



## ARIZONA TO IMPOSE BAN ON POSSESSION OF “WILD” ANIMALS

**\*\* Passed Committee With Amendment on Feb. 22<sup>nd</sup> \*\***

### The Issue.

This bill would prohibit the import, transport or possession of numerous listed species of animals characterized as “wild” animals. House Bill 2375 includes a grandfather clause that would exempt from the ban animals that persons possessed prior to July 1, 2010, and certain other limited exceptions. **HB 2375 was heard and amended before the House Committee on Natural Resources and Rural Affairs on February 22<sup>nd</sup>. Bill was passed and awaits committee assignment.**

### The Impact.

The ban imposed by HB 2375 applies only to a “dirty” list of species defined as “dangerous wildlife” (whether bred in captivity or in the wild) as follows:

- ALL SPECIES OF GENUS DIDELPHIS. COMMON NAME: AMERICAN OPOSSUMS.
- ALL SPECIES OF THE ORDER INSECTIVORA. COMMON NAMES INCLUDE: INSECTIVORES, SHREWS, HEDGEHOGS, TENRECS, SOLENODONTS AND MOLES.
- ALL SPECIES OF THE ORDER CHIROPTERA. COMMON NAME: BATS.
- ALL SPECIES OF THE FAMILY PONGIDAE OF THE ORDER PRIMATES. COMMON NAMES INCLUDE: ORANGUTANS, CHIMPANZEES AND GORILLAS.
- ALL SPECIES OF THE ORDER XENARTHRA. COMMON NAMES INCLUDE: EDENTATES; OR SLOTHS, ANTEATERS AND ARMADILLOS.
- ALL SPECIES OF THE ORDER LAGOMORPHA, EXCEPT THE GENUS ORYCTOLAGUS. COMMON NAMES INCLUDE: PIKAS, RABBITS AND HARES. DANGEROUS WILDLIFE DOES NOT INCLUDE GENUS ORYCTOLAGUS, CONTAINING DOMESTIC RABBITS.
- ALL SPECIES OF THE FOLLOWING FAMILIES OF THE ORDER RODENTIA. COMMON NAME: RODENTS:
  - a) THE FAMILY SCIURIDAE. COMMON NAMES: SQUIRRELS, CHIPMUNKS, MARMOTS, WOODCHUCKS AND PRAIRIE DOGS.
  - b) THE FAMILY GEOMYIDAE. COMMON NAME: POCKET GOPHERS.
  - c) THE FAMILY CASTORIDAE. COMMON NAME: BEAVERS.
  - d) THE FAMILY ERETHIZONTIDAE. COMMON NAME: NEW WORLD PORCUPINES.
  - e) THE FAMILY CAPROMYIDAE. COMMON NAMES INCLUDE: HUTIAS, COYPUS AND NUTRIAS.
- ALL SPECIES OF THE ORDER CARNIVORA. COMMON NAMES INCLUDE: CARNIVORES, SKUNKS, RACCOONS, BEARS, FOXES AND WEASELS.
- ALL SPECIES OF THE FOLLOWING FAMILIES OF THE ORDER ARTIODACTYLA. COMMON NAME: EVEN-TOED UNGULATES:
  - a) THE FAMILY TAYASSUIDAE. COMMON NAME: PECCARY (JAVELINA).
  - b) THE FAMILY CERVIDAE. COMMON NAMES INCLUDE: CERVID OR DEER, ELK, MOOSE AND RED DEER.
  - c) THE FAMILY ANTILOCAPRIDAE. COMMON NAME: PRONGHORN (ANTELOPE).
  - d) THE FAMILY BOVIDAE. COMMON NAMES INCLUDE: BISON (BUFFALO), DUIKER,



