities, animal refuges approved by the  
11 Department of Agriculture and Industries, county or municipal  
12 humane shelters, the Department of Conservation and Natural  
13 Resources, or veterinary clinics."

14           Section 2. Section 3-8-2 is added to the Code of  
15 Alabama 1975, to read as follows:

16           §3-8-2.

17           (a) For the purposes of this section, the following  
18 terms shall have the following meanings:

19           (1) BEAR. All species of bears, including hybrids  
20 thereof, except American black bears (*Ursus americanus*), that  
21 were not bred in captivity.

22           (2) LARGE FELIDAE. A tiger, lion, leopard, snow  
23 leopard, clouded leopard, jaguar, cheetah, or cougar. The term  
24 includes a hybrid large felidae.

25           (3) WOLF. The term does not include a hybrid wolf.

26           (b) Notwithstanding Section 3-8-1, or any other law  
27 to the contrary, unless exempted by subsection (c) or (d), it

1 is unlawful to intentionally or knowingly possess, sell,  
2 transfer, or breed any living large felidae, wolf, or bear.

3 (c) Subsection (b) does not apply to any of the  
4 following:

5 (1) A Class C exhibitor licensed by the United  
6 States Department of Agriculture (USDA), including, but not  
7 limited to, zoological parks and circuses, provided that the  
8 licensed exhibitor meets all of the following criteria:

9 a. ~~Not have been, nor~~ Shall not have knowingly  
10 ~~employ~~ employed any person who has been, convicted of or fined  
11 for an offense involving the abuse or neglect of any animal  
12 pursuant to any state, local, or federal law and who has  
13 direct access to animals owned by the licensee.

14 b. Displays the most recent annual USDA inspection  
15 report in a prominent place on site, publishes the most recent  
16 annual report on its website, and makes the most recent annual  
17 report available upon request.

18 For the purposes of this paragraph, the most recent  
19 annual USDA inspection report means the most recent USDA  
20 inspection report for which there are no pending appeals on  
21 behalf of the licensee. Licensees may redact information that  
22 identifies employees by name from the published USDA  
23 inspection report.

24 c. Maintains liability insurance for each occurrence  
25 of property damage, bodily injury, or death caused by any  
26 large felidae, wolf, or bear owned or possessed by the person.

1           d. Maintains a current animal inventory, has a  
2 written plan for the quick and safe recapture or destruction  
3 of animals in the event of an escape, including, but not  
4 limited to, written protocols for training staff on methods of  
5 safe recapture of the escaped animal, has a disaster plan, and  
6 makes all of this information available to law enforcement  
7 upon request.

8           (2) A research facility, as defined in the Animal  
9 Welfare Act, 7 U.S.C. Section 2132(e).

10           (3) A nonprofit wildlife sanctuary that meets all of  
11 the following criteria:

12           a. Operates a place of refuge where abused,  
13 neglected, unwanted, impounded, abandoned, orphaned, or  
14 displaced animals are provided care for the lifetime of the  
15 animal.

16           b. Does not conduct any commercial activity with  
17 respect to large felidae, wolves, or bears including, but not  
18 limited to, the sale, trade, auction, lease, or loan of large  
19 felidae, wolves, or bears or parts of large felidae, wolves,  
20 or bears, or uses large felidae, wolves, or bears in any  
21 manner in a for-profit business or operation.

22           c. Does not allow direct contact between the public  
23 and large felidae, wolves, or bears.

24           d. Does not use large felidae, wolves, or bears for  
25 entertainment purposes or in a traveling exhibit.

26           e. Does not breed, accidentally or otherwise, large  
27 felidae, wolves, or bears.

1           (4) A duly incorporated nonprofit animal protection  
2 organization, such as a humane society or shelter, temporarily  
3 housing a large felidae, wolf, or bear at the written request  
4 of law enforcement, including any county sheriff, police  
5 officer, animal control agent appointed pursuant to Section  
6 3-1-13 or 13A-11-242, or any warden deputized pursuant to  
7 Section 9-11-5, acting under the authority of this section.

8           (5) A licensed veterinary hospital, for the purpose  
9 of providing treatment to a large felidae, wolf, or bear.

10           (6) A law enforcement officer, as described in  
11 subdivision (4) of subsection (c), for purposes of  
12 enforcement.

