

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 178

By: David of the Senate

and

Osborn of the House

COMMITTEE SUBSTITUTE

An Act relating to exotic felines; creating the Oklahoma Responsible Exotic Cat Ownership Act; providing short title; stating purpose of act; specifying classes of exotic felines under act; requiring certain permit; directing the Department of Wildlife Conservation to issue certain permits; specifying fee for certain permits; specifying requirements for certain applications; providing for permit expiration; providing for permit renewal; requiring maintenance of certain records; providing for the inspection of certain facilities; specifying requirements of certain facilities; requiring certain equipment; providing for the watering and feeding of certain animals; requiring certain care; requiring certain removal and disposal; requiring certain letter; providing for certain inspections; permitting certain appeals; requiring certain notification; requiring certain persons to be liable for specified costs; requiring certain housing; requiring certain maintenance; directing the State Board of Agriculture to promulgate certain rules; providing for exceptions to the act; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-292.1 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

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

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

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6-292.2 of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

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

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

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

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

SECTION 3. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 6-292.3 of Title 2, 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 both commercial and noncommercial breeders shall be One Hundred Dollars (\$100.00) 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.

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

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

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

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

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

17 b. Class II permits: A minimum of two hundred fifty
18 (250) hours of practical experience providing care for
19 one or more felines from a Class II species.
20 Experience may be obtained by volunteering at an
21 exotic sanctuary which cares for exotic cats or by
22 being a private owner who has more than two (2) years
23 experience with a Class II feline, and
24

1 c. Class III permits: A minimum of one hundred (100)
2 hours of practical experience providing care for one
3 or more felines from a Class III 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 III feline;

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

- 10 a. a description of the specific experience acquired,
11 b. the dates the experience was obtained and the specific
12 licensed location or locations where the experience
13 was acquired, if applicable,
14 c. references of not less than two (2) state or federally
15 licensed facility operators having personal knowledge
16 of the applicant's stated experience, and
17 d. additional documentation as required by the
18 Department, which may include records of prior permits
19 for the keeping of captive wildlife, evidence of prior
20 ownership, and employment records;

21 5. Demonstrate significant practical knowledge on the subject
22 of exotic feline captive husbandry. The applicant shall provide a
23 letter from a licensed sanctuary or individual owner stating that
24 the applicant is recommended for a permit. The sanctuary or

1 individual owner shall not be held responsible for applicants. Once
2 an applicant is granted a permit, the permit holder shall not be
3 required to repeat such practical knowledge requirements in order to
4 change the class of permit; and

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

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

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

21 G. All permit holders shall keep current records of the origins
22 of all permitted exotic felines on hand and records of exotic feline
23 transfers. The recipient's name, address, and permit number, if
24 required, shall be entered in the transferor's records and made

1 available for inspection upon request by the Department for a period
2 of three (3) years after transfer.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6-292.4 of Title 2, unless there
5 is created a duplication in numbering, reads as follows:

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

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

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

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 6-292.5 of Title 2, unless there
21 is created a duplication in numbering, reads as follows:

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

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

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

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

11 4. Enrichments that provide the opportunity for physical
12 stimulation or manipulation compatible with the species. Such
13 enrichments shall be noninjurious and may include, but not be
14 limited to, boxes, balls, bones, barrels, rawhides, pools, and
15 scratch posts;

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

23 6. A perimeter fence sufficient to deter entry by the public.
24 Such perimeter fence shall completely surround the cage where exotic

1 felines are housed or exercised outdoors and shall be at least eight
2 (8) feet in height for Class I and Class II felines;

3 7. Doors or gates which may be locked when the perimeter is not
4 attended;

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

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

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

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

24 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 6-292.7 of Title 2, 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

1 adequate and nutritious so as to maintain proper strength and a
2 healthy appearance.

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

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

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-292.8 of Title 2, unless there
11 is created a duplication in numbering, reads as follows:

12 A. All exotic felines shall be provided with routine and
13 adequate veterinary care for injuries and for the control of
14 contagious, parasitic, and nutritional diseases. Such care shall
15 include regular immunizations for the control of diseases as
16 recommended for the species and by the veterinarian.

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

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

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

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 692.9 of Title 2, unless there
6 is created a duplication in numbering, reads as follows:

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

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

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

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

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

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-292.10 of Title 2, unless
3 there is created a duplication in numbering, reads as follows:

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

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

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

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 6-292.11 of Title 2, unless
17 there is created a duplication in numbering, reads as follows:

18 A. If a permit holder, owner, or possessor of an exotic feline
19 is found guilty of a criminal violation of the Oklahoma Responsible
20 Exotic Cat Ownership Act, the permit holder, owner, or possessor of
21 the exotic feline shall be responsible for the payment of all
22 expenses relative to the exotic feline's capture, transport,
23 boarding, veterinary care, and other costs associated with or
24 incurred due to such seizure or custody. Failure to pay such

1 expenses shall be grounds for revocation or denial of permits to
2 such individuals to possess wildlife.

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

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

10 SECTION 11. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6-292.12 of Title 2, unless
12 there is created a duplication in numbering, reads as follows:

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

16 SECTION 12. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-292.13 of Title 2, unless
18 there is created a duplication in numbering, reads as follows:

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

SECTION 13. This act shall become effective November 1, 2013.

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