- ANTELOPE, GAZELLES, GOATS AND SHEEP, EXCEPT THAT THE FOLLOWING ARE NOT RESTRICTED:
- (i) THE GENUS BUBALUS. COMMON NAME: WATER BUFFALO.
  - (ii) THE GENUS BISON. COMMON NAME: BISON, AMERICAN BISON OR BUFFALO.
- THE FOLLOWING SPECIES WITHIN THE FAMILY PHASIANIDAE. COMMON NAMES: PARTRIDGES, GROUSE, TURKEYS, QUAIL AND PHEASANTS:
    - a) CALLIPEPLA GAMBELII. COMMON NAME: GAMBEL'S QUAIL.
    - b) CALLIPEPLA SQUAMATA. COMMON NAME: SCALED QUAIL.
    - c) COLINUS VIRGINIANUS. COMMON NAME: NORTHERN BOBWHITE. RESTRICTED AS PROVIDED BY RULE.
    - d) CYRTONYX MONTEZUMAE. COMMON NAME: MONTEZUMA, HARLEQUIN OR MEARN'S QUAIL.
    - e) DENDRAGAPUS OBSCURUS. COMMON NAME: BLUE GROUSE.
  - THE SPECIES RHYNCHOPSITTA PACHYRHYNCHA. COMMON NAME: THICK-BILLED PARROT.
  - ALL SPECIES OF THE ORDER CROCODYLIA. COMMON NAMES INCLUDE: GAVIAL, CAIMAN, CROCODILE AND ALLIGATOR.
  - THE FOLLOWING SPECIES OF THE ORDER TESTUDINES. COMMON NAMES INCLUDE: TURTLE AND TORTOISE:
    - a) ALL SPECIES OF THE FAMILY CHELYDRIDAE. COMMON NAME: SNAPPING TURTLES.
    - b) ALL SPECIES OF THE GENUS GOPHERUS. COMMON NAME: GOPHER TORTOISE, INCLUDING THE DESERT TORTOISE.
  - ALL SPECIES OF THE FOLLOWING FAMILIES OR GENERA OF THE ORDER SQUAMATA:
    - a) THE FAMILY HELODERMATIDAE. COMMON NAMES INCLUDE: GILA MONSTER AND MEXICAN BEADED LIZARD.
    - b) THE FAMILY ELAPIDAE. COMMON NAMES INCLUDE: COBRA, MAMBA, CORAL SNAKE, KRAIT AND AUSTRALIAN ELAPID.
    - c) THE FAMILY HYDROPHIIDAE. COMMON NAME: SEA SNAKE.
    - d) THE FAMILY VIPERIDAE. COMMON NAMES INCLUDE: TRUE VIPER AND PIT VIPER INCLUDING RATTLESNAKE.
    - e) THE FAMILY ATRACTASPIDAE. COMMON NAME: BURROWING ASP.
    - f) THE FOLLOWING SPECIES AND GENERA OF THE FAMILY COLUBRIDAE:
      - (i) DISPHOLIDUS TYPUS. COMMON NAME: BOOMSLANG.
      - (ii) THELOTORNIS KIRTLANDII. COMMON NAMES INCLUDE: BIRD SNAKE AND TWIG SNAKE.
      - (iii) RHABDOPHIS. COMMON NAME: KEELBACK.
      - (iv) BOIGA IRREGULARIS. COMMON NAME: BROWN TREE SNAKE.
  - THE FOLLOWING SPECIES WITHIN THE ORDER ANURA, COMMON NAMES FROG AND TOAD:
    - a) ALL SPECIES OF THE GENUS XENOPUS. COMMON NAME: CLAWED FROG.
    - b) THE SPECIES BUFO HORRIBILIS, BUFO MARINUS, BUFO PARACNEMIS. COMMON NAMES INCLUDE: GIANT OR MARINE TOAD.
    - c) ALL SPECIES OF THE GENUS RANA. COMMON NAMES INCLUDE: LEOPARD FROG AND BULLFROG, EXCEPT BULLFROGS POSSESSED UNDER SECTION 17-102 ARE NOT INCLUDED.
  - ARCTIC GRAYLING, THE SPECIES THYMALLUS ARCTIUS.
  - BASS, ALL SPECIES OF THE FAMILY SERRANIDAE.
  - BIGHEAD CARP, THE SPECIES ARISTICHTHYS NOBILIS.
  - BLACK CARP, THE SPECIES MYLOPHARYNGODON PICEUS.

