

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 426

95TH GENERAL ASSEMBLY

1012L.03P

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
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, 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
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:**

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

16 **or**

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.

- 17 (b) A bear of a species that is nonnative to this state and held in captivity;
- 18 (7) "Livestock", the same meaning as such term is defined in section 267.565,
- 19 RSMo;
- 20 (8) "Permit", a permit issued under section 578.602;
- 21 (9) "Qualified veterinarian", a person licensed to practice veterinary medicine
- 22 under chapter 340, RSMo, and who has demonstrated experience in handling,
- 23 anesthetizing, and managing husbandry, medical and surgical issues regarding
- 24 nondomestic, exotic, and superexotic species. The department of agriculture shall identify
- 25 and register a list of available qualified veterinarians who have applied for and been
- 26 approved to be included in the registry.

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

14 3. Any person possessing, breeding, or transporting a large carnivore on or after

15 January 1, 2011, shall apply for and obtain a permit from the division. Any person

16 possessing, breeding, or transporting a large carnivore as of January 1, 2011, shall apply

17 for a permit from the division within sixty days of such date. One permit shall be required

18 for each large carnivore. Any permit so issued by the division shall set forth all of the

19 following:

- 20 (1) The name and address of the permit holder and the address where each large
- 21 carnivore will be kept, if different from that of the permit holder;
- 22 (2) The identification number of each large carnivore required under section
- 23 578.604 for which a permit is sought;
- 24 (3) The name and address of the veterinarian who is expected to provide veterinary
- 25 care to the large carnivore and, if different, the name and address of the veterinarian who
- 26 has inserted the subcutaneous microchip required under section 578.604. The selected

27 veterinarian shall install the microchip, collect an appropriate sample for DNA
28 registration, provide a written summary of the physical examination, and provide a signed
29 health certificate as needed for transport; and

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

35 4. No permit shall be issued to any person under the age of twenty-one years of age
36 or who has been found guilty of, or pled guilty to, a violation of any state or local law
37 prohibiting neglect or mistreatment of any animal or, within the previous ten years, any
38 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. 1. Any person who owns, possesses, breeds, or sells a large carnivore shall:

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

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

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

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

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

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

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

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

30 2. The care and control requirements set forth in subdivisions (2), (3), (5), (7), and
31 (8) of subsection 1 of this section regarding a large carnivore shall be verified and affirmed
32 by a qualified veterinarian by sworn affidavit on a form provided by the department and,
33 upon completion of the initial sworn affidavit, at subsequent intervals established by rule
34 of the department. The department may, as necessary or upon complaint, verify the
35 findings of the qualified veterinarian. A qualified veterinarian shall not be criminally or
36 civilly liable for any negligent or intentional acts of the owner. Any qualified veterinarian
37 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
2 if such officer or person observes or has reason to believe that the large carnivore is
3 chasing, attacking, injuring, or killing:

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

6 (2) Livestock;

7 (3) Poultry; or

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

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

12 3. A large carnivore's entry onto a field or enclosure that is owned by or leased by
13 a person producing livestock or poultry constitutes a trespass, and the person who owns
14 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. Any person who owns or possesses a large carnivore shall maintain liability**
7 **insurance in an amount of not less than two hundred fifty thousand dollars. Each person**
8 **subject to the provisions of this subsection shall provide verification to the department on**
9 **an annual basis that such liability insurance is being maintained.**

10 **3. If a large carnivore escapes or is released, intentionally or unintentionally, the**
11 **person who owns or possesses the large carnivore shall immediately contact law**
12 **enforcement to report the loss, escape, or release. The person who owns or possesses the**
13 **large carnivore is liable for all expenses associated with efforts to recapture the large**
14 **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. The method of transport shall be reviewed by a qualified veterinarian or other**
5 **knowledgeable state or federal agent and given written approval prior to permit**
6 **disbursement.**

578.614. 1. Subject to subsection 2 of this section, any person who violates sections
2 **578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a**
3 **permit as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any**
4 **person who intentionally releases a large carnivore except to the care, custody, and control**
5 **of another person is guilty of a class D felony. In addition, a person who violates sections**
6 **578.600 to 578.624 may be punished by one or more of the following:**

7 **(1) Community service work for not more than five hundred hours;**

8 **(2) The loss of privileges to own or possess any animal.**

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

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

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

7 **3. Any person may file with a court having jurisdiction a petition alleging that a**
8 **person is violating sections 578.600 to 578.624 and requesting the court to order the civil**
9 **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
2 **that is more restrictive than sections 578.600 to 578.624. The requirements of sections**
3 **578.600 to 578.624 are in addition to any other requirements governing a large carnivore**
4 **under state and federal law.**

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

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

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

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

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

11 **(5) A class C licensee that possesses and maintains a class C license under 9 C.F.R.**
12 **1.1 that meets the following conditions:**

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

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

18 **2. Sections 578.602 and 578.604 shall not apply to a person who is not a resident of**
19 **this state and who is in this state only for the purpose of travel between locations outside**
20 **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
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, 2009, shall be
9 invalid and void.

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

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