**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 47 SO AS TO ENACT THE “EXOTIC ANIMAL AND REPTILE CONTROL AND REGULATION ACT”, TO DEFINE THE TERM “EXOTIC ANIMAL”; TO PROHIBIT A PERSON FROM OWNING OR POSSESSING AN EXOTIC ANIMAL UNLESS THE PERSON WAS IN LEGAL POSSESSION OF THE ANIMAL BEFORE THIS ACT’S EFFECTIVE DATE AND THE PERSON OBTAINS A PERSONAL POSSESSION PERMIT FOR THE EXOTIC ANIMAL WITHIN NINETY DAYS OF THIS ACT’S EFFECTIVE DATE; TO ESTABLISH IDENTIFICATION, CAGING, CARE AND TREATMENT, AND INSURANCE REQUIREMENTS; TO PROHIBIT PUBLIC CONTACT WITH AN EXOTIC ANIMAL; TO AUTHORIZE INSPECTIONS BY THE DEPARTMENT OF NATURAL RESOURCES; TO AUTHORIZE CONFISCATION OF THESE ANIMALS UNDER CERTAIN CONDITIONS; TO PROVIDE PROVISIONS THAT REGULATE THE HANDLING, OWNERSHIP, AND USE OF REPTILES; TO PROVIDE THAT A LOCAL GOVERNMENTAL BODY MAY ADOPT AN ORDINANCE THAT REGULATES THE POSSESSION OF EXOTIC ANIMALS WHICH IS MORE RESTRICTIVE THAN THE PROVISIONS CONTAINED IN THIS ACT; AND TO PROVIDE PENALTIES.

Whereas, it is the intent of the South Carolina General Assembly to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, these animals are wild and inherently dangerous and, as such, do not adjust well to a captive environment. Now therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 47 of the 1976 Code is amended by adding:

“CHAPTER 2

Exotic Animal and Reptile Control and Regulation

Article 1

Regulation of Exotic Animals

Section 47‑2‑10. This chapter may be cited as the ‘Exotic Animal and Reptile Control and Regulation Act’.

Section 47‑2‑20. As used in this chapter:

(1) ‘Department’ means the Department of Natural Resources.

(2) ‘Exotic animal’ means those species of animals that are inherently dangerous to humans. Exotic animals include, but are not limited to, the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) class mammalia:

(i) order artiodactyla (hippopotamuses, giraffes, camels, and deer but not cattle, swine, sheep, or goats);

(ii) order carnivora:

A. family felidae (lions, tigers, cougars, leopards, ocelots, and servals but not domestic cats);

B. family canidae (wolves, coyotes, foxes, and jackals but not domestic dogs);

C. family ursidae (all bears);

D. family mustelidae (martins and minks but not ferrets, weasels, or skunks);

E. family procyonidae (raccoons and coatis);

F. family hyaenidae (hyenas);

G. family viverridae (civets, genets, and mongooses);

(iii) order edentatia (anteaters, armadillos, and sloths);

(iv) order marsupialia (opossums, kangaroos, and wallabies but not sugar gliders);

(v) order perissodactyla (rhinoceroses and tapirs but not horses, donkeys, or mules);

(vi) order primates (lemurs, monkeys, chimpanzees, and gorillas);

(vii) order proboscidae (elephants);

(viii) order rodentia (beavers and porcupines but not guinea pigs, squirrels, rats, mice, gerbils, or hamsters);

(b) All species listed under the Federal Endangered Species Act as threatened or endangered are considered exotic animals.

(c) Species not listed may be declared as exotic animals by the department if the confinement of the animal within the State can be shown to constitute a threat to public health and safety.

(3) ‘Person’ means an individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity and any officer, member, shareholder, director, employee, agent, or representative of these.

(4) ‘Possessor’ means a person who owns, harbors, or has custody or control of an exotic animal.

(5) ‘Wildlife sanctuary’ means a nonprofit organization described in Section 170(b)(1)(A)(vi) of the Internal Revenue Code, as defined in Section 12‑6‑40(A), and its subsequent amendments, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to any animal owned by the organization, does not:

(a) conduct any activity that is not inherent to the animal’s nature;

(b) use the animal for any type of entertainment;

(c) sell, trade, or barter the animal or the animal’s body parts; or

(d) breed the animal for purposes of sale.

Section 47‑2‑30. (A) A person may not own, possess, keep, harbor, bring, or have in his possession an exotic animal, except in compliance with this chapter.

(B) A possessor or any other person in control of a lot, tract, or parcel of land or any residence or business premises situated on that land may not knowingly permit any other person to be in possession of an exotic animal upon the property, residence, or premises, except in compliance with this chapter.

(C) A person may not breed an exotic animal, except in compliance with this chapter.