- BONY TONGUE, THE SPECIES ARAPAIMA GIGAS.
- BOWFIN, THE SPECIES AMIA CALVA.
- CATFISH, ALL SPECIES OF THE FAMILY ICTALURIDAE.
- CRUCIAN CARP, THE SPECIES CARASSIUS CARASSIUS.
- ELECTRIC CATFISH, THE SPECIES MALAPTERURUS ELECTRICUS.
- ELECTRIC EEL, THE SPECIES ELECTROPHORUS ELECTRICUS.
- EUROPEAN WHITEFISH OR IDE, THE SPECIES LEUCISCUS IDUS AND IDUS IDUS.
- FRESHWATER DRUM, THE SPECIES APLODINOTUS GRUNNIENS.
- FRESHWATER STINGRAYS, ALL SPECIES OF THE FAMILY POTAMOTRYGONIDAE.
- GARS, ALL SPECIES OF THE FAMILY LEPISOSTEIDAE.
- GOLDEYE, MOONEYE AND ALL SPECIES OF THE FAMILY HIODONTIDAE.
- HERRING, ALL SPECIES OF THE FAMILY CLUPEIDAE.
- INDIAN CARP, ALL OF THE SPECIES CATLA CATLA, CIRRHINA MRIGALA AND LABEO ROHITA.
- LAMPREYS, ALL SPECIES OF THE FAMILY PETROMYZONTIDAE.
- NILE PERCH, ALL SPECIES OF THE GENUS LATES AND LUCIOLATES.
- PIKE OR PICKERELS, ALL SPECIES OF THE FAMILY ESOCIDAE.
- PIKE TOPMINNOW, THE SPECIES BELONESOX BELIZANUS.
- PIRANHA, ALL SPECIES OF THE GENERA SERRASALMUS, SERRASALMO, PHYGOCENTRUS, TEDDYELLA, ROOSEVELTIELLA AND PYGOPRISTIS.
- RUDD, THE SPECIES SCARDINIUS ERYTHROPHthalmus.
- SHAD, ALL SPECIES OF THE FAMILY CLUPEIDAE EXCEPT THREADFIN SHAD, SPECIES DOROSOMA PETENENSE.
- SHARKS, ALL SPECIES, BOTH MARINE AND FRESHWATER, OF THE ORDERS HEXANCHIFORMES, HETERODONTIFORMES, SQUALIFORMES, PRISTIO-PHORIFORMES, SQUATINIFORMES, ORECTOLOBIFORMES, LAMNIFORMES, AND CARCHARHINIFORMES, EXCEPT FOR ALL SPECIES OF THE FAMILIES HEMISCILLIIDAE, ORECTOLOBIDAE, BRACHAELURIDAE, AND TRIAKIDAE; GENERA OF THE FAMILY SCYLIRHINIDAE, INCLUDING AULOHALAERLUSRUS, HALAELURUS, HAPLOBLEPHARUS, PORODERMA, AND SCYLIORHINUS; AND GENERA OF THE FAMILY PARASCYLLIIDAE, INCLUDING CIRROSCYLLIUM AND PARASCYLLIUM.
- SILVER CARP, THE SPECIES HYPOPHthalmMICHTHYS MOLITRIX.
- SNAKEHEAD, ALL SPECIES OF THE FAMILY CHANNIDAE.
- SOUTH AMERICAN PARASITIC CATFISH, ALL SPECIES OF THE FAMILY TRICHOMYCTERIDAE AND CETOPSIDAE.
- SUNFISH, ALL SPECIES OF THE FAMILY CENTRARCHIDAE.
- TEMPERATE BASSES OF THE FAMILY MORONIDAE.
- TETRAS, ALL SPECIES OF THE GENUS ASTYANYX.
- TIGER FISH, THE SPECIES HOPLIAS MALABARICUS.
- TROUT, ALL SPECIES OF THE FAMILY SALMONIDAE.
- WHITE AMUR OR GRASS CARP, THE SPECIES CTENOPHARYNGODON IDELLA, UNLESS POSSESSED PURSUANT TO A STOCKING LICENSE.
- WALKING OR AIRBREATHING CATFISH, ALL SPECIES OF THE FAMILY CLARIIDAE.
- WALLEYE AND PIKE PERCHES, ALL SPECIES OF THE FAMILY PERCIDA.
- ASIATIC MITTEN CRAB, THE SPECIES ERIOCHEIR SINENSIS.
- AUSTRALIAN CRAYFISH AND ALL FRESHWATER SPECIES WITHIN THE FAMILIES ASTACIDAE, CAMBARIDAE AND PARASTACIDAE.
- ASIAN CLAM, THE SPECIES CORBICULA FLUMINEA.
- NEW ZEALAND MUD SNAIL, THE SPECIES POTAMOPYRGUS ANTIPODARUM.
- QUAGGA MUSSEL, THE SPECIES DRESSENA BUGENSIS.
- ROSY WOLFSNAIL, THE SPECIES EUGLANDINA ROSEA.
- ZEBRA MUSSEL, THE SPECIES DREISSENA PLYMORPHA.

