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SENATE BILL DRS15189-BR-12

Short Title: Limit Ownership of Certain Animals. (Public)

Sponsors: Senators Sawyer, Krawiec, and Gallimore (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE OWNERSHIP, POSSESSION, IMPORT, PURCHASE, OR  
3 SALE OF BIG CATS, BEARS, AND GREAT APES IN CERTAIN SITUATIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 19A of the General Statutes is amended by adding a new  
6 Article to read:

7 "Article 7.

8 "Big Cats, Bears, and Great Apes.

9 "§ 19A-71. Definitions.

10 The following definitions apply in this Article:

- 11 (1) "Animal control authority" means a county or city that has exercised its right  
12 to regulate animals under Chapter 153A or Chapter 160A of the General  
13 Statutes and any other organization with which the city or county has  
14 contracted for purposes of animal control.
- 15 (2) "Circus" means an exhibitor holding a valid Class "C" license issued under  
16 the federal Animal Welfare Act (7 U.S.C. § 2131, et seq.) that does not have  
17 any permanent animal facilities in this State and that regularly conducts  
18 performances featuring live animals and multiple trained human entertainers,  
19 including clowns and acrobats.
- 20 (3) "Big cat, bear, or great ape" means any one of the following types of animals  
21 of the order Carnivora or Primate and any hybrids of these animals:  
22 a. Order Carnivora:  
23 1. Family Felidae: all members of the genus *panthera*.  
24 2. Family Ursidae: all species of bears, excluding native species  
25 already regulated by the North Carolina Wildlife Resources  
26 Commission.
- 27 b. Order Primates:  
28 1. Family Hominidae: all great apes, including all species of  
29 chimpanzees, gorillas, and orangutans.
- 30 (4) "Law enforcement officer" means an animal control officer, an animal cruelty  
31 investigator as provided for in Article 4 of this Chapter, a State or local law  
32 enforcement officer, or a public prosecutor.
- 33 (5) "Person" means any individual, partnership, corporation, organization, or any  
34 other legal entity and any officer, member, shareholder, director, employee,  
35 agent, or representative of one of those legal entities.



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1           (6) "Wildlife sanctuary" means a charitable organization that is exempt from  
2 taxation under section 501(c)(3), Internal Revenue Code of 1986, that is  
3 described by section 170(b)(1)(A)(vi), Internal Revenue Code of 1986, and  
4 that:

5           a. Operates a place of refuge where abused, neglected, unwanted,  
6 impounded, abandoned, orphaned, or displaced animals are provided  
7 care for the lifetime of the animal.

8           b. Does not conduct commercial activity with respect to big cats, bears,  
9 or great apes, including, but not limited to, (i) the sale, trade, auction,  
10 or lease of big cats, bears, or great apes or their parts or (ii) the use of  
11 big cats, bears, or great apes in any manner in a for-profit business or  
12 operation.

13           c. Does not use big cats, bears, or great apes for entertainment purposes  
14 or in a traveling exhibit.

15           d. Does not breed any big cats, bears, or great apes.

16 **"§ 19A-72. Prohibited activities.**

17 Notwithstanding any other provision of law, unless exempt under this Article, it is unlawful  
18 for any person to import into, possess, keep, purchase, have custody or control of, breed, or sell  
19 within this State, by any means, a big cat, bear, or great ape, including transactions conducted  
20 via the Internet.

21 **"§ 19A-73. Exemptions.**

22 The prohibitions in G.S. 19A-72(a) shall not apply to:

23           (1) Institutions holding a valid license issued by the U.S. Department of  
24 Agriculture (USDA) pursuant to the federal Animal Welfare Act.

25           (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §  
26 2132(e)) and in corresponding federal regulations (9 C.F.R. § 1.1, et al.).

27           (3) Wildlife sanctuaries, as defined in G.S. 19A-71(6).

28           (4) Duly incorporated nonprofit animal protection organizations, such as humane  
29 societies and shelters, temporarily housing a big cat, bear, or great ape at the  
30 written request of law enforcement officers acting under the authority of this  
31 Article.

32           (5) Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians,  
33 and persons employed by such entities, for the purpose of providing veterinary  
34 care or veterinary services to the big cat, bear, or great ape.

35           (6) Law enforcement officers for purposes of enforcement.

36           (7) Circuses, as defined in G.S. 19A-71(2).

