

1 **SENATE FLOOR VERSION**

2 February 18, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 178

By: David of the Senate

and

Osborn of the House

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9 [exotic felines - creating the Oklahoma Responsible
10 Exotic Cat Ownership Act - codification - effective
11 date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

19 B. The purpose of the Oklahoma Responsible Exotic Cat Ownership
20 Act is to protect the citizens and wildlife in this state by
21 establishing minimum requirements for the keeping and breeding of
22 exotic felines in captivity.
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-292.2 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 (3) classes as follows:

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

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

10 3. Class III feline species shall include all other non-native
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 6-292.3 of Title 2, unless there
18 is created a duplication in numbering, reads as follows:

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

3 B. The permit fee for both commercial and noncommercial
4 breeders shall be One Hundred Dollars (\$100.00) per year for all
5 classes of exotic felines. Permit fees shall be commensurate with
6 the actual administrative costs required to administer permits. In
7 no case shall the permit fees be intended to be punitive or
8 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,

- b. the dates the experience was obtained and the specific licensed location or locations where the experience 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

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 6-292.4 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. Such 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 multi-unit
8 dwellings or in residential housing communities.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-292.5 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. Such
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. Such
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. A perimeter fence sufficient to deter entry by the public.
14 Such perimeter fence shall completely surround the cage where exotic
15 felines are housed or exercised outdoors and shall be at least eight
16 (8) feet in height for Class I and Class II felines;

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

19 8. Safety entrances for all cages and enclosures which shall
20 allow a keeper to enter or exit a cage without providing an avenue
21 of escape to exotic felines. Safety entrances may include, but are
22 not limited to, a double-gated entry door, interconnecting cages
23 which can be isolated from each other, or a lock-down area. Safety
24 entrances shall be constructed of materials that are at least the

1 equivalent in strength as those recommended for cage construction
2 for each particular species;

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

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

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

14 1. Class I and Class II species:

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

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

19 2. Class III:

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

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

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

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

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6-292.7 of Title 2, unless there
9 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
15 February 18, 2013 - DO PASS AS AMENDED
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