**Persons having animals on this list prior to July 1, 2010 are exempted so long as they meet certain record-keeping and reporting requirements.** Also exempted from the ban are accredited zoos and aquariums, nonprofit animal protection organizations or wildlife sanctuaries, animal control authorities, veterinary hospitals, USDA registered research facilities, and circuses. Also, a person may transport a listed animal through the state so long as the transit time is no more than 7 days.

### **Recommended Action.**

**HB 2375 was heard and amended before the House Committee on Natural Resources and Rural Affairs on February 22<sup>nd</sup>. Bill was passed and awaits committee assignment.** Updates on the status of this bill will be posted to the “Breaking News” page of the PIJAC website at [www.pijac.org/breakingnews.asp](http://www.pijac.org/breakingnews.asp). You are encouraged to visit the site regularly to be informed of actions taken on this legislation.

If you have further questions concerning this bill please contact PIJAC’s Michael Maddox by phone at 202-452-1525 or by email at [michael@pijac.org](mailto:michael@pijac.org).

### **PIJAC Members! PIJAC Fans! Join US...**

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**On behalf of pets, responsible pet owners, and the pet industry, we thank you!**

**2010 AZ H 2375**    **AUTHOR:**            Campbell Ch  
**VERSION:**            Amended - Striker  
**VERSION DATE:** 02/22/2010

STATE OF ARIZONA  
Forty-ninth Legislature (Second Regular Session )  
COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS  
HOUSE OF REPRESENTATIVES AMENDMENTS TO  
H.B. 2375

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 17-101, Arizona Revised Statutes, is amended to read:

17-101. Definitions

A. In this title, unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, by one line and one artificial lure, which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.
2. "Bag limit" means the maximum limit, in number or amount, of wildlife which may lawfully be taken by any one person during a specified period of time.
3. "Closed season" means the time during which wildlife may not be lawfully taken.
4. "Commission" means the Arizona game and fish commission.
5. "Department" means the Arizona game and fish department.
6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other implement used for taking wildlife. Device does not include a raptor or any equipment used in the sport of falconry.
7. "Falconry" means the sport of hunting or taking quarry with a trained raptor.
8. "Fishing" means to lure, attract or pursue aquatic wildlife in such a manner that the wildlife may be captured or killed.
9. "Fur dealer" means any person engaged in the business of buying for resale the raw pelts or furs of wild mammals.

