

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1799

By: David and Fields of the
Senate

6 and

7 Richardson of the House
8

9 COMMITTEE SUBSTITUTE

10 An Act relating to exotic felines; creating the
11 Oklahoma Responsible Exotic Cat Ownership Act;
12 providing short title; stating purpose of act;
13 specifying classes of exotic felines under act;
14 prohibiting possession of certain felines without an
15 authorizing permit; directing the Oklahoma Department
16 of Agriculture, Food, and Forestry to issue certain
17 permits under certain conditions; specifying fee for
18 certain permits; providing for certain permit
19 classes; establishing permit requirements; providing
20 for certain noncompliance; setting time period of
21 permit applications for certain persons; providing
22 for permit expiration; providing for permit renewal;
23 requiring maintenance of certain records; providing
24 for the inspection of certain facilities; specifying
land size requirements of certain facilities;
providing an exception; prohibiting possession of
exotic felines in certain dwelling or communities;
requiring certain equipment for exotic feline cages
or enclosures; establishing additional facility
requirements; requiring compliance with facility
requirements within certain time period; specifying
cage sizes for certain exotic felines; requiring
existing facilities to make improvements within
certain time period; allowing for temporary cages or
enclosures under certain circumstances; requiring
certain documentation; allowing for the nonstandard
housing of mobility-impaired exotic felines under

1 certain circumstances; providing for certain watering
and feeding requirements for exotic felines;
2 requiring certain veterinary care of exotic felines;
requiring regular immunizations; establishing certain
3 sanitation requirements; requiring certain removal
and disposal of bedding material; requiring a
4 veterinary care letter; providing for certain
inspections for certain purposes; allowing for
5 certain notice of inspections; requiring certain time
period for correction of deficiencies; permitting
6 certain appeals; requiring notification of escapes to
certain entities; making certain persons liable for
7 specified costs resulting from an escape; making
certain persons guilty of certain violations
8 responsible for expenses related to the seizure or
custody of an exotic feline; requiring certain
9 housing and maintenance of seized exotic felines;
requiring certain supervision of a seizure; directing
10 the State Board of Agriculture to promulgate rules;
providing for exceptions to the act; providing for
11 codification; and providing an effective date.

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 6-701 of Title 2, unless there
17 is created a duplication in numbering, reads as follows:

18 A. This act shall be known and may be cited as the "Oklahoma
19 Responsible Exotic Cat Ownership Act".

20 B. The purpose of the Oklahoma Responsible Exotic Cat Ownership
21 Act is to protect the citizens and wildlife in this state by
22 establishing minimum requirements for the keeping and breeding of
23 exotic felines in captivity.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-702 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 For the purpose of public safety, exotic felines shall be
5 divided into three classes as follows:

6 1. Class I feline species shall include nonnative tigers,
7 lions, leopards, jaguars, or any hybrid thereof;

8 2. Class II feline species shall include nonnative cheetahs,
9 snow leopards, clouded leopards, or any hybrid thereof; and

10 3. Class III feline species shall include all other nonnative
11 species of wild cats, including, but not limited to, servals,
12 Canadian lynx, European lynx, caracals, jungle cats, ocelots,
13 fishing cats, Asian leopard cats, European Wildcats, margays,
14 Geoffroy cats, or any hybrid thereof except for domestic and wild
15 feline hybrid crosses.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-703 of Title 2, unless there
18 is created a duplication in numbering, reads as follows:

19 A. No person shall possess any native or nonnative nondomestic
20 feline in captivity except as authorized by a permit issued by the
21 Oklahoma Department of Agriculture, Food, and Forestry. Upon
22 payment of the required fees and demonstration of the requirements
23 of the provisions of the Oklahoma Responsible Exotic Cat Ownership
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1 Act, the Department shall issue a permit to possess, exhibit and/or
2 breed exotic felines.

3 B. The permit fee for a noncommercial breeder shall be Ten
4 Dollars (\$10.00) and the permit fee for a commercial breeder shall
5 be Forty-eight Dollars (\$48.00) per year for all classes of exotic
6 felines. Permit fees shall be commensurate with the actual
7 administrative costs required to administer permits. In no case
8 shall the permit fees be intended to be punitive or prohibitive.

9 C. Permits shall specify which class of feline species may be
10 possessed by the permit holder. Class I permits shall allow for the
11 possession of Class I, Class II, and Class III feline species.
12 Class II permits shall allow for the possession of Class II and
13 Class III feline species, and Class III permits shall only allow for
14 the possession of Class III feline species.