Section 47‑2‑40. This chapter does not apply to:

(1) duly incorporated nonprofit animal protection organizations, such as humane societies and shelters housing a large wild cat or nonnative bear temporarily at the written request of an animal control authority or acting under the authority of this chapter;

(2) federal or state wildlife enforcement officers acting under the scope of their authority;

(3) animal control or law enforcement agencies or officers acting under the authority of this chapter;

(4) veterinary hospitals, clinics, veterinarians, and persons employed at these facilities under the direction of a veterinarian who are actively treating a large wild cat or nonnative bear in their professional capacity as a veterinarian or employee of a facility;

(5) a university, college, laboratory, or other research facility holding a Class R registration under the Animal Welfare Act, 7 U.S.C. Section 2131, et seq., as amended;

(6) a person who possesses a valid United States Department of Agriculture Class A, B, or C license in good standing and is in compliance with the United States Department of Agriculture Animal Welfare Act regulations and standards as of January 1, 2013 who may keep and acquire new large wild cats or nonnative bears, and must register with the local animal control authority as applicable, with no fee or inspection by the authority required;

(7) a person who obtains a valid United States Department of Agriculture Class A, B, or C license and is in compliance with the United States Department of Agriculture Animal Welfare Act regulations and standards after January 1, 2013, who may keep and acquire large wild cats or nonnative bears after that date, and must comply with other sections of this chapter, as applicable;

(8) circuses defined as incorporated Class C licensees under the Animal Welfare Act (7 U.S.C. 51 Section 2134), that are temporarily in the State, and that offer performances by live animals, and human performers; or

(9) a person who does not reside in this State and is traveling through this State with a regulated species if the transit time is not more than seventy‑two hours and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping.

Section 47‑2‑50. (A) A person may possess an exotic animal only if:

(1) the person was in legal possession of the exotic animal as of July 1, 2012, and is the legal possessor of the exotic animal;

(2) the person applies for and is granted a personal possession permit for each exotic animal in the person’s possession before October 1, 2012; and

(3) the person registers with the local law enforcement agency that has jurisdiction over the location where the exotic animal is kept.

(B) A person who meets the requirements of subsection (A) annually shall obtain a personal possession permit, and comply with all local ordinances that regulate the possession of exotic animals.

(C) An applicant shall submit an annual permit fee of one hundred fifty dollars for each animal and shall file an application to receive a personal possession permit with the department on forms provided by the department. The application shall include:

(1) the name, address, and telephone number of the applicant;

(2) a description of each exotic animal, including the scientific name, common name, sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal;

(3) a photograph of the exotic animal;

(4) the exact location where the exotic animal is to be kept;

(5) the name, address, and telephone number of the person from whom the applicant obtained the exotic animal, if known;

(6) the identification number of the exotic animal, excluding exotic animals excepted under Section 47‑2‑70; and

(7) the name, address, and phone number of the veterinarian who is expected to provide veterinary care to the exotic animal.

The person shall submit any additional information the department considers necessary to carry out the provisions of this chapter.

(D) A permit may not be granted unless the department finds that:

(1) the applicant has complied with all of the requirements of subsection (A);

(2) the applicant is eighteen years of age or older;

(3) the applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of an animal or has not within the past ten years been convicted of a felony or been convicted for possession, sale, or use of illegal narcotics;

(4) the facility and the conditions in which the exotic animal will be kept are in compliance with this chapter;

(5) the applicant has obtained the requisite liability insurance coverage for the exotic animal under the applicant’s control as set forth in Section 47‑2‑100; and

(6) the applicant has regularly provided veterinary care to the exotic animal when needed and intends to provide such care in the future.

(E) The personal possession permit shall set forth:

(1) the name, address, and phone number of the permit holder;

(2) the address, if different than item (1), where the exotic animal will be kept;

(3) the name, number, species, age of the exotic animal, and any distinguishing marks or coloration that would aid in the identification of the animal;

(4) the identification number as required under Section 47‑2‑70, if applicable;

(5) the name, address, and phone number of the veterinarian who is expected to provide veterinary care to the exotic animal named on the permit; and

(6) any other relevant information the department considers necessary.

(F) The department shall keep records of who has been issued a personal possession permit. A permit holder shall notify the department of any changes of the stated information on the permit, including the death of the exotic animal.

Section 47‑2‑60. After June 30, 2012, a person may not bring into possession a new exotic animal under the authority of a personal possession permit issued for another exotic animal that was in the person’s legal possession as of July 1, 2012.

Section 47‑2‑70. The possessor of the exotic animal shall have an identification number placed in the exotic animal via subcutaneous microchip, at the expense of the possessor, by or under the supervision of a veterinarian. This section does not apply to an exotic animal if a veterinarian determines that the placement of a subcutaneous microchip would endanger the well‑being of the exotic animal.