37           (8) A person temporarily transporting a legally owned big cat, bear, or great ape  
38 through the State if the transit time is not more than 24 hours, the big cat, bear,  
39 or great ape is not exhibited, and the big cat, bear, or great ape is maintained  
40 at all times in a species-appropriate cage or travel container.

41           (9) Institutions accredited by the Association for Assessment and Accreditation  
42 of Laboratory Animal Care International.

43           (10) A motion picture or television production company employing or contracting  
44 with a dealer or exhibitor licensed under section 2133 of the federal Animal  
45 Welfare Act (7 U.S.C. § 2133) or with a carrier, intermediate handler, or  
46 unlicensed exhibitor registered under section 2136 of the federal Animal  
47 Welfare Act (7 U.S.C. § 2136) for the transportation, purchase, exhibition, or  
48 use of dangerous animals in its motion picture or television production.

49 **"§ 19A-74. Prior possession.**

50 The prohibitions in G.S. 19A-72(a) shall not apply to persons who lawfully possessed a big  
51 cat, bear, or great ape prior to June 1, 2019, provided that the person:

- 1           (1)   Shall maintain veterinary records, acquisition papers, or other documents or  
2           records that establish that the person lawfully possessed the animal prior to  
3           June 1, 2019.
- 4           (2)   May not acquire additional big cats, bears, or great apes after June 1, 2019,  
5           whether by purchase, donation, relinquishment, or breeding; however, this  
6           subdivision does not prohibit such a person from possessing the offspring of  
7           a lawfully possessed big cat, bear, or great ape if written medical records  
8           demonstrate that the animal was pregnant on June 1, 2019.
- 9           (3)   Shall not have been convicted of an offense involving the abuse or neglect of  
10           any animal pursuant to any State, local, or federal law.
- 11           (4)   Shall not have had a license or permit regarding the care, possession,  
12           exhibition, breeding, or sale of animals revoked or suspended by any State,  
13           local, or federal agency.
- 14           (5)   Shall develop and be prepared to implement escape, succession, and disaster  
15           plans and maintain a current animal inventory, to be made available to law  
16           enforcement officers upon request.
- 17           (6)   Shall allow a law enforcement officer to enter the premises where the big cat,  
18           bear, or great ape is kept at any reasonable time to ensure compliance with  
19           this Chapter.
- 20           (7)   Shall register with, and pay a registration fee to, the local animal control  
21           authority by September 1, 2019, and annually thereafter, indicating the  
22           number of animals of each big cat, bear, or great ape species in his or her  
23           possession.
- 24           (8)   Shall provide written notification to the animal control authority in the city or  
25           county where the person resides of the death of a big cat, bear, or great ape  
26           possessed under this section. The notice shall include the common name, sex,  
27           and age of the animal, the date the animal was acquired, and any unique  
28           identification marks to properly identify the animal.
- 29           (9)   At least 72 hours prior to sale or transfer of an existing big cat, bear, or great  
30           ape, shall notify in writing the local animal control authority, identifying the  
31           recipient of the animal. At all times, possession, sale, transfer, and transport  
32           of the big cat, bear, or great ape shall conform to all applicable State, local,  
33           and federal laws.
- 34           (10)  Shall have continuously posted and displayed at each possible entrance onto  
35           the premises where a big cat, bear, or great ape is housed a conspicuous sign,  
36           clearly legible, and easily readable by the public, warning that a big cat, bear,  
37           or great ape is on the premises.

38 **"§ 19A-75. Transport and containment.**

39       (a)   Any person transporting a big cat, bear, or great ape shall keep the animal at all times  
40       in a species-appropriate cage or travel container and shall comply with federal transport  
41       requirements (9 C.F.R. § Part 3).

42       (b)   Any person possessing a big cat, bear, or great ape shall keep the animal in a  
43       permanent enclosure that is designed to be escape-proof and has an operable lock. It is unlawful  
44       for any person to allow members of the public within 15 feet of a big cat, bear, or great ape unless  
45       there is a permanent barrier in place that prevents the risk of direct physical contact between a  
46       member of the public and the animal.

47       (c)   It is unlawful for any person to knowingly release a big cat, bear, or great ape into the  
48       wild.

49 **"§ 19A-76. Enforcement.**

50       (a)   The provisions of this Article shall be enforced by any State law enforcement officer,  
51       or by any other law enforcement officer in whose jurisdiction a violation occurs, or by any animal

1 control authority for the jurisdiction in which a violation occurs. Nothing in this Article shall be  
2 construed to prohibit a city or county from adopting or enforcing any ordinance or other law that  
3 places further restrictions or additional requirements on the possession, sale, transfer, or breeding  
4 of big cats, bears, or great apes.