13           (7) A motion picture or television production  
14 company employing or contracting with a dealer or exhibitor  
15 licensed under the Animal Welfare Act, 7 U.S.C. Section 2133,  
16 or with a carrier or intermediate handler registered under the  
17 Animal Welfare Act, 7 U.S.C. Section 2136, for the  
18 transportation, exhibition, or use of dangerous animals in its  
19 motion picture or television production.

20           (d) Subsection (b) does not apply to a person who  
21 unlawfully possesses a large felidae, wolf, or bear prior to  
22 the effective date of the act adding this section, if the  
23 person meets all of the following criteria:

24           (1) Maintains veterinary records, acquisition  
25 papers, or other documents or records that the person or  
26 entity possessed the animal prior to the effective date of the  
27 act adding this section.

1           (2) Has not acquired additional large felidae,  
2           wolves, or bears after the effective date of the act adding  
3           this section, whether by purchase, donation, or breeding.

4           (3) Has not been convicted of an offense involving  
5           the abuse or neglect of any animal pursuant to local, state,  
6           or federal law.

7           (4) Has not had a license or permit regarding the  
8           care, possession, exhibition, breeding, or sale of animals  
9           revoked or suspended by any local, state, or federal agency.

10          (5) Has developed and is prepared to implement an  
11          escape and disaster plan, maintains a current animal inventory  
12          list, and makes the plans and list available to law  
13          enforcement, upon request.

14          (6) Has shown to his or her local law enforcement  
15          agency proof of liability insurance for each occurrence of  
16          property damage, bodily injury, or death caused by any  
17          dangerous wild animal possessed by the person. For the  
18          purposes of this subdivision, the term local law enforcement  
19          agency means the municipal police department, if a  
20          municipality has a police department, or the county sheriff's  
21          office in all other cases.

22          (7) At least 72 hours prior to the sale or  
23          relocation of an existing large felidae, wolf, or bear, the  
24          person has notified local law enforcement, identifying the  
25          recipient of the animal. At all times, possession, sale,  
26          transfer, and transport of a large felidae, wolf, or bear

1 shall conform with all applicable local, state, and federal  
2 laws.

3 (8) Obtains a surety bond of at least one million  
4 dollars (\$1,000,000) providing coverage for property damage,  
5 bodily injury, or death caused by any large felidae, wolf, or  
6 bear owned or possessed by the person.

7 (9) The person owning an existing large felidae,  
8 wolf, or bear complies with the following minimum caging  
9 standards within one year of the effective date of the act  
10 adding this section:

11 a. For all large felidae, wolves, and bears, all of  
12 the following shall be required:

13 1. The caging facility shall have a buffer zone of  
14 not less than 35 feet between the caging and the person's  
15 property line.

16 2. The caging shall be bounded by a perimeter fence  
17 of not less than eight feet in height, constructed of not less  
18 than 11 and one-half gauge chain link or equivalent strength  
19 material, and a minimum of three feet from cages holding  
20 animals, or other fencing, buildings, or other protection of  
21 the enclosure where the animal is kept, sufficiently to deter  
22 entry by the public, and also to prevent the escape from the  
23 property of any animal that may escape the primary caging. All  
24 gates to the perimeter fence shall be locked.

25 3. All cages and enclosures shall be locked. Animals  
26 may not be kept in uncovered enclosures that are less than  
27 1,000 square feet, except as specified by this section.

1           4. All cages shall be constructed with a den, nest  
2 box, or other connected housing unit that can be closed off  
3 and locked with the animal inside for the safe servicing and  
4 cleaning of the open area. In lieu of a nest box, a divided  
5 cage with a divided door between the two compartments may be  
6 used. No entry into cages containing large felidae, wolves, or  
7 bears shall be allowed without first locking the animal into  
8 the den, nest box, or other housing.

9           5. All cages shall be constructed of chain link or  
10 equivalent materials and shall be well braced and securely  
11 anchored at or below ground level to prevent the escape of the  
12 animal by digging or erosion. Cages shall be constructed using  
13 steel clamps, steel ties, or steel braces of equivalent  
14 strength as the material required for cage construction.

15           b. For large felidae, all of the following shall be  
16 required:

17           1. For one to two large felidae, the cage shall be  
18 not less than 480 square feet and not less than eight feet  
19 high.

