

FIRST REGULAR SESSION

# SENATE BILL NO. 206

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Pre-filed December 27, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0879S.01I

## 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  
2 new sections, to be known as sections 578.600, 578.602, 578.604, 578.606,  
3 578.608, 578.610, 578.612, 578.614, 578.616, 578.618, 578.620, 578.622, 578.624,  
4 and 578.626, to read as follows:

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

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

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

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

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

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

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

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

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

20           (b) A bear of a species that is nonnative to this state and held in  
21 captivity;

22           (7) "Livestock", the same meaning as such term is defined in  
23 section 267.565, RSMo;

24           (8) "Permit", a permit issued under section 578.602;

25           (9) "Veterinarian", a person licensed to practice veterinary  
26 medicine under chapter 340, RSMo.

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

3           (1) Own or possess a large carnivore;

4           (2) Breed a large carnivore;

5           (3) Transfer ownership or possession of or receive a transfer of  
6 ownership or possession of a large carnivore, with or without  
7 remuneration; or

8           (4) Transport a large carnivore.

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

11           (1) The standardization of ownership, transport, and breeding of  
12 large carnivores;

13           (2) Identification and location of large carnivores;

14           (3) Protection of members of the public from large carnivores;  
15 and

16           (4) Insuring the humane and safe treatment of large carnivores.

17           3. Any person possessing, breeding, or transporting a large  
18 carnivore on or after January 1, 2008, shall apply for a permit from the  
19 division. Any permit so issued by the division shall set forth all of the  
20 following:

21           (1) The name and address of the permit holder and the address  
22 where each large carnivore will be kept, if different from that of the  
23 permit holder;

24           (2) The identification number of each large carnivore required  
25 under section 578.604 for which a permit is sought;

26           (3) The name and address of the veterinarian who is expected to  
27 provide veterinary care to the large carnivore and, if different, the  
28 name and address of the veterinarian who has inserted the  
29 subcutaneous microchip required under section 578.604;

30           (4) Any other reasonable information as determined by the

31 department, including the amount of the permit fee as set by the  
32 division to offset the actual and necessary costs incurred to enforce the  
33 provisions of sections 578.600 to 578.624.

34 4. No permit shall be issued to any person under the age of  
35 twenty-one years of age or who has been found guilty of, or pled guilty  
36 to, a violation of any state or local law prohibiting neglect or  
37 mistreatment of any animal or, within the previous ten years, any  
38 felony.

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

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

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

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

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

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

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

19 (a) The large carnivore's facility;

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

22 (c) A shift cage;

23 (d) A vehicle under section 578.612; or

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

25 (6) Not mistreat or neglect the large carnivore or permit it to be

26 mistreated or neglected;

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

31 (8) Notify the department of agriculture within ten business days  
32 of the death of a large carnivore. Such notification shall be in the form  
33 of a sworn affidavit. Such affidavit shall include the identification  
34 number from the animal's subcutaneous microchip and a statement that  
35 the microchip will not be reused in another animal.

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

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

8 3. A large carnivore's entry onto a field or enclosure that is  
9 owned by or leased by a person producing livestock or poultry  
10 constitutes a trespass, and the person who owns or possesses the large  
11 carnivore is liable in damages.

578.610. 1. Any person who owns or possesses a large carnivore  
2 is liable in a civil action for the death or injury of a human and for  
3 property damage, including but not limited to the death or injury of  
4 another animal, caused by the large carnivore. Sections 578.600 to  
5 578.624 do not limit the common law liability of the owner of a large  
6 carnivore for the death or injury of a human or for property damage  
7 caused by the large carnivore.

8 2. Any person who owns or possesses a large carnivore shall  
9 maintain liability insurance in an amount of not less than two hundred  
10 fifty thousand dollars. Each person subject to the provisions of this  
11 subsection shall provide verification to the department on an annual  
12 basis that such liability insurance is being maintained.

13 3. If a large carnivore escapes or is released, intentionally or  
14 unintentionally, the person who owns or possesses the large carnivore  
15 shall immediately contact law enforcement to report the loss, escape,  
16 or release. The person who owns or possesses the large carnivore is

17 liable for all expenses associated with efforts to recapture the large  
18 carnivore that is released or escapes.

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

578.614. 1. Any person who violates sections 578.600 to 578.624  
2 is guilty of a class A misdemeanor, except that any person who  
3 intentionally releases a large carnivore other than to the care, custody,  
4 and control of another person is guilty of a class D felony. In addition,  
5 a person who violates sections 578.600 to 578.624 may be punished by  
6 one or more of the following:

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

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

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

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

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

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

578.618. A political subdivision may adopt an ordinance  
2 governing large carnivores that is more restrictive than sections  
3 578.600 to 578.624. The requirements of sections 578.600 to 578.624 are  
4 in addition to any other requirements governing a large carnivore  
5 under state and federal law.

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

3 (1) An animal control shelter or animal protection shelter;

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

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

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

11 2. Sections 578.602 and 578.604 shall not apply to a person who  
12 is not a resident of this state and who is in this state only for the  
13 purpose of travel between locations outside of this state.

14 3. Subject to subsection 2 of this section, sections 578.600 to  
15 578.624 shall not apply to a person who meets all of the following  
16 requirements:

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

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

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

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

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

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

31 (5) Does not breed large carnivores except as allowed by permit  
32 from the division.

578.622. Sections 578.600 to 578.624 shall not apply to a circus or  
2 the University of Missouri-Columbia College of Veterinary Medicine.

578.624. Any rule or portion of a rule, as that term is defined in  
2 section 536.010, RSMo, that is created under the authority delegated in  
3 sections 578.600 to 578.624 shall become effective only if it complies

4 with and is subject to all of the provisions of chapter 536, RSMo, and,  
5 if applicable, section 536.028, RSMo. Sections 578.600 to 578.624 and  
6 chapter 536, RSMo, are nonseverable and if any of the powers vested  
7 with the general assembly pursuant to chapter 536, RSMo, to review, to  
8 delay the effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2007, shall  
11 be invalid and void.

578.626. No moneys collected under section 273.327, RSMo, shall  
2 be used to operate or administer the provisions of sections 578.600 to  
3 578.624.

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