

House Bill 3437

Sponsored by Representatives ROBLAN, BOQUIST; Representatives BERGER, BRUUN, CLEM, GALIZIO, GARRARD, MACPHERSON, READ, SCHAUFLEER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds member of order Crocodylia to definition of exotic animal. Prohibits breeding of exotic animals. Exempts certain organizations, institutions and facilities from prohibition against possession of exotic animal. Imposes fee for exotic animal permit. Allows temporary authorization to possess offspring of exotic animal. Allows permit for possession of animal of order Crocodylia under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to exotic animals; creating new provisions; amending ORS 609.305, 609.309, 609.312, 609.315,
3 609.319 and 609.335; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 609.305 is amended to read:

6 609.305. As used in ORS 609.305 to 609.335 and 609.992[.]:

7 (1) "Exotic animal" means:

8 [(1)] (a) Any member of the family Felidae not indigenous to Oregon, except the species *Felis*
9 *catus* (domestic cat);

10 [(2)] (b) Any nonhuman primate;

11 [(3)] (c) Any wolf (*Canis lupus*);

12 [(4)] (d) Any nonwolf member of the family Canidae not indigenous to Oregon, except the species
13 *Canis familiaris* (domestic dog); [and]

14 [(5)] (e) Any bear, except the black bear (*Ursus americanus*)[.]; and

15 (f) Any member of the order Crocodylia.

16 (2) "Wildlife sanctuary":

17 (a) Means a nonprofit organization described in section 501(c)(3) of the Internal Revenue
18 Code that operates a place of refuge where an abused, neglected, unwanted, impounded,
19 abandoned, orphaned or displaced exotic animal is provided care for the animal's lifetime or
20 until released into the wild.

21 (b) Does not mean an organization that:

22 (A) Involves an exotic animal in an activity that is not inherent to the animal's nature;

23 (B) Uses exotic animals as a type of entertainment;

24 (C) Sells, trades or barter exotic animals or exotic animal body parts; or

25 (D) Breeds exotic animals.

26 **SECTION 2.** ORS 609.309 is amended to read:

27 609.309. It is the policy of this state [*that the keeping of exotic animals be regulated so as*] to
28 **protect the public against health and safety risks that exotic animals pose to the community,**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ensure the health, welfare and safety of [*those*] **exotic** animals and [*to*] ensure the security of facil-
 2 ities in which [*they*] **exotic animals** are kept, so as to avoid undue physical or financial risk to the
 3 public. [*It is the policy of this state that regulation place no more burden upon the keepers of exotic*
 4 *animals than is required to accomplish the purposes expressed in this section.*]

5 **SECTION 3.** ORS 609.312 is amended to read:

6 609.312. A person who sells an exotic animal must, prior to accepting the offer to purchase,
 7 provide the prospective purchaser of the animal with informational material approved by the State
 8 Department of Agriculture regarding the care, husbandry, health and nutritional needs of the ani-
 9 mal. **This section does not allow the sale of an exotic animal to a person located in this state**
 10 **other than an entity described in ORS 609.315.**

11 **SECTION 4.** ORS 609.315 is amended to read:

12 609.315. The requirements for a permit in ORS 609.319 and 609.335 [*shall*] **do not apply to the**
 13 **following:**

14 (1) A wildlife rehabilitation center operated under a valid permit issued by the State Fish and
 15 Wildlife Commission pursuant to ORS 497.308.[: *or*]

16 (2) A facility operated under a valid [*license or*] **research facility** registration issued by the
 17 United States Department of Agriculture pursuant to the federal Animal Welfare Act of 1970 (7
 18 U.S.C. 2133 or 2136).