15 D. In order to receive a permit, individual applicants or, in
16 the case of facilities which are operated by corporations, the
17 individual responsible for the oversight of animal care, shall:

- 18 1. Be at least eighteen (18) years of age;
- 19 2. Not have been convicted of a felony violation of captive
20 wildlife regulations, illegal commercialization of wildlife, or
21 offenses involving cruelty to animals;
- 22 3. Possess husbandry knowledge and handling experience
23 commensurate with the class of permit requested as follows:

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- 1 a. Class I permits: A minimum of five hundred (500)
2 hours of practical experience providing care for one
3 or more felines from a Class I species. Experience
4 may be obtained by volunteering at an exotic sanctuary
5 which cares for exotic cats or by being a private
6 owner who has more than two (2) years experience with
7 a Class I feline,
- 8 b. Class II permits: A minimum of two hundred fifty
9 (250) hours of practical experience providing care for
10 one or more felines from a Class II species.
11 Experience may be obtained by volunteering at an
12 exotic sanctuary which cares for exotic cats or by
13 being a private owner who has more than two (2) years
14 experience with a Class II feline, and
- 15 c. Class III permits: A minimum of one hundred (100)
16 hours of practical experience providing care for one
17 or more felines from a Class III species. Experience
18 may be obtained by volunteering at an exotic sanctuary
19 which cares for exotic cats or by being a private
20 owner who has more than two (2) years experience with
21 a Class III feline;

22 4. Demonstrate compliance with the experience requirements by
23 submitting documentation of such experience, including:

- 24 a. a description of the specific experience acquired,

- 1 b. the dates the experience was obtained and the specific
2 licensed location or locations where the experienced
3 was acquired, if applicable,
4 c. references of not less than two state or federally
5 licensed facility operators having personal knowledge
6 of the applicant's stated experience, and
7 d. additional documentation as required by the
8 Department, which may include records of prior permits
9 for the keeping of captive wildlife, evidence of prior
10 ownership, and employment records;

11 5. Demonstrate significant practical knowledge on the subject
12 of exotic feline captive husbandry. The applicant shall provide a
13 letter from a licensed sanctuary or individual owner stating that
14 the applicant is recommended for a permit. The sanctuary or
15 individual owner shall not be held responsible for applicants. Once
16 an applicant is granted a permit, the permit holder shall not be
17 required to repeat such practical knowledge requirements in order to
18 change the class of permit; and

19 6. Submit a written plan for providing emergency and routine
20 health care, including vaccinations, parasite control, dietary
21 programs, and euthanasia protocol, as approved by a licensed
22 veterinarian who has signed and dated the plan.

23 E. Upon the effective date of this act, applicants for a permit
24 already in possession of exotic felines shall have sixty (60) days

1 to apply for and be issued a permit for the highest class of exotic
2 feline they possess at the time of application, or for the highest
3 class they can prove ownership of for two (2) consecutive years.
4 Such persons shall be exempt from the experience and testing
5 requirements of this section.

6 F. All permits issued pursuant to the Oklahoma Responsible
7 Exotic Cat Ownership Act shall expire on June 30 of each year.
8 Permit holders who wish to continue possession of an exotic feline
9 shall file an application for permit renewal at least thirty (30)
10 days prior to the expiration date of the permit.

11 G. All permit holders shall keep current records of the origins
12 of all permitted exotic felines on hand and records of exotic feline
13 transfers. The recipient's name, address, and permit number, if
14 required, shall be entered in the transferor's records and made
15 available for inspection upon request by the Department for a period
16 of three (3) years after transfer.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-704 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Applicants for permits under the Oklahoma Responsible Exotic
21 Cat Ownership Act shall specify the location of the facility at
22 which exotic felines shall be maintained. The facility may be
23 inspected and approved by the Oklahoma Department of Agriculture,
24 Food, and Forestry prior to the issuance of a permit.

1 B. Class I and Class II felines shall not be possessed on any
2 premises of less than five (5) acres of land area. This requirement
3 shall not apply to facilities that possess either Class I or Class
4 II felines for at least thirty (30) continuous days prior to the
5 effective date of this act. Class III felines shall not be
6 possessed on any premises of less than two (2) acres of land area.