10. "Guide" means a person who, for pay, aids or assists any person in taking wildlife.
11. "License year" means the twelve-month period between January 1 and December 31, inclusive.
12. "Nonresident" means a citizen of the United States or an alien who has not been a bona fide resident of the state of Arizona for six months immediately preceding the date of application for a license.
13. "Open season" means the time during which wildlife may be lawfully taken.
14. "Possession limit" means the maximum limit, in number or amount of wildlife, which may be possessed at one time by any one person.
15. "Resident" means a person who has been a bona fide resident of the state of Arizona for six months immediately preceding the date of application for a license, or a member of the armed forces who has been stationed in Arizona for a period of thirty days immediately preceding the date of application for a license.
16. "Road" means any maintained right-of-way for public conveyance.
17. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.
18. "Take" means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or the placing or using of any net or other device or trap in a manner that may result in the capturing or killing of wildlife.
19. "Taxidermist" means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.
20. "Traps" or "trapping" means taking wildlife in any manner except with a gun or other implement in hand.
21. "Wild" means, in reference to mammals and birds, those species which are normally found in a state of nature.
22. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including their eggs or spawn.
23. "Zoo" means a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans and soft-shelled turtles.
2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and cottontail rabbit.
3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), bear and mountain lion.
4. "Trophy" means:
  - (a) A mule deer buck with at least four points on one antler, not including the eye-guard point.
  - (b) A whitetail deer buck with at least three points on one antler, not including the eye-guard point.
  - (c) A bull elk with at least six points on one antler, including the eye-guard point and the brow tine point.

- (d) A pronghorn (antelope) buck with at least one horn exceeding or equal to fourteen inches in total length.
  - (e) Any bighorn sheep.
  - (f) Any bison (buffalo).
5. Small game are cottontail rabbits, tree squirrels, upland game birds and migratory game birds.
  6. Fur-bearing animals are muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats.
  7. Predatory animals are foxes, skunks, coyotes and bobcats.
  8. Nongame animals are all wildlife except game mammals, game birds, fur-bearing animals, predatory animals and aquatic wildlife.
  9. Upland game birds are quail, partridge, grouse and pheasants.
  10. Migratory game birds are wild waterfowl, including ducks, geese and swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves and bandtail pigeons.
  11. Nongame birds are all birds except upland game birds and migratory game birds.
  12. Raptors are birds that are members of the order of falconiformes or strigiformes and include falcons, hawks, owls, eagles and other birds that the commission may classify as raptors.
  13. Game fish are trout of all species, bass of all species, catfish of all species, sunfish of all species, northern pike, walleye and yellow perch.
  14. Nongame fish are all the species of fish except game fish.
  15. Trout means all species of the family salmonidae, including grayling.
  16. "DANGEROUS WILDLIFE" MEANS WILDLIFE THAT POSES A RISK TO HUMAN HEALTH AND SAFETY.

Sec. 2. Section 17-102, Arizona Revised Statutes, is amended to read:

17-102. Wildlife as state property; exceptions

Wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of ~~the~~ THIS state and may be taken OR POSSESSED at such times, in such places, in such manner and with such devices as provided by law or rule of the commission.

Sec. 3. Section 17-306, Arizona Revised Statutes, is amended to read:

17-306. Importation, transportation, release or possession of live wildlife

~~No~~ A person shall NOT import or transport into ~~the~~ THIS state, ~~or~~ sell, trade, TAKE or release within ~~the~~ THIS state or ~~have in his possession~~ POSSESS any live wildlife except as authorized by the commission, AS PROVIDED BY SECTION 17-321 or as defined in title 3, chapter 16.

Sec. 4. Title 17, chapter 3, article 1, Arizona Revised Statutes, is amended by adding section 17-321, to read:

17-321. Possession of live dangerous wildlife prohibited; exceptions; violation; classification

A. THE FOLLOWING SPECIES ARE DANGEROUS WILDLIFE:

1. ALL SPECIES OF THE FAMILY PONGIDAE OF THE ORDER PRIMATES, COMMON NAMES: GORILLAS, CHIMPANZEES AND ORANGUTANS.

2. ALL REPTILES OF THE ORDER CROCODILIA, COMMON NAMES: INCLUDING GAVIAL, CAIMAN, CROCODILE AND ALLIGATOR.

3. ALL SNAKES OF THE FAMILY ELAPIDAE, COMMON NAMES: COBRA, MAMBA, CORAL SNAKE, KRAIT AND AUSTRALIAN ELAPID.

4. ALL SNAKES OF THE FAMILY HYROPHIIDAE, COMMON NAME: SEA SNAKES.

5. ALL SNAKES OF THE FAMILY ATRACTASPIDIDAE, COMMON NAME: BURROWING ASP.

6. ALL NONNATIVE MEMBERS OF THE FAMILY VIPERIDAE, COMMON NAMES: TRUE VIPERS AND PIT VIPERS, INCLUDING NONNATIVE RATTLESNAKES.

