

SECOND REGULAR SESSION

HOUSE BILL NO. 1441

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor), MYERS, COOPER (120),
LOW (39) AND PAGE (Co-sponsors).

Read 1st time January 18, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4048L.01I

AN ACT

To amend chapter 578, RSMo, by adding thereto thirteen 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 thirteen new sections, to
2 be known as sections 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612, 578.614,
3 578.616, 578.618, 578.620, 578.622, and 578.624, to read as follows:

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

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

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14 (a) Any cat of the *Felidae* family held in captivity, including a hybrid cross with
15 such a cat, but excluding any domesticated or house cat; or
16 (b) A bear of a species that is native or nonnative to this state and held in captivity;
17 (7) "Livestock", the same meaning as such term is defined in section 267.565,
18 RSMo;
19 (8) "Permit", a permit issued under section 578.602;
20 (9) "Veterinarian", a person licensed to practice veterinary medicine under chapter
21 340, RSMo.

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

- 2 (1) Own or possess a large carnivore;
3 (2) Breed a large carnivore;
4 (3) Transfer ownership or possession of or receive a transfer of ownership or
5 possession of a large carnivore, with or without remuneration; or
6 (4) Transport a large carnivore.

7 2. The division shall implement and enforce the provisions of sections 578.600 to
8 578.624 for the following purposes:

- 9 (1) The standardization of ownership, transport, and breeding of large carnivores;
10 (2) Identification and location of large carnivores;
11 (3) Protection of members of the public from large carnivores; and
12 (4) Insuring the humane and safe treatment of large carnivores.

13 3. Any person, prior to owning, possessing, breeding, or transporting a large
14 carnivore on or after August 28, 2006, shall apply for a permit from the division. Any
15 permit so issued by the division shall set forth all of the following:

- 16 (1) The name and address of the permit holder and the address where each large
17 carnivore will be kept, if different from that of the permit holder;
18 (2) The identification number of each large carnivore required under section
19 578.604 for which a permit is sought;
20 (3) The name and address of the veterinarian who is expected to provide veterinary
21 care to the large carnivore and, if different, the name and address of the veterinarian who
22 has inserted the subcutaneous microchip under section 578.604;
23 (4) Any other reasonable information as determined by the department, including
24 the amount of the permit fee as set by the division to offset the actual and necessary costs
25 incurred to enforce the provisions of sections 578.600 to 578.624.

26 4. No permit shall be issued to any person under the age of twenty-one years of age
27 or who has been found guilty of, or pled guilty to, a violation of any state or local law

28 prohibiting neglect or mistreatment of any animal or, within the previous ten years, any
29 felony.

2 **578.604.** The owner of a large carnivore shall have an identification number placed
3 in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under
4 the supervision of a veterinarian.

2 **578.606.** Any person who owns, possesses, breeds, or sells a large carnivore shall:

3 (1) Present a permit for the large carnivore upon the request of a law enforcement
4 officer;

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

8 (3) Not place the large carnivore under the supervision of a person less than twenty-
9 one years of age;

10 (4) Provide a safe and humane environment for each large carnivore, including
11 adequate drainage of surface water from the containment area, the supply of adequate
12 quantities of potable drinking water and food, and the daily removal of fecal and food
13 wastes from the containment area;

14 (5) Not tether any large carnivore outdoors or place one on a leash or chain or
15 allow one to run at large; provided that such person may move a large carnivore between
16 any two of the following locations:

17 (a) The large carnivore's facility;

18 (b) The dwelling or residence of the owner of the large carnivore;

19 (c) A shift cage;

20 (d) A vehicle under section 578.612; or

21 (e) A veterinarian's office or veterinary hospital;

22 (6) Not mistreat or neglect the large carnivore or permit it to be mistreated or
23 neglected; and

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

578.608. 1. A law enforcement officer or other person may kill a large carnivore
2 if such officer or person observes or has reason to believe that the large carnivore is
3 chasing, attacking, injuring, or killing a human being, livestock, poultry, or a mammalian
4 pet.

