

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 307
PROPOSED COMMITTEE SUBSTITUTE S307-PCS85184-RI-1

Short Title: Regulate Ownership & Use of Certain Reptiles.

(Public)

Sponsors:

Referred to:

February 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 55 of Chapter 14 of the General Statutes reads as rewritten:
5 "Article 55.

6 "~~Handling Regulation of Poisonous~~ Regulation of Certain Reptiles.

7 "**§ 14-416. ~~Handling-Mishandling of poisonous-certain~~ reptiles declared public nuisance**
8 **and criminal offense.**

9 The intentional or negligent exposure of other human beings to unsafe contact with ~~reptiles~~
10 ~~of a venomous nature~~ venomous reptiles, large constricting snakes, or crocodylians ~~being~~ is
11 essentially dangerous and injurious and detrimental to public health, safety and welfare, ~~the~~
12 ~~indulgence in and inducement to such exposure is hereby~~ and is therefore declared to be a
13 public nuisance and a criminal offense, to be abated and punished as provided in this Article.

14 "**§ 14-417. Regulation of ownership or use of poisonous venomous reptiles.**

15 (a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any
16 venomous reptile of a ~~poisonous nature~~ whose venom is not removed, unless such reptile is at
17 all times kept securely in a box, cage, or other safe container in which there are no openings of
18 sufficient size to permit the escape of such reptile, or through which such reptile can bite or
19 inject its venom into any human being, that is not housed in a sturdy and secure enclosure.
20 Permanent enclosures shall be designed to be escape-proof, bite-proof, and have an operable
21 lock. Transport containers shall be designed to be escape-proof and bite-proof.

22 (b) Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with
23 scientific name, common name, appropriate antivenom, and owner's identifying information
24 noted on the container. A written bite protocol that includes emergency contact information,
25 local animal control office, the name and location of suitable antivenom, first aid procedures,
26 and treatment guidelines, as well as an escape recovery plan must be within sight of permanent
27 housing, and a copy must accompany the transport of any venomous reptile.

28 (c) In the event of an escape of a venomous reptile, the owner or possessor of the
29 venomous reptile shall immediately notify local law enforcement.

30 "**§ 14-417.1. Regulation of ownership or use of large constricting snakes.**

31 (a) As used in this Article, large constricting snakes shall mean: Reticulated Python,
32 Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae;
33 Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of
34 their subspecies or hybrids.



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1 (b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any
2 of the large constricting snakes that are not housed in a sturdy and secure enclosure. Permanent
3 enclosures shall be designed to be escape-proof and shall have an operable lock. Transport
4 containers shall be designed to be escape-proof.

5 (c) Each enclosure shall be labeled clearly and visibly with the scientific name,
6 common name, number of specimens, and owner's identifying information. A written safety
7 protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall
8 accompany the transport of any of the large constricting snakes. The safety protocol shall
9 include emergency contact information, identification of the local animal control office, and
10 first aid procedures.

11 (d) In the event of an escape of a large constricting snake, the owner or possessor shall
12 immediately notify local law enforcement.

13 **"§ 14-417.2. Regulation of ownership or use of crocodilians.**

14 (a) All crocodilians, excluding the American alligator, shall be regulated under this
15 Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any
16 crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be
17 designed to be escape-proof and have a fence of sufficient strength to prevent contact between
18 an observer and the crocodilian and shall have an operable lock. Transport containers shall be
19 designed to be escape-proof.

20 (b) A written safety protocol and escape recovery plan shall be within sight of
21 permanent housing, and a copy must accompany the transport of any crocodilian.

22 (c) In the event of the escape of a crocodilian, the owner or possessor shall immediately
23 notify local law enforcement.

24 **"§ 14-418. Prohibited handling of reptiles or suggesting or inducing others to handle.**

25 (a) ~~It shall be unlawful for any person to intentionally handle any reptile of a poisonous~~
26 ~~nature whose venom is not removed, by taking or holding such reptile in bare hands or by~~
27 ~~placing or holding such reptile against any exposed part of the human anatomy, or by placing~~
28 ~~their own or another's hand or any other part of the human anatomy in or near any box, cage, or~~
29 ~~other container wherein such reptile is known or suspected to be. regulated under this Article in~~
30 ~~a manner that intentionally or negligently exposes another person to unsafe contact with the~~
31 ~~reptile.~~

32 (b) ~~It shall also be unlawful for any person to intentionally or negligently suggest,~~
33 ~~entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or~~
34 ~~expose himself in an unsafe manner to any such poisonous reptile regulated in any manner~~
35 ~~defined in under this Article.~~

36 (c) Safe and responsible handling of reptiles for purposes of animal husbandry,
37 exhibition, training, transport, and education is permitted under this section.