7. THE BOOMSLANG (DISPHOLIDUS TYPUS).

8. ALL FISH OF THE GENERA SERRASALMUS, PYGOCENTRUS AND PYGOPRISTIS (PIRANAHA).

9. ALL SPECIES OF THE GENERA MALAPTERURUS ELECTRICUS, COMMON NAME: ELECTRIC CATFISH.

10. ALL SPECIES OF THE GENERA ELECTROPHOROUS ELECTRICUS, COMMON NAME: ELECTRIC EEL.

11. ALL SPECIES OF THE ORDER CARNIVORA, COMMON NAME: CARNIVORES, SKUNKS, RACCOONS AND WEASELS, EXCEPT DOMESTIC ANIMALS DEFINED IN COMMISSION RULE.

12. ALL SPECIES OF THE ORDER PROBOSCIDEA, COMMON NAME: ELEPHANTS.

13. ALL SPECIES OF THE FAMILY HIPPOPOTAMIDAE, COMMON NAME: HIPPOPOTAMUSES.

14. ALL SPECIES OF THE FAMILY RHINOCEROTIDAE, COMMON NAME: RHINOCEROSSES.

15. HYBRID WILDLIFE, AS DEFINED IN COMMISSION RULE, THAT IS THE OFFSPRING OF AT LEAST ONE DANGEROUS WILDLIFE.

B. A PERSON SHALL NOT IMPORT OR TRANSPORT INTO THIS STATE, TRADE, TAKE OR RELEASE IN THIS STATE OR POSSESS ANY LIVE DANGEROUS WILDLIFE EXCEPT AS PROVIDED BY THIS SECTION OR AS AUTHORIZED BY THE COMMISSION.

C. THE COMMISSION, BY RULE, MAY SUPPLEMENT THE LIST OF DANGEROUS WILDLIFE, AND THE DIRECTOR MAY BY INTERIM ORDER NOT TO EXCEED THREE HUNDRED SIXTY-FIVE DAYS ADD NEW DANGEROUS WILDLIFE TO THE LIST PENDING COMMISSION RULE.

D. A PERSON MAY IMPORT, POSSESS, TRANSPORT AND EXPORT LIVE DANGEROUS WILDLIFE IF THE PERSON COMPLIES WITH ALL THE FOLLOWING:

1. THE TRANSPORTATION THROUGH THIS STATE TAKES NO LONGER THAN SEVENTY-TWO CONSECUTIVE HOURS.

2. THE WILDLIFE DOES NOT COME IN CONTACT WITH THE PUBLIC AND IS NOT PHOTOGRAPHED WITH THE PUBLIC PRESENT.

3. AT LEAST ONE QUALIFIED INDIVIDUAL IS CONTINUALLY PRESENT WITH, AND ACCOUNTABLE FOR, THE WILDLIFE WHILE IN THIS STATE.

4. THE WILDLIFE IS NEITHER TRANSFERRED NOR SOLD IN THE STATE.

5. THE WILDLIFE IS ACCOMPANIED WITH EVIDENCE OF LAWFUL POSSESSION AS DEFINED IN COMMISSION RULE.

6. THE CARCASSES OF ANIMALS THAT DIE IN TRANSPORT ARE DISPOSED OF IN THIS STATE ONLY AS DIRECTED BY THE DEPARTMENT.

E. THIS SECTION DOES NOT APPLY TO DANGEROUS WILDLIFE IN THE LAWFUL POSSESSION OF:

1. A LICENSED ZOO FACILITY CERTIFIED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION AND AUTHORIZED BY THE COMMISSION.

2. A GOVERNMENT AUTHORIZED FAIR OR CIRCUS THAT IS OPERATING IN ACCORDANCE WITH COMMISSION RULE.

3. INCORPORATED NONPROFIT ANIMAL PROTECTION ORGANIZATIONS HOUSING ANIMALS AS AUTHORIZED BY THE COMMISSION OR AT THE WRITTEN REQUEST OF THE DEPARTMENT.