Section 47‑2‑80. (A) The department shall promulgate regulations establishing specific caging requirements for the keeping and confinement of exotic animals. Persons possessing exotic animals shall keep and confine the exotic animal in strict accordance with these caging requirements. Any deviation from the regulations must be approved by the department upon a showing of good cause.

(B) All caging requirements shall ensure that the exotic animal is confined in a primary enclosure that protects the public’s safety and health and ensures the safety and well‑being of the exotic animal. The caging requirements shall:

(1) set forth the minimum size of the cage for each species or family;

(2) require that the cage is locked or secured at all times when the exotic animal is kept in the cage;

(3) restrict the entry of unauthorized persons or predatory animals;

(4) maintain an ambient temperature compatible with the exotic animal’s needs; and

(5) provide sufficient food and water which fulfills the exotic animal’s dietary requirements and be presented in a manner compatible with the exotic animal’s particular eating habits.

Section 47‑2‑90. (A) An exotic animal may not be:

(1) tethered, leashed, or chained outdoors or allowed to run at large; or

(2) mistreated, neglected, abandoned, or deprived of necessary food, water, or sustenance.

(B) A person transporting an exotic animal in a vehicle shall keep the animal securely caged in the vehicle at all times.

(C) The possessor of an exotic animal shall have a plan for the quick and safe recapture of the exotic animal if the exotic animal escapes, and if recapture is impossible, a plan for the destruction of the exotic animal.

(D) If a person realizes that he can no longer care for the exotic animal, an animal rescue facility, wildlife sanctuary, or an American Zoo and Aquarium Association accredited facility must be contacted for possible placement of the animal before euthanization of the exotic animal.

Section 47‑2‑100. (A) A possessor of an exotic animal shall maintain liability insurance coverage in an amount of not less than one hundred thousand dollars for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. The possessor of an exotic animal shall provide a copy of the policy for liability insurance to the department annually.

(B) The possessor of an exotic animal shall have posted and displayed at each possible entrance onto the premises where an exotic animal is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is an exotic animal on the premises. In addition, the possessor shall conspicuously display a sign with a warning symbol that informs children of the presence of an exotic animal. The exact content and size of the sign must be prescribed by the department.

(C) If any exotic animal escapes or is released, either intentionally or unintentionally, the possessor of the exotic animal immediately shall contact a law enforcement officer of the city or county where the possessor resides to report the escape or release. The possessor is liable for all expenses associated with efforts to recapture the animal.

Section 47‑2‑110. The possessor of an exotic animal may not bring an exotic animal to any commercial or retail establishment unless the possessor of the animal is bringing the animal to a veterinarian or a veterinarian clinic.

Section 47‑2‑120. The possessor of an exotic animal, at all reasonable times, shall allow the department to enter the premises where the animal is kept to ensure compliance with this chapter.

Section 47‑2‑130. (A) If the department finds that an applicant for an original or a renewal personal possession permit does not meet the requirements set forth in Section 47‑2‑50, the department shall deny the applicant a personal possession permit and give the applicant written notice of the denial and the reasons for the denial.

(B) If the department finds that a person has not complied with this chapter the department may suspend or revoke the personal possession permit and give the possessor written notice of the suspension or revocation and the reasons for the suspension or revocation.

(C) A person who is denied a personal possession permit or a renewal of a personal possession permit, or who has had a permit suspended or revoked may appeal the decision to an administrative law judge in accordance with the Administrative Procedures Act.

Section 47‑2‑140. (A) An exotic animal may be immediately confiscated by the department if the:

(1) possessor does not have a personal possession permit issued pursuant to this chapter;

(2) possessor does not secure the liability insurance coverage required in Section 47‑2‑100;

(3) provisions of Section 47‑2‑100 are not being met;

(4) conditions under which the exotic animal is kept are directly or indirectly dangerous to human health and safety.

(B) An exotic animal may be returned to the possessor only if the possessor has a personal possession permit and has corrected the conditions resulting in the confiscation.

(C) If an exotic animal is confiscated, the possessor is liable for the costs of placement and care for the exotic animal from the time of confiscation until the time of return to the possessor or until the time the animal has been relocated to an alternative facility including, but not limited to, a wildlife sanctuary, licensed humane society, or an institution accredited by the American Zoo and Aquarium Association.

Section 47‑2‑150. (A) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined two hundred dollars or imprisoned not more than thirty days and upon conviction of a second or subsequent offense, must be fined one thousand dollars, none of which may be suspended or remitted.

(B) A possessor of an exotic animal who violates Section 47‑2‑90(A)(1) or (B) or Section 47‑2‑110 resulting in the animal attacking and injuring a human being:

(1) for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years;

(2) for a second or subsequent offense is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years.

