

1 HB419  
2 157690-1  
3 By Representative Fincher  
4 RFD: Agriculture and Forestry  
5 First Read: 06-FEB-14

8 SYNOPSIS: Under existing law, with certain limited  
9 exceptions, it is illegal to own, possess,  
10 maintain, sell, or trade certain animals for which  
11 there is no rabies vaccine.

12 This bill would add nonhuman primates to the  
13 animals which it is illegal to own, possess,  
14 maintain, sell, or trade unless there is a licensed  
15 rabies vaccine available.

16 This bill would allow the seizure of any  
17 animal found not to have the required vaccine or  
18 that is not registered as required with the  
19 Department of Agriculture and Industries.

20 This bill would also provide criminal  
21 penalties for violations.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official ReCompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1           becoming effective with regard to a local  
2           governmental entity without enactment by a 2/3 vote  
3           unless: it comes within one of a number of  
4           specified exceptions; it is approved by the  
5           affected entity; or the Legislature appropriates  
6           funds, or provides a local source of revenue, to  
7           the entity for the purpose.

8           The purpose or effect of this bill would be  
9           to require a new or increased expenditure of local  
10          funds within the meaning of the amendment. However,  
11          the bill does not require approval of a local  
12          governmental entity or enactment by a 2/3 vote to  
13          become effective because it comes within one of the  
14          specified exceptions contained in the amendment.

15  
16                           A BILL  
17                           TO BE ENTITLED  
18                           AN ACT  
19

20           To amend Section 3-8-1, Code of Alabama 1975; to  
21   prohibit a person from owning, possessing, maintaining,  
22   selling, or trading a nonhuman primate for which there is no  
23   licensed rabies vaccine; to provide for the seizure of such  
24   animals; to provide criminal penalties for violations; and in  
25   connection therewith would have as its purpose or effect the  
26   requirement of a new or increased expenditure of local funds  
27   within the meaning of Amendment 621 of the Constitution of

1 Alabama of 1901, now appearing as Section 111.05 of the  
2 Official Recompilation of the Constitution of Alabama of 1901,  
3 as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 3-8-1, Code of Alabama 1975, is  
6 amended to read as follows:

7 "§3-8-1.

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

20 "(b) Any animal found for which there is no USDA or  
21 FDA licensed rabies vaccine and which is not registered as  
22 required in subsection (a) shall be seized and disposition  
23 made as ordered by the circuit court.

24 "(c) A violation of this section is a Class C  
25 misdemeanor punishable as provided by law."

26 Section 2. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621 because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5           Section 3. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.