38 **"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;**
39 **disposition of reptiles.**

40 In any case in which any law-enforcement officer or animal control officer has ~~reasonable~~
41 ~~grounds-probable cause~~ to believe that any of the provisions of this Article have been or are
42 about to be violated, it shall be the duty of ~~such-the~~ officer and ~~the officer he is hereby~~
43 authorized, empowered, and directed to immediately investigate ~~such-the~~ violation or
44 impending violation and to ~~forthwith~~ seize the reptile or reptiles involved, and ~~all-such~~
45 ~~officers-the officer is~~ are hereby authorized and directed to ~~deliver such reptiles~~ deliver: (i) a
46 reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to
47 its designated representative for examination ~~and test~~ for the purpose of ascertaining whether
48 ~~said reptiles contain venom and are poisonous. the reptile is regulated under this Article; and,~~
49 (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina
50 Zoological Park for the purpose of ascertaining whether the reptile is regulated under this
51 Article. If the Museum or the Zoological Park ~~North Carolina State Museum of Natural~~

1 ~~Sciences or its designated representative finds that said reptiles are dangerously poisonous, or~~
2 ~~their designated representatives find that a seized reptile is a venomous reptile, large~~
3 ~~constricting snake, or crocodylian regulated under this Article, the North Carolina State~~
4 ~~Museum of Natural Sciences—Museum or the Zoological Park or its—~~ their designated
5 representative shall be empowered to dispose determine final disposition of said reptiles the
6 reptile in a manner consistent with the safety of the public; but if public. If the Museum or the
7 Zoological Park or its— ~~their designated representative—representatives~~ find that the reptiles are
8 ~~not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or~~
9 ~~welfare, reptile is not a venomous reptile, large constricting snake, or crocodylian regulated~~
10 ~~under this Article, and either no criminal warrants or indictments are initiated in connection~~
11 ~~with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is~~
12 ~~not being owned, possessed, used, transported, or trafficked in violation of this Article, then it~~
13 ~~shall be the duty of such the law enforcement officer officers to return the said reptiles—reptile~~
14 ~~or reptiles to the person from whom they were seized within five—15 days.~~

15 **"§ 14-420. Arrest of persons violating provisions of Article.**

16 If ~~the an~~ examination ~~and tests~~ made by the North Carolina State Museum of Natural
17 Sciences or the North Carolina Zoological Park or its— ~~their~~ designated
18 representatives representative as provided herein show conducted pursuant to this Article shows
19 that such reptiles are dangerously poisonous, the reptile is a venomous reptile, large
20 constricting snake, or crocodylian subject to this Article, it shall be the duty of the officers
21 officer making the seizure with probable cause to believe that the reptile is being owned,
22 possessed, used, transported, or trafficked in violation of this Article, seizure, in addition to
23 destroying such reptiles, also to arrest all persons violating any of the provisions of this Article.

24 **"§ 14-421. Exemptions from provisions of Article.**

25 This Article shall not apply to the possession, exhibition, or handling of reptiles by
26 employees or agents of duly constituted veterinarians, zoos, serpentariums, museums,
27 laboratories, educational or scientific institutions, public and private, in the course of their
28 educational or scientific work, work, or Wildlife Damage Control Agents in the course of the
29 work for which they are approved by the Wildlife Resources Commission.

30 **"§ 14-422. ~~Violation made misdemeanor.~~ Criminal penalties and civil remedies for**
31 **violation.**

32 (a) Any person violating any of the provisions of this Article shall be guilty of a Class 2
33 misdemeanor.

34 (b) If any person, other than the owner of a venomous reptile, large constricting snake,
35 or crocodylian, the owner's agent, employee, or a member of the owner's immediate family,
36 suffers a life threatening injury or is killed as the result of a violation of this Article, the owner
37 of the reptile shall be guilty of a Class 1 misdemeanor. This subsection shall not apply to
38 violations that result from incidents that could not have been prevented or avoided by the
39 owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the
40 case of thefts, of the reptile from the owner.

41 (c) Any person intentionally releasing into the wild a nonnative venomous reptile, a
42 large constricting snake, or a crocodylian shall be guilty of a Class 1 misdemeanor.

43 (d) Violations of this Article as set forth in subsections (b) or (c) of this section shall
44 constitute wanton conduct within the meaning of G.S. 1D-5(7) and subject the violator to
45 punitive damages in any civil action that may be filed as a result of the violator's actions."

46 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
47 offenses committed on or after that date.