

SECOND REGULAR SESSION

HOUSE BILL NO. 1288

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor), RUESTMAN, LOW, SCHIEFFER,
ROORDA, FUNDERBURK AND KIRKTON (Co-sponsors).

3548L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 578, RSMo, by adding thereto fourteen new sections relating to the large carnivore act, 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 fourteen new sections, to be known as sections 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612, 578.614, 578.616, 578.618, 578.620, 578.622, 578.624, and 1, to read as follows:

578.600. 1. Sections 578.600 to 578.624 shall be known and may be cited as the "Large Carnivore Act".

2. As used in sections 578.600 to 578.624, the following terms mean:

(1) "Circus", an incorporated, class C licensee that is licensed under Chapter I of Title 9 of the Code of Federal Regulations, that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment;

(2) "Department", the Missouri department of agriculture;

(3) "Division", the division of animal health of the Missouri department of agriculture;

(4) "Facility", an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept;

(5) "Humane killing", the same meaning as such term is defined in section 578.005;

(6) "Large carnivore", either of the following:

(a) Any cat of the *Felidae* family that is nonnative to this state held in captivity, including a hybrid cross with such a cat, but excluding any common domestic or house cat; or

(b) A bear of a species that is nonnative to this state and held in captivity;

(7) "Livestock", the same meaning as such term is defined in section 267.565;

(8) "Permit", a permit issued under section 578.602;

(9) "Qualified veterinarian", a person licensed to practice veterinary medicine under chapter 340 and who has demonstrated experience in handling, anesthetizing, and managing husbandry, medical and surgical issues regarding nondomestic, exotic, and superexotic species. The department of agriculture shall identify and register a list of available qualified veterinarians who have applied for and been approved to be included in the registry.

578.602. 1. Except as permitted under sections 578.600 to 578.624, no person shall:

(1) Own or possess a large carnivore;

(2) Breed a large carnivore;

(3) Transfer ownership or possession of or receive a transfer of ownership or possession of a large carnivore, with or without remuneration; or

(4) Transport a large carnivore.

2. The division shall implement and enforce the provisions of sections 578.600 to 578.624 for the following purposes:

(1) The standardization of ownership, transport, and breeding of large carnivores;

(2) Identification and location of large carnivores;

(3) Protection of members of the public from large carnivores; and

(4) Practice best husbandry and health care protocols to ensure the humane and safe treatment of large carnivores on behalf of their physical well-being.

3. Any person possessing, breeding, or transporting a large carnivore on or after January 1, 2012, shall apply for and obtain a permit from the division. Any person possessing, breeding, or transporting a large carnivore as of January 1, 2012, shall apply for a permit from the division within sixty days of such date. One permit shall be required for each large carnivore. Any permit so issued by the division shall set forth all of the following:

(1) The name and address of the permit holder and the address where each large carnivore will be kept, if different from that of the permit holder;

(2) The identification number of each large carnivore required under section 578.604 for which a permit is sought;

(3) The name and address of the veterinarian who is expected to provide veterinary care to the large carnivore and, if different, the name and address of the veterinarian who has inserted the subcutaneous microchip required under section 578.604. The selected veterinarian shall install the microchip, collect an appropriate sample for DNA registration, provide a written summary of the physical examination, and provide a signed health certificate as needed for transport; and

(4) Any other reasonable information as determined by the department, including the amount of the permit fee, not to exceed two thousand five hundred dollars, as set by the division to offset the actual and necessary costs incurred to enforce the provisions of sections 578.600 to 578.624 and the amount of the annual renewal fee, not to exceed five hundred dollars, for such permits.

4. No permit shall be issued to any person under the age of twenty-one years of age or who has been found guilty of, or pled guilty to, a violation of any state or local law prohibiting neglect or mistreatment of any animal or, within the previous ten years, any felony.

578.604. The owner of a large carnivore shall have an identification number placed in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian.

578.606. 1. Any person who owns, possesses, breeds, or sells a large carnivore shall:

(1) Present a permit or USDA license for the large carnivore upon the request of a law enforcement officer or duly appointed representative of the Missouri department of agriculture;

(2) Post and maintain signs on property on which a large carnivore is kept stating "A potentially dangerous large carnivore is kept on this property.". The department shall establish by rule the specifications for the posting of such signs;

(3) Provide a safe and humane environment for each large carnivore, including adequate drainage of surface water from the containment area, the supply of adequate quantities of potable drinking water and food, and the regularly scheduled, but not less than weekly, removal of fecal and food wastes from the containment area as defined by USDA regulations, as amended, and approval of a qualified veterinarian;

(4) Not tether any large carnivore outdoors or place one on a leash or chain or allow one to run at large;

(5) Not mistreat or neglect the large carnivore or permit it to be mistreated or neglected;

(6) Not allow a large carnivore to come into physical contact with any person other than the owner, possessor, designated handler, or a qualified veterinarian administering a medical examination, treatment, or care;

(7) Ensure that the conditions in which the large carnivore is kept comply with the rules established by the department, including the adoption of any federal standards for housing or facility containment of any such large carnivore; and

(8) Notify the department of agriculture within ten business days of the death of a large carnivore. Such notification shall be in the form of a sworn affidavit. Such affidavit shall include the identification number from the animal's subcutaneous microchip and a statement that the microchip will not be reused in another animal. A qualified veterinarian shall be notified of any animal death and be allowed to make a visual examination of the body, determine the need for a postmortem examination, and retrieve the implanted microchip to surrender to the department of agriculture.