4. A LICENSED VETERINARIAN PROVIDING CARE FOR THE DANGEROUS WILDLIFE.

5. UNIVERSITIES AND COLLEGES ACTIVELY CONDUCTING RESEARCH INVOLVING LIVE DANGEROUS WILDLIFE AS AUTHORIZED BY THE COMMISSION OR DEPARTMENT.

6. INDIVIDUALS OPERATING UNDER THE RULES OF A WILDLIFE SERVICE LICENSE.

7. PERSONS AUTHORIZED TO HOLD WILDLIFE BY THE DEPARTMENT.

8. PERSONS POSSESSING DANGEROUS WILDLIFE UNDER A COMMISSION AUTHORIZED SPECIAL LICENSE BEFORE THE EFFECTIVE DATE OF THIS SECTION.

F. PERSONS IN POSSESSION OF LIVE DANGEROUS WILDLIFE AS AUTHORIZED BY THIS SECTION OR SECTION 17-306 SHALL:

1. NOTIFY THE DEPARTMENT WITHIN FORTY-EIGHT HOURS AFTER ANY DANGEROUS WILDLIFE CAUSES AN INJURY THAT REQUIRES A PERSON TO OBTAIN MEDICAL ATTENTION, AND THE FOLLOWING REQUIREMENTS APPLY:

(a) THE DEPARTMENT MAY ORDER THE OWNER OF THE WILDLIFE THAT CAUSED THE INJURY TO SUBMIT THE WILDLIFE FOR EXAMINATION AND LABORATORY TESTING FOR THE PRESENCE OF PATHOGENS.

(b) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL PRESCRIBE EXAMINATIONS AND LABORATORY TESTING FOR THE PRESENCE OF PATHOGENS.

(c) THE OWNER SHALL HAVE THE WILDLIFE EXAMINED BY A STATE LICENSED VETERINARIAN, WHO SHALL PERFORM ANY EXAMINATIONS OR LABORATORY TESTS AS DIRECTED BY THE DEPARTMENT. THE LICENSED VETERINARIAN SHALL PROVIDE THE LABORATORY RESULTS TO THE DIRECTOR OR THE DIRECTOR'S DESIGNEE WITHIN TWENTY-FOUR HOURS AFTER RECEIVING THE RESULTS. THE DEPARTMENT SHALL NOTIFY THE EXPOSED PERSON AND THE DEPARTMENT OF HEALTH SERVICES WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE TEST RESULTS.

(d) THE OWNER OF THE WILDLIFE SHALL PAY ALL COSTS ASSOCIATED WITH THE EXAMINATION, LABORATORY TESTING AND MAINTENANCE OF THE WILDLIFE.

(e) IF THE WILDLIFE TESTS POSITIVE FOR A ZOOBOTIC DISEASE THAT POSES A SERIOUS HEALTH RISK TO HUMANS, OR IS INVOLVED IN MORE THAN ONE INCIDENT OF CAUSING INJURY TO A PERSON, THE WILDLIFE SHALL BE MAINTAINED IN CAPTIVITY OR DISPOSED OF AS DIRECTED IN WRITING BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

2. MAINTAIN COMPLETE AND ACCURATE VETERINARY RECORDS FOR THE LIVE DANGEROUS WILDLIFE IN POSSESSION FOR THE LIFE OF THE INDIVIDUAL ANIMAL, INCLUDING IMMUNIZATION RECORDS, AND PROVIDE THESE RECORDS FOR INSPECTION ON REQUEST BY A PEACE OFFICER.

3. MAINTAIN EVIDENCE OF LAWFUL POSSESSION AS DEFINED IN COMMISSION RULE AND PROVIDE THESE RECORDS FOR INSPECTION ON REQUEST BY A PEACE OFFICER.