20           2. Uncovered outdoor cages for lions and tigers  
21 shall be more than 1,000 square feet, shall have vertical jump  
22 walls of at least 10 feet high, with a two feet, 45 degree,  
23 inward angle overhang, or jump walls of at least 12 feet high  
24 without an overhang. Vertical walls shall be constructed with  
25 a minimum of nine gauge chain link or equivalent strength  
26 material. The inward angle fencing shall be constructed with a

1 minimum 11 and one-half gauge chain link or equivalent  
2 strength material.

3 3. Leopards, cougars, and jaguars may not be kept in  
4 uncovered enclosures. Cages containing leopards and jaguars  
5 shall be constructed with a minimum of nine gauge chain link  
6 or equivalent strength material. Cages containing cougars  
7 shall be constructed with a minimum of 11 and one-half gauge  
8 chain link or equivalent strength material.

9 4. Tigers shall have a four feet by six feet pool,  
10 two feet deep, or a 100 gallon tub or larger for each tiger in  
11 the enclosure.

12 c. For bears, all of the following shall be  
13 required:

14 1. Uncovered outdoor cages for bears shall be more  
15 than 1,000 square feet, shall have vertical jump walls of at  
16 least 10 feet high with a four feet, 45 degree inward angle  
17 overhang. Vertical walls shall be constructed with a minimum  
18 of nine gauge chain link or equivalent strength material.  
19 Inward angle overhang shall be constructed of 11 and one-half  
20 gauge chain link or equivalent strength material.

21 2. All cages for bears shall be furnished with den  
22 boxes, elevated platforms that will accommodate all bears  
23 simultaneously, devices to provide stimulation or manipulation  
24 compatible with the species, including, but not limited to,  
25 boxes, balls, barrels, drums, and foraging items, and several  
26 logs for clawing or climbing.

1                   3. Bears shall have a four feet by six feet pool,  
2 two feet deep, or a 100 gallon tub or larger for each bear in  
3 the enclosure.

4                   d. For wolves, all of the following shall be  
5 required:

6                   1. For one to two wolves, the cage shall be not less  
7 than 288 square feet and not less than eight feet high with  
8 concrete flooring or buried wire mesh to prevent escaping by  
9 digging.

10                  2. Uncovered outdoor cages for wolves shall be over  
11 1,000 square feet, shall have vertical jump walls of at least  
12 eight feet high with a 45 degree inward angle overhang that is  
13 two feet wide, or jump walls of at least 10 feet high without  
14 an overhang. Vertical walls shall be constructed with a  
15 minimum of 11 and one-half gauge chain link or equivalent  
16 strength material.

17                  3. All cages for wolves shall contain den boxes and  
18 elevated platforms that will accommodate all of the wolves in  
19 the enclosure simultaneously, several logs, protected shelf  
20 areas at no more than one foot above ground level, gnawing  
21 items, including, but not limited to, tree branches, boxes,  
22 balls, bones, barrels, drums, and rawhide, and pools.

23                  (e) This section is in addition to, and not in lieu  
24 of, any other laws protecting animal welfare. This section is  
25 not intended, and may not be construed, to limit any other  
26 state law or rule protecting the welfare of animals. Nothing  
27 in this section shall be construed to prohibit a local

1 governing body from adopting or enforcing any rule or law that  
2 places further restrictions or additional requirements on the  
3 possession, sale, transfer, or breeding of large felidae,  
4 wolves, or bears.

5 (f) Any law enforcement officer, as described in  
6 subdivision (4) of subsection (c), with or without a warrant,  
7 may arrest any person who violates this section in his or her  
8 presence or view and may execute any warrant or other process  
9 issued by any officer or court of competent jurisdiction, and  
10 with a search warrant or as incident to a lawful arrest, may  
11 search for and seize any large felidae, wolf, or bear  
12 possessed in violation of this section or any rules issued  
13 pursuant to this section.

14 (g) A violation of subsection (b) is a Class A  
15 misdemeanor.

16 Section 3. Although this bill would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds, the bill is excluded from further  
19 requirements and application under Amendment 621, now  
20 appearing as Section 111.05 of the Official Recompilation of  
21 the Constitution of Alabama of 1901, as amended, because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

24 Section 4. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Agriculture and  
Forestry..... 20-MAR-19

Read for the second time and placed  
on the calendar with 1 substitute  
and..... 11-APR-19

Read for the third time and passed  
as amended..... 25-APR-19

Yeas 75, Nays 9, Abstains 15

Jeff Woodard  
Clerk