5 (b) Animals may be seized pursuant to this Article as follows:

6 (1) Law enforcement officers shall, after obtaining a warrant from any judge or  
7 magistrate upon probable cause, seize or impound any big cat, bear, or great  
8 ape possessed, sold, transferred, bred, or exhibited in violation of this Article.  
9 If the big cat, bear, or great ape poses a direct threat to public safety or is  
10 suffering from apparent animal neglect or cruelty, that animal shall be  
11 immediately placed in the custody and control of an institution described in  
12 G.S. 19A-73(3), (4), (5), or (9), or a temporary holding facility, as described  
13 in G.S. 19A-73(4). If there is no immediate threat to public safety or animal  
14 welfare, law enforcement officers shall impound the big cat, bear, or great ape  
15 in place.

16 (2) Upon seizing or impounding a big cat, bear, or great ape, a law enforcement  
17 officer shall petition the district court for the district in which the big cat, bear,  
18 or great ape was seized or impounded for a hearing to determine whether the  
19 big cat, bear, or great ape was in fact possessed, sold, transferred, bred, or  
20 exhibited in violation of this Article. The hearing shall be held not more than  
21 14 days from the date of the seizure or impoundment and the law enforcement  
22 officer shall provide written notice of the hearing at least five days prior to the  
23 hearing to the person from whom the big cat, bear, or great ape was seized or  
24 impounded.

25 (3) Upon judicial determination of a violation of any provision of this Article, the  
26 seized or impounded big cat, bear, or great ape shall be deemed forfeited and  
27 the court shall order the violator to pay all reasonable expenses incurred in  
28 caring and providing for the big cat, bear, or great ape, from the time the big  
29 cat, bear, or great ape is seized until the time that big cat, bear, or great ape is  
30 forfeited, to an institution described in G.S. 19A-73(3), (4), (5), or (9), or a  
31 temporary holding facility in possession of the big cat, bear, or great ape. The  
32 court may also prohibit the possession or ownership of big cats, bears, or great  
33 apes, or other nonnative wild animals, by the person found to have violated  
34 this Article.

35 (4) A forfeited big cat, bear, or great ape shall be transferred to an institution  
36 described in G.S. 19A-73(3), (4), (5), or (9) that is willing and able to take  
37 custody of the forfeited big cat, bear, or great ape. Nothing in this Article shall  
38 be construed to prevent law enforcement officers from humanely euthanizing  
39 a big cat, bear, or great ape in compliance with State and federal law if, after  
40 reasonable efforts, no institution described in G.S. 19A-73(3), (4), (5), or (9)  
41 is willing and able to provide long-term care for the big cat, bear, or great ape.

42 (5) Nothing in this Article shall be construed to prevent the voluntary, permanent  
43 relinquishment of any big cat, bear, or great ape by its owner to a person  
44 legally able to possess the big cat, bear, or great ape and willing and able to  
45 take possession. Voluntary relinquishment shall have no effect on any  
46 criminal charges for violations of this Article.

47 (c) Any big cat, bear, or great ape found to be not properly confined, whether on the  
48 property of the owner or running at large, may be humanely destroyed by law enforcement  
49 officers in order to protect public safety. The owner of a big cat, bear, or great ape will be liable  
50 for costs accrued to law enforcement officers in humanely destroying or otherwise securing that  
51 animal.

1 **"§ 19A-77. Penalties.**

2 (a) Each violation of this Article shall constitute a Class 2 misdemeanor, and a person  
3 who violates this Article is liable for a civil penalty of not more than five thousand dollars  
4 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article constitutes  
5 a separate offense.

6 (b) Any big cat, bear, or great ape owner or custodian whose act or omission in the care,  
7 control, or containment of that animal results in the animal running loose or causing property  
8 damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a big cat,  
9 bear, or great ape running loose results in serious bodily injury to any person, the owner of the  
10 animal shall be strictly liable and the offense is punishable as a Class I felony.

11 (c) Any person who lives in the county in which a big cat, bear, or great ape is kept may  
12 bring a civil action against an owner or custodian of the big cat, bear, or great ape to enjoin a  
13 violation of this Article."

14 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses  
15 committed on or after that date.