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

8 **3. A large carnivore's entry onto a field or enclosure that is owned by or leased by**
9 **a person producing livestock or poultry constitutes a trespass, and the person who owns**
10 **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
2 **action for the death or injury of a human and for property damage, including but not**
3 **limited to the death or injury of another animal, caused by the large carnivore. Sections**
4 **578.600 to 578.624 do not limit the common law liability of the owner of a large carnivore**
5 **for the death or injury of a human or for property damage caused by the large carnivore.**

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

578.612. A person lawfully in possession of a large carnivore under sections 578.600
2 **to 578.624 shall be required to obtain a permit to transport the large carnivore in a vehicle**
3 **in compliance with all federal and division requirements applicable to such large**
4 **carnivores.**

578.614. 1. Subject to subsection 2 of this section, a person who violates sections
2 **578.600 to 578.624 is guilty of a misdemeanor. The person shall be punished by a fine of**
3 **not less than two hundred fifty dollars or more than one thousand dollars, plus costs of**
4 **prosecution. However, a person who fails to obtain a permit as required by sections**
5 **578.600 to 578.624 shall be punished by a fine, for each large carnivore for which the**
6 **permit was required, of not less than five hundred dollars or more than two thousand**
7 **dollars, plus costs of prosecution. In addition, a person who violates sections 578.600 to**
8 **578.624 may be punished by one or more of the following:**

- 9 **(1) Imprisonment for not more than ninety-three days;**
10 **(2) Community service work for not more than five hundred hours;**
11 **(3) The loss of privileges to own or possess any animal.**

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

2 **578.616. 1. If a person who owns, possesses, breeds, or sells a large carnivore**
3 **violates sections 578.600 to 578.624, such large carnivore and any other large carnivore**
4 **owned or possessed by such person are subject to civil forfeiture.**

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

8 **3. Any person may file with a court having jurisdiction a complaint alleging that**
9 **a person is violating sections 578.600 to 578.624 and requesting the court to order the civil**
10 **forfeiture of all of the large carnivores owned or possessed by such person.**

11 **578.618. A political subdivision may adopt an ordinance governing large carnivores**
12 **that is more restrictive than sections 578.600 to 578.624. The requirements of sections**
13 **578.600 to 578.624 are in addition to any other requirements governing a large carnivore**
14 **under state and federal law.**

15 **578.620. 1. Sections 578.602 and 578.604 shall not apply to any of the following:**

16 **(1) An animal control shelter or animal protection shelter;**

17 **(2) A person licensed or approved by the department of agriculture of this state or**
18 **by the United States Fish and Wildlife Service of the United States Department of the**
19 **Interior;**

20 **(3) A zoological park approved or accredited by the American Zoo and Aquarium**
21 **Association;**

22 **(4) A person approved by the Association of Sanctuaries or the American**
23 **Sanctuary Association;**

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

26 **(6) A veterinarian temporarily in possession of a large carnivore to provide**
27 **veterinary care for or humanely euthanize the large carnivore.**

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

31 **3. Subject to subsection 2 of this section, sections 578.600 to 578.624 shall not apply**
32 **to a person who meets all of the following requirements:**

33 **(1) Is conducting a for-profit or nonprofit business that meets both of the following**
34 **requirements:**

35 **(a) The primary purpose of the business is the presentation of animals including**
36 **large carnivores to the public for education or exhibition purposes; and**

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

25 (2) Is a class C licensee that possesses and maintains a class C license under 9
26 C.F.R. 1.1;

27 (3) Meets or exceeds all standards, including but not limited to standards for
28 training, housing, care, and transport of large carnivores, required of a class C licensee
29 under 9 C.F.R. 1.1;

30 (4) Does not sell large carnivores, except to another person that meets the
31 requirements of this subsection; and

32 (5) Does not breed large carnivores except as allowed by permit from the division.
578.622. Sections 578.600 to 578.624 shall not apply to a circus or the University of
2 Missouri-Columbia College of Veterinary medicine.

578.624. Any rule or portion of a rule, as that term is defined in section 536.010,
2 RSMo, that is created under the authority delegated in sections 578.600 to 578.624 shall
3 become effective only if it complies with and is subject to all of the provisions of chapter
4 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 578.600 to 578.624 and
5 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
6 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
7 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
8 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be
9 invalid and void.

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