7 C. Exotic felines shall not be possessed in multiunit dwelling
8 or in housing residential communities.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-705 of Title 2, unless there
11 is created a duplication in numbering, reads as follows:

12 A. All exotic feline cages and enclosures shall be equipped to
13 provide for the protection and welfare of the exotic felines. The
14 equipment shall include, but not be limited to:

15 1. A shelter provided by a structure that provides protection
16 from the elements and extremes in temperature that could be
17 detrimental to the health and welfare of the exotic felines;

18 2. A nest box or den provided by an enclosed shelter that
19 provides a retreat area attached to or inside a cage or enclosure
20 that provides protection from the elements and extremes in
21 temperature that could be detrimental to the health and welfare of
22 the exotic felines;

23 3. An elevated platform or area that provides a resting area
24 for the exotic felines as well as shade;

1 4. Enrichments that provide the opportunity for physical
2 stimulation or manipulation compatible with the species. The
3 enrichments shall be noninjurious and may include, but not be
4 limited to, boxes, balls, bones, barrels, rawhides, pools, and
5 scratch posts;

6 5. Cages or enclosures sufficiently strong enough to prevent
7 escape and to protect a caged exotic feline from injury. Cages
8 shall be well-braced and securely anchored at ground level to
9 prevent escape by digging or erosion. The fasteners and fittings
10 used in construction shall be constructed of materials that are at
11 least the equivalent in strength as those prescribed for cage
12 construction for each particular species;

13 6. Cage barriers that have a minimum height of four (4) feet
14 and that are a minimum distance of three (3) feet away from the
15 primary exotic feline enclosure. Barriers may be constructed from
16 materials such as fencing, moats, or closed meshed wire; provided,
17 however, that all materials shall be safe and effective in
18 preventing public contact if the facility is open to the public;

19 7. A perimeter fence sufficient to deter entry by the public.
20 The perimeter fence shall completely surround the cage where exotic
21 felines are housed or exercised outdoors and shall be at least eight
22 (8) feet in height for Class I and Class II felines;

23 8. Doors or gates which may be locked when the perimeter is not
24 attended;

1 9. Safety entrances for all cages and enclosures which shall
2 allow a keeper to enter or exit a cage without providing an avenue
3 of escape to exotic felines. Safety entrances may include, but are
4 not limited to, a double-gated entry door, interconnecting cages
5 which can be isolated from each other, or a lock-down area. Safety
6 entrances shall be constructed of materials that are at least the
7 equivalent in strength as those recommended for cage construction
8 for each particular species;

9 10. For Class I and Class II species, lockout areas that allow
10 the keeper to access and clean the cage while the exotic feline is
11 contained in a separate area. Lockout areas may consist of a den
12 box with a door that also has access from outside the cage so that
13 the cage may be cleaned, or any other method that allows positive
14 separation of the exotic felines and the keeper; and

15 11. Safety equipment which is available at all times. Safety
16 equipment may include carbon dioxide fire extinguishers, darting
17 equipment, and pepper spray.

18 B. Additional facility requirements for each class of exotic
19 felines shall be as follows:

20 1. Class I and Class II species:

- 21 a. cage construction materials shall consist of nine-
22 gauge chain link fencing or equivalent, and
- 23 b. exotic felines shall have access to an outdoor
24 enclosure; and

1 2. Class III:

2 a. enclosures shall be constructed with a minimum of
3 eleven-gauge chain link fencing or equivalent in a
4 welded wire,

5 b. exotic felines shall have access to an outdoor
6 exercise enclosure, and

7 c. exotic felines shall only be housed in the house of
8 the permit holder if all possible routes of escape
9 have been remedied.

10 C. Caging considered unsafe or otherwise not in compliance with
11 regulatory requirements shall be brought into compliance within
12 thirty (30) days of notification of noncompliance.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6-706 of Title 2, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Cage sizes for exotic felines permitted under the Oklahoma
17 Responsible Exotic Cat Ownership Act shall be as follows:

18 1. All Class I felines and cheetahs:

19 a. for one exotic feline, a cage floor size of no less
20 than three hundred (300) square feet and a cage height
21 of no less than eight (8) feet. The cage size shall
22 be increased by fifty percent (50%) for each
23 additional exotic feline, and
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1 b. each cage shall have an elevated platform that shall
2 be large enough to accommodate all exotic felines
3 simultaneously. Each cage shall have a claw log;

4 2. Jaguars, leopards, and snow leopards:

5 a. for one exotic feline, a cage floor size of no less
6 than two hundred (200) square feet and a cage height
7 of no less than eight (8) feet. The cage size shall
8 be increased by fifty percent (50%) for each
9 additional exotic feline, and

10 b. each cage shall have an elevated platform large enough
11 to accommodate all exotic felines in the enclosure
12 simultaneously. Each cage shall have a claw log;

13 3. Lesser cats, including lynx, ocelots, caracal, clouded
14 leopards, fishing cats, and jungle cats:

15 a. for one exotic feline, a cage floor size of no less
16 than one hundred (100) square feet and a cage height
17 of no less than six (6) feet. The cage sizes shall be
18 increased by fifty percent (50%) for each additional
19 exotic feline, and

20 b. each cage shall have an elevated platform and claw
21 log; and

22 4. Small cats, including Geoffroy cats, leopard cats, wildcats,
23 sand cats, margays, black-footed cats, and all other species not
24 specified in this section:

1 a. for one exotic feline, a cage floor size of no less
2 than one hundred (100) square feet with a cage height
3 of no less than six (6) feet. The cage sizes shall be
4 increased by fifty percent (50%) for each additional
5 exotic feline, and

6 b. each exotic feline shall have an elevated platform
7 which shall be large enough to accommodate all exotic
8 felines in the enclosure simultaneously. Each cage
9 shall have a claw log.

10 B. Facilities in existence at the effective date of this act
11 shall have six (6) months to make any improvements necessary to
12 bring the facility into compliance with this section. The permit
13 holder shall submit a written plan for completing the improvements
14 to the Oklahoma Department of Agriculture, Food, and Forestry.
15 Extensions to the compliance deadline may be granted at the
16 discretion of the Department on a case-by-case basis.

17 C. Exotic felines may be temporarily housed in cages or
18 enclosures that do not meet the requirements of this section under
19 the following circumstances:

20 1. For the transport of performing and nonperforming exotic
21 felines, including a period not to exceed the forty-eight-hour
22 periods immediately preceding and following the time the exotic
23 feline is actually in transit;

1 2. Exotic felines being held for sale, veterinary care, or
2 quarantine which are temporarily housed in cages or enclosures
3 smaller than normally required for a period not to exceed thirty
4 (30) days within any twelve-month period unless under veterinary
5 instructions; provided, however, that such temporary caging or
6 enclosures shall not be smaller than that required for the caged
7 exotic feline to stand up, lie down, and turn around without
8 touching the sides of the enclosure or another feline. All
9 temporarily caged or housed exotic felines shall be permanently
10 marked or their enclosure shall be permanently marked so as to be
11 traceable to written records indicating the date the exotic feline
12 was placed in temporary holding. The period the exotic feline may
13 be temporarily housed in cages or enclosures may be extended, with
14 prior written approval by the Department, in circumstances where a
15 licensed veterinary has certified that a longer holding period is
16 medically necessary for the health or safety of the exotic feline or
17 the public. Medical records concerning all exotic felines for which
18 an extension is obtained shall be maintained at the facility and
19 shall be made available for inspection upon request. Juvenile
20 exotic felines shall have written documentation available to verify
21 the age of the exotic feline, be marked or otherwise identifiable,
22 and be provided space for exercise on a daily basis;

23 3. Newborn and juvenile exotic felines kept in enclosures below
24 the standard caging size or strength requirements, in multiunit

1 dwellings, or on the premises of land that is less than the required
2 land area;

3 4. Newborn and juvenile exotic felines which are kept in
4 incubation and rearing facilities. Nursing young may be maintained
5 with their parents with no increase in required cage size for the
6 adult exotic feline for up to twelve (12) weeks, provided that
7 documentation is available to show the age of the newborn or
8 juvenile exotic feline; and

9 5. Temporarily unconfined exotic felines which are maintained
10 under rigid supervision and control so as to prevent injuries to
11 members of the public. To provide for public safety, unconfined
12 exotic felines shall be controlled in such a manner as to prevent
13 physical contact with the public unless the facility is licensed by
14 the United States Department of Agriculture for exhibiting purposes
15 and the permit holder complies with all rules and guidelines
16 specified in the federal Animal Welfare Act. No captive feline
17 shall be tethered outdoors without supervision.

18 D. Exotic felines which are mobility-impaired may be housed in
19 cages or enclosures which do not meet the standard caging
20 requirements if a standard cage or enclosure or any required
21 accessories would be detrimental to the health or welfare of the
22 exotic feline. In such instances, written documentation by a
23 veterinarian confirming the need for such exemptions shall be
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1 maintained by the permit holder and shall be made available to
2 representatives of the Department upon request.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6-707 of Title 2, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A constant supply of potable water at a temperature suitable
7 for consumption shall be available to exotic felines at all times.

8 B. Regular feeding schedules for exotic felines shall be
9 maintained. The rations supplied to the exotic felines shall be
10 adequate and nutritious so as to maintain proper strength and a
11 healthy appearance.