4. UNLESS OTHERWISE EXEMPTED BY THE COMMISSION OR DEPARTMENT, PROVIDE NOTICE TO THE DEPARTMENT BY CERTIFIED MAIL AT LEAST THIRTY DAYS BEFORE EXPORTING DANGEROUS LIVE WILDLIFE. THE NOTICE MUST IDENTIFY THE SPECIES, NUMBER OF INDIVIDUALS, DESTINATION, RECEIVING ENTITY AND ANTICIPATED DATE OF TRANSPORT.

G. A PEACE OFFICER MAY SEIZE, QUARANTINE OR HOLD LIVE WILDLIFE IN ANY OF THE FOLLOWING CIRCUMSTANCES:

1. THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE WILDLIFE IS UNLAWFULLY POSSESSED. THE OWNER MAY RECLAIM THE WILDLIFE BY ESTABLISHING EVIDENCE OF LAWFUL POSSESSION WITHIN TEN CALENDAR DAYS.

2. THE WILDLIFE POSES AN IMMINENT RISK TO PUBLIC SAFETY OR HEALTH.

3. THE WILDLIFE APPEARS TO BE IN POOR HEALTH AND CONDITION AS A RESULT OF THE POSSESSION.

H. IF LIVE WILDLIFE IS SEIZED, QUARANTINED OR HELD PURSUANT TO SUBSECTION G OF THIS SECTION, THE OWNER IS RESPONSIBLE FOR THE COSTS OF CARING AND PROVIDING FOR THE WILDLIFE DURING THE SEIZURE, QUARANTINE OR HOLD, INCLUDING ANY NECESSARY VETERINARY CARE.

I. A PEACE OFFICER MAY DESTROY LIVE DANGEROUS WILDLIFE IN ANY OF THE FOLLOWING CIRCUMSTANCES:

1. THE WILDLIFE POSES AN IMMINENT RISK TO PUBLIC OR OFFICER SAFETY OR HEALTH.

2. THE WILDLIFE CANNOT BE SAFELY CONTAINED AND TRANSPORTED.

3. THE PERSON WHO WAS IN POSSESSION OF THE WILDLIFE IS INCAPABLE OF OR UNWILLING TO PAY FOR QUARANTINE.

J. A PERSON WHO HAS SEIZED OR DESTROYED WILDLIFE UNDER THE AUTHORITY PRESCRIBED IN THIS SECTION IS NOT RESPONSIBLE FOR REIMBURSING THE COST OF WILDLIFE THAT IS HARMED, DESTROYED OR DIES WHILE IN POSSESSION.

K. THE DEPARTMENT SHALL DETERMINE THE FINAL DISPOSITION OF LIVE DANGEROUS WILDLIFE THAT IS SEIZED, QUARANTINED, HELD OR DESTROYED PURSUANT TO THIS SECTION AND NOT RETURNED TO THE PERSON ORIGINALLY IN POSSESSION. IF LIVE WILDLIFE THAT IS SEIZED, QUARANTINED, HELD OR DESTROYED PURSUANT TO THIS SECTION IS NOT RETURNED TO THE PERSON ORIGINALLY IN POSSESSION, THE DEPARTMENT MAY RELEASE OR AUTHORIZE THE RELEASE OF THE WILDLIFE TO AN AUTHORIZED LICENSEE.

L. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF THE COMMISSION UNDER SECTION 17-306 OR THE DEPARTMENT OF AGRICULTURE UNDER TITLE 3, CHAPTER 16.

M. IT IS UNLAWFUL FOR ANY PERSON TO VIOLATE THIS SECTION OR ANY RULE ADOPTED PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SECTION OR ANY RULE ADOPTED PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR. A PERSON WHO KNOWINGLY BARTERS, SELLS OR OFFERS FOR SALE ANY DANGEROUS LIVE WILDLIFE, OR ASSISTS ANOTHER PERSON FOR MONETARY GAIN IN VIOLATING THIS SECTION OR ANY RULE ADOPTED PURSUANT TO THIS SECTION, IS GUILTY OF A CLASS 6 FELONY.

Sec. 5. Finding; purpose

A. The legislature finds that personal possession of dangerous live wildlife poses a threat to public health and safety.

B. The purpose of this act is to protect the public health and safety from dangerous live wildlife."

Amend title to conform and, as so amended, it do pass