2. The care and control requirements set forth in subdivisions (2), (3), (5), (7), and (8) of subsection 1 of this section regarding a large carnivore shall be verified and affirmed by a qualified veterinarian by sworn affidavit on a form provided by the department and, upon completion of the initial sworn affidavit, at subsequent intervals established by rule of the department. The department may, as necessary or upon complaint, verify the findings of the qualified veterinarian. A qualified veterinarian shall not be criminally or civilly liable for any negligent or intentional acts of the owner. Any qualified veterinarian who submits a false affidavit under this subsection is guilty of a class B misdemeanor.

578.608. 1. A law enforcement officer or other person may kill a large carnivore if such officer or person observes or has reason to believe that the large carnivore is chasing, attacking, injuring, or killing:

(1) A human being, whether the large carnivore is contained in or is outside of its enclosure;

(2) Livestock;

(3) Poultry; or

(4) A mammalian pet, only if the large carnivore is outside of its enclosure.

2. No law enforcement officer, animal control officer, or person shall be held civilly liable for damages or otherwise for killing or attempting to kill a large carnivore under subsection 1 of this section.

3. A large carnivore's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the person who owns or possesses the large carnivore is liable in damages.

578.610. 1. Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human and for property damage, including but not limited to the death or injury of another animal, caused by the large carnivore. Sections 578.600 to 578.624 do not limit the common law liability of the owner of a large carnivore for the death or injury of a human or for property damage caused by the large carnivore.

2. Any person who owns or possesses a large carnivore shall maintain liability insurance in an amount of not less than two hundred fifty thousand dollars. Each person subject to the provisions of this subsection shall provide verification to the department on an annual basis that such liability insurance is being maintained.

3. If a large carnivore escapes or is released, intentionally or unintentionally, the person who owns or possesses the large carnivore shall immediately contact law enforcement to report the loss, escape, or release. The person who owns or possesses the large carnivore is liable for all expenses associated with efforts to recapture the large carnivore that is released or escapes.

578.612. A person lawfully in possession of a large carnivore under sections 578.600 to 578.624 shall be required to obtain a permit to transport the large carnivore in a vehicle in compliance with all federal and division requirements applicable to such large carnivores. The method of transport shall be reviewed by a qualified veterinarian or other knowledgeable state or federal agent and given written approval prior to permit disbursement.

578.614. 1. Subject to subsection 2 of this section, any person who violates sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a permit as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore except to the care, custody, and control of another person is guilty of a class D felony. In addition, a person who violates sections 578.600 to 578.624 may be punished by one or more of the following:

- (1) Community service work for not more than five hundred hours;**
- (2) The loss of privileges to own or possess any animal.**

2. Subsection 1 of this section does not apply to a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee with respect to the performance of the duties of a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee under sections 578.600 to 578.624.

578.616. 1. If a person who owns, possesses, breeds, or sells a large carnivore violates sections 578.600 to 578.624, such large carnivore and any other large carnivore owned or possessed by such person are subject to civil forfeiture.

2. The prosecuting attorney in an action under section 578.614 may file a petition requesting that the court issue an order for civil forfeiture of all of the large carnivores owned or possessed by the person violating sections 578.600 to 578.624.

3. Any person may file with a court having jurisdiction a petition alleging that a person is violating sections 578.600 to 578.624 and requesting the court to order the civil

forfeiture of all of the large carnivores owned or possessed by such person.

578.618. A political subdivision may adopt an ordinance governing large carnivores that is more restrictive than sections 578.600 to 578.624. The requirements of sections 578.600 to 578.624 are in addition to any other requirements governing a large carnivore under state and federal law.

578.620. 1. Sections 578.602 and 578.604 shall not apply to any of the following:

(1) An animal control shelter or animal protection shelter that is providing temporary care to a large carnivore for ninety days or less and has proper facilities to handle the large carnivore;

(2) A zoological park approved or accredited by the American Zoo and Aquarium Association;

(3) A law enforcement officer or department of agriculture employee acting under the authority of sections 578.600 to 578.624;

(4) A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize the large carnivore;

(5) A class C licensee that possesses and maintains a class C license under 9 C.F.R. 1.1 that meets the following conditions:

(a) The business is not conducted in connection with another business as a means of attracting customers to such other business;

(b) The class C licensee currently owns or possesses a large carnivore on the effective date of the large carnivore act. For any large carnivore acquired after the effective date of the large carnivore act, the class C licensee shall obtain a state permit.

2. Sections 578.602 and 578.604 shall not apply to a person who is not a resident of this state and who is in this state only for the purpose of travel between locations outside of this state and is not exhibiting in this state.

578.622. Sections 578.600 to 578.624 shall not apply to a circus or the University of Missouri-Columbia College of Veterinary Medicine.

578.624. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 578.600 to 578.624 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 578.600 to 578.624 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

Section 1. No moneys collected under section 273.327 shall be used to operate or administer the large carnivore act.