12 C. Areas used for food preparation and storage shall be
13 sufficiently clean so as to prevent contamination by pathogens or
14 harmful substances.

15 D. Food for exotic felines shall be refrigerated or stored in
16 such a manner as to prevent spoilage and contamination by rodents,
17 insects, or other animals.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6-708 of Title 2, unless there
20 is created a duplication in numbering, reads as follows:

21 A. All exotic felines shall be provided with routine and
22 adequate veterinary care for injuries and for the control of
23 contagious, parasitic, and nutritional diseases. Veterinary care
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1 shall include regular immunizations for the control of diseases as
2 recommended for the species and by the veterinarian.

3 B. A facility which houses exotic felines shall be kept
4 sanitary and regularly cleaned. Uneaten food shall be removed on a
5 daily basis to prevent the appearance of flies and maggots. Feces
6 shall be removed frequently enough to prevent accumulation or
7 potential contamination of food or bedding areas.

8 C. Adequate provision shall be made for the removal and proper
9 disposal of dirtied bedding material in a manner designed to
10 minimize odor and vermin control.

11 D. Permit holders shall obtain a letter from a licensed
12 veterinarian indicating that the veterinarian is willing to be the
13 veterinarian of record for the exotic feline.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 6-709 of Title 2, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The facilities, exotic felines, and records of a permit
18 holder may be inspected by a representative of the Oklahoma
19 Department of Agriculture, Food, and Forestry during reasonable
20 business hours for the purpose of verifying regulatory compliance
21 with the Oklahoma Responsible Exotic Cat Owners Act.

22 B. The inspector may give the permit holder at least twenty
23 four (24) hours notice prior to inspection. Prior notification of
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1 an inspection is not required if the inspector has reason to believe
2 that the health or safety of the public or an animal is in danger.

3 C. The results of conditions observed by inspectors during
4 their inspections may be considered in determining whether to renew
5 or revoke a permit.

6 D. Permit holders shall be granted a minimum of thirty (30)
7 days to correct deficiencies identified during inspections.

8 E. Permit holders shall have the right to appeal inspection
9 findings to the inspector's supervisors.

10 SECTION 10. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6-710 of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Escapes of exotic felines shall be immediately reported to
14 the Oklahoma Department of Agriculture, Food, and Forestry, the
15 local animal control officer, and local law enforcement.

16 B. A permit holder found guilty of negligence resulting in the
17 escape of a permitted animal shall be liable for any costs incurred
18 in recapturing the exotic feline or for any damages resulting from
19 such escape.

20 C. Any person or persons found guilty of deliberately causing
21 an escape or damage to a facility containing exotic felines shall be
22 liable for any costs of repair or recapture or for any damages
23 resulting for such an escape.

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1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-711 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. If a permit holder, owner, or possessor of an exotic feline
5 is found guilty of a criminal violation of the Oklahoma Responsible
6 Exotic Cat Ownership Act, the permit holder, owner, or possessor of
7 the exotic feline shall be responsible for the payment of all
8 expenses relative to the exotic feline's capture, transport,
9 boarding, veterinary care, and other costs associated with or
10 incurred due to such seizure or custody. Failure to pay the
11 expenses shall be grounds for revocation or denial of permits to
12 such individuals to possess wildlife.

13 B. Exotic felines which are kept by permit holders that are
14 seized or taken into custody by the Oklahoma Department of
15 Agriculture, Food, and Forestry shall be housed and maintained in a
16 manner consistent with the conditions of the owner's permit.

17 C. A seizure of an exotic feline by the Department shall be
18 initiated and supervised by at least two officials from the
19 Department.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6-712 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

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1 The State Board of Agriculture shall promulgate any rules
2 necessary to implement the provisions of the Oklahoma Responsible
3 Exotic Cat Ownership Act.

4 SECTION 13. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 6-713 of Title 2, unless there
6 is created a duplication in numbering, reads as follows:

7 Persons and facilities licensed by the United States Department
8 of Agriculture, educational facilities, persons who keep or maintain
9 native cats that will grow to reach the weight of fifty (50) pounds
10 or more and which are subject to regulation by the Department of
11 Wildlife Conservation and any nonprofit organization which keeps or
12 maintains exotic felines that was organized and granted an exemption
13 from taxation pursuant to Section 501(c)(3) of the Internal Revenue
14 Code, 26 U.S.C., Section 501(c)(3) prior to the effective date of
15 this act shall be exempt from the requirements of the Oklahoma
16 Responsible Exotic Cat Ownership Act.

17 SECTION 14. This act shall become effective November 1, 2012.

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