ENGROSSED SENATE
BILL NO. 1799 By: David and Fields of the Senate

and

Richardson of the House

[ exotic felines - commercial wildlife breeders' licenses - Oklahoma Responsible Exotic Cat Ownership Act - codification - effective date ]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.3 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.4 of Title 29, unless there is created a duplication in numbering, reads as follows:

For the purpose of public safety, exotic felines shall be divided into three (3) classes as follows:

1. Class I feline species shall include non-native tigers, lions, leopards, jaguars, or any hybrid thereof;

2. Class II feline species shall include non-native cheetahs, snow leopards, clouded leopards, or any hybrid thereof; and

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.5 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

B. The permit fee for a noncommercial breeder shall be Ten Dollars ($10.00) and the permit fee for a commercial breeder shall be Forty-eight Dollars ($48.00) per year for all classes of exotic felines. Permit fees shall be commensurate with the actual

administrative costs required to administer permits. In no case shall the permit fees be intended to be punitive or prohibitive.

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

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

1. Be at least eighteen (18) years of age;

2. Not have been convicted of a felony violation of captive wildlife regulations, illegal commercialization of wildlife, or offenses involving cruelty to animals;

3. Possess husbandry knowledge and handling experience commensurate with the class of permit requested as follows:

a. Class I permits: A minimum of five hundred (500) hours of practical experience providing care for one or more felines from a Class I species. Experience may be obtained by volunteering at an exotic sanctuary which cares for exotic cats or by being a private owner who has more than two (2) years experience with a Class I feline,

b. Class II permits: A minimum of two hundred fifty (250) hours of practical experience providing care for one or more felines from a Class II species. Experience may be obtained by volunteering at an exotic sanctuary which cares for exotic cats or by being a private owner who has more than two (2) years experience with a Class II feline, and

c. Class III permits: A minimum of one hundred (100) hours of practical experience providing care for one or more felines from a Class III species. Experience may be obtained by volunteering at an exotic sanctuary which cares for exotic cats or by being a private owner who has more than two (2) years experience with a Class III feline;

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

a. a description of the specific experience acquired,

b. the dates the experience was obtained and the specific licensed location or locations where the experienced was acquired, if applicable,

c. references of not less than two (2) state or federally licensed facility operators having personal knowledge of the applicant's stated experience, and

d. additional documentation as required by the Department, which may include records of prior permits for the keeping of captive wildlife, evidence of prior ownership, and employment records;

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

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

E. Upon the effective date of this act, applicants for a permit already in possession of exotic felines shall have sixty (60) days to apply for and be issued a permit for the highest class of exotic feline they possess at the time of application, or for the highest class they can prove ownership of for two (2) consecutive years. Such persons shall be exempt from the experience and testing requirements of this section.

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

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.6 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

B. Class I and Class II felines shall not be possessed on any premises of less than five (5) acres of land area. This requirement shall not apply to facilities that possess either Class I or Class II felines for at least thirty (30) continuous days prior to the

effective date of this act. Class III felines shall not be possessed on any premises of less than two (2) acres of land area.

C. Exotic felines shall not be possessed in multi-unit dwelling or in housing residential communities.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.7 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

4. Enrichments that provide the opportunity for physical stimulation or manipulation compatible with the species. Such enrichments shall be noninjurious and may include, but not be

limited to, boxes, balls, bones, barrels, rawhides, pools, and scratch posts;

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

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

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

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

9. Safety entrances for all cages and enclosures which shall allow a keeper to enter or exit a cage without providing an avenue of escape to exotic felines. Safety entrances may include, but are

not limited to, a double-gated entry door, interconnecting cages which can be isolated from each other, or a lock-down area. Safety entrances shall be constructed of materials that are at least the equivalent in strength as those recommended for cage construction for each particular species;

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

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

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

1. Class I and Class II species:

a. cage construction materials shall consist of nine (9) gauge chain link fencing or equivalent, and

b. exotic felines shall have access to an outdoor enclosure; and

2. Class III:

a. enclosures shall be constructed with a minimum of eleven (11) gauge chain link fencing or equivalent in a welded wire,

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

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

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.8 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

1. All Class I felines and cheetahs:

a. for one exotic feline, a cage floor size of no less than three hundred (300) square feet and a cage height of no less than eight (8) feet. The cage size shall be increased by fifty percent (50%) for each additional exotic feline, and

b. each cage shall have an elevated platform that shall be large enough to accommodate all exotic felines simultaneously. Each cage shall have a claw log;

2. Jaguars, leopards, and snow leopards:

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

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

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

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

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

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

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

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

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

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

1. For the transport of performing and nonperforming exotic felines, including a period to not exceed the forty eight (48) hour periods immediately preceding and following the time the exotic feline is actually in transit,

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

3. Newborn and juvenile exotic felines kept in enclosures below the standard caging size or strength requirements, in multi-unit

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

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

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

D. Exotic felines which are mobility impaired may be housed in cages or enclosures which do not meet the standard caging requirements if a standard cage or enclosure or any required accessories would be detrimental to the health or welfare of the exotic feline. In such instances, written documentation by a veterinarian confirming the need for such exemptions shall be

maintained by the permit holder and shall be made available to representatives of the Department upon request.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.9 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.10 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. All exotic felines shall be provided with routine and adequate veterinary care for injuries and for the control of contagious, parasitic, and nutritional diseases. Such care shall

include regular immunizations for the control of diseases as recommended for the species and by the veterinarian.

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

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

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

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.11 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. Permit holders' facilities, exotic felines, and records may be inspected by a representative of the Oklahoma Department of Agriculture, Food, and Forestry during reasonable business hours for the purpose of verifying regulatory compliance with the Oklahoma Responsible Exotic Cat Owners Act.

B. The inspector may give the permit holder at least twenty four (24) hours notice prior to inspection. Prior notification of

an inspection is not required if the inspector has reason to believe that the health or safety of the public or an animal is in danger.

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

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

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

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.12 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

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

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

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.13 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

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

C. A seizure of an exotic feline by the Department shall be initiated and supervised by at least two (2) officials from the Department.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.14 of Title 29, unless there is created a duplication in numbering, reads as follows:

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

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107.15 of Title 29, unless there is created a duplication in numbering, reads as follows:

Persons and facilities licensed by the United States Department of Agriculture, educational facilities and persons who keep or maintain native cats that will grow to reach the weight of fifty (50) pounds or more subject to regulation by the Oklahoma Department of Wildlife Conservation shall be exempt from the requirements of the Oklahoma Responsible Exotic Cat Ownership Act.

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

Passed the Senate the 12th day of March, 2012.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2012.

_____
Presiding Officer of the House of Representatives