Article 2

Regulation of Reptiles

Section 47‑2‑210. The intentional or negligent exposure of other human beings or the environment to unsafe contact with reptiles that are venomous, with large constricting snakes, or with crocodilians being potentially injurious and detrimental to public health, safety and welfare, and the environment, the indulgence in and inducement to such exposure is hereby declared to be a public nuisance and a criminal offense, to be abated and punished as provided in this article.

Section 47‑2‑220. It is unlawful for a person to own, possess, use, transport or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure. Permanent enclosures must be designed to be escape proof, bite proof and have an operable lock. Each enclosure shall be clearly and visibly labeled ‘Venomous Reptile Inside’ with the scientific name, common name, number of specimens, appropriate anti‑venom and owners identifying information noted on the enclosure. Transport containers must be designed to be escape proof, bite proof and must be clearly and visibly labeled ‘Venomous Reptile Inside’ with scientific name and common name noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable anti‑venom, first aid procedures and treatment guidelines, as well as, an escape recovery plan must be within sight of permanent housing and a copy must accompany the transport of any venomous reptile. In the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile immediately shall notify local law enforcement.

Section 47‑2‑230. As used in this article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethistina and Green Anaconda, Eunectes murinus or any of their subspecies or hybrids. It is unlawful for any person to own, possess, use, transport or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. Permanent enclosures must be designed to be escape proof and shall have an operable lock. Each enclosure must be labeled clearly and visibly with the scientific name, common name, and owners identifying information. Transport containers must be designed to be escape proof. A written safety protocol and escape recovery plan must be within sight of permanent housing and a copy must accompany the transport of any of the large constricting snakes. If a large constricting snake escapes, the owner or possessor of the large constricting snake immediately shall notify local law enforcement.

Section 47‑2‑240. For purposes of this article, all Crocodilians, excluding American alligator, must be regulated. It is unlawful for any person to own, possess, use, transport or traffic in any Crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures must be designed to be escape proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian, and must have an operable lock. Transport containers must be designed to be escape proof. A written safety protocol and escape recovery plan must be within sight of permanent housing and a copy must accompany the transport of any Crocodilian. If a Crocodilian escapes, the owner or possessor immediately shall notify local law enforcement.

Section 47‑2‑250. It is unlawful for a person to intentionally mishandle a reptile of a species named in this article in a way or manner that intentionally or negligently exposes another individual to unsafe contact with the reptile. It is also unlawful for a person to intentionally suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid a person to handle or expose himself to a reptile of a species named in this article in a way or manner that intentionally or negligently exposes another individual to unsafe contact with the reptile. Safe and responsible handling of reptiles for purposes of animal husbandry, training, transport, exhibition and education is permitted.

Section 47‑2‑260. If a law enforcement officer or animal control officer has probable cause to believe that any of the provisions of this article have been violated, it is his duty to immediately investigate the violation or impending violation and to seize the reptiles involved, and the officer is authorized and directed to deliver the reptiles to the Department of Natural Resources or to its designated representative for examination for the purpose of ascertaining whether said reptiles are a venomous reptile, large constricting snake or crocodilian subject to this article. If the Department of Natural Resources finds that the reptile is a venomous reptile, large constricting snake or crocodilian subject to this article, the department or its designated representative shall be empowered to determine final disposition of the reptile in a manner consistent with the safety of the public. If the department or its designated representative find that the reptile is not a venomous reptile, large constricting snake or crocodilian subject to this article and either no criminal warrants or indictments are initiated in connection with the reptile within ten days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported or trafficked in violation of this article, then it is the duty of the officer to return the reptile to the person from whom it was seized within five days.

Section 47‑2‑270. If the examination made by the Department of Natural Resources shows that the reptile is a venomous reptile, large constricting snake or crocodilian it is the duty of the officer making the seizure with probable cause to believe that the reptile is being owned, possessed, used, transported or trafficked in violation of this article in addition to authorizing the Department of Natural Resources or its designated representative to determine final disposition of the reptile, also to arrest all persons violating any of the provisions of this article.

Section 47‑2‑280. This article shall not apply to the possession, exhibition, or handling of reptiles by employees or agents of museums, laboratories, educational or scientific institutions, public or private, in the course of their educational or scientific work.

Section 47‑2‑290. (A) Any person violating any of the provisions of this article is guilty of a misdemeanor and, upon conviction must be fined not more than five thousand dollars, or imprisoned not more than three years.

(B) If a person other than the owner of the venomous reptile, large constricting snake or crocodilian or the owners agent, suffers a life threatening injury or is killed as the result of a violation of this article, the owner is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, or imprisoned not more than three years.

(C) Any person intentionally releasing into the wild a nonnative venomous reptile, a large constricting snake, or a crocodilian is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, or imprisoned not more than three years.”

SECTION 2. A municipality or county may adopt an ordinance that regulates the possession of exotic animals which is more restrictive than the provisions contained in this act.

SECTION 3. This act takes effect July 1, 2012.

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