19 (3) **An institution accredited by, or mentored through, the Association of Zoos and**
 20 **Aquariums or a successor organization.**

21 (4) **An exotic animal protection organization incorporated under ORS chapter 65 that**
 22 **houses an exotic animal at the written request of state or local government.**

23 (5) **A law enforcement agency.**

24 (6) **A licensed veterinary hospital or clinic.**

25 (7) **A wildlife sanctuary.**

26 (8) **A licensed or accredited educational facility.**

27 (9) **A lawfully operated circus or rodeo.**

28 (10) **A person transporting an exotic animal through this state, if:**

29 (a) **The transit time within this state does not exceed 96 hours and the animal is main-**
 30 **tained at all times within a cage, structure or other facility sufficient to prevent the animal**
 31 **from escaping; or**

32 (b) **The animal is being transported in interstate commerce. If the transit time within**
 33 **this state is more than 96 hours and the animal is not in the possession of a common carrier,**
 34 **there is a rebuttable presumption that the animal is not being transported in interstate**
 35 **commerce. As used in this paragraph, “common carrier” means an entity engaged in the**
 36 **business of transporting cargo between states or internationally, by truck, rail, ship or air.**

37 **SECTION 5.** ORS 609.319 is amended to read:

38 609.319. (1) [*No*] **A person may not keep an exotic animal in this state unless, before acquiring**
 39 **the animal,** the person possesses a valid State Department of Agriculture permit for that animal
 40 [*issued pursuant to ORS 609.335. No*] **and the permit was originally issued to the person before**
 41 **the effective date of this 2007 Act.**

42 (2) **A person keeping an exotic animal in this state may not breed the exotic animal.**

43 (3) **A person may not keep an exotic animal in this state for more than 30 days after the expi-**
 44 **ration, revocation or suspension of a permit.**

45 **SECTION 6.** ORS 609.335 is amended to read:

1 609.335. [(1) *The State Department of Agriculture shall issue permits for the keeping of exotic an-*
 2 *imals, as defined in ORS 609.305.*]

3 [(2)] (1) The [department] **State Department of Agriculture** shall adopt reasonable rules for
 4 issuing permits to keep exotic animals and establishing conditions thereof. The conditions shall be
 5 directed toward ensuring the health, welfare and safety of the animals and, where necessary, the
 6 security of facilities in which the animals are kept so as to avoid undue physical or financial risk
 7 to the public. The rules shall be no more restrictive upon keepers of exotic animals than is reason-
 8 ably necessary to carry out [subsection (1) of this section and] the purposes of ORS 609.309.

9 [(3) *A separate permit shall be required for each species of exotic animal kept. A permit shall be*
 10 *valid for a period of two years from the date of issue and may be renewed.*]

11 [(4) *The department may charge a fee for the issuance and renewal of permits under this section.*
 12 *The fee shall not exceed \$300 for each issuance and \$100 for each renewal.*]

13 **(2) The department may charge a fee to renew an exotic animal permit described in ORS**
 14 **609.319. The fee may not exceed \$100. A permit renewal is valid for two years.**

15 [(5)] (3) The department may revoke a permit upon finding a violation of rules adopted under
 16 this section, or the department may issue a finding of violation and a warning to remedy the vio-
 17 lation by a specified date.

18 **SECTION 7. (1) Notwithstanding ORS 609.319, if an exotic animal for which a person**
 19 **possesses a valid State Department of Agriculture permit is gestational on the effective date**
 20 **of this 2007 Act, the department may issue the person a temporary authorization to possess**
 21 **the resulting offspring.**

22 **(2) To obtain a temporary authorization under this section, the person must apply to the**
 23 **department no later than 30 days after the effective date of this 2007 Act. The application**
 24 **must include a statement by a licensed veterinarian verifying that the exotic animal is**
 25 **gestational. The statement by the veterinarian must include an estimate of the remaining**
 26 **gestation time and the length of time that the offspring may be expected to be dependent**
 27 **on the mother.**

28 **(3) The department may impose a fee for the temporary authorization of not less than**
 29 **\$100 and not more than \$300.**

30 **(4) Subject to subsection (5) of this section, the department shall establish the term of**
 31 **the temporary authorization to cover the period that the offspring may be expected to be**
 32 **dependent on the mother. In establishing the term of the temporary authorization, the de-**
 33 **partment shall consider the statement by the veterinarian described in subsection (2) of this**
 34 **section. No later than 10 days after the expiration of the temporary authorization, the person**
 35 **shall provide proof to the department that all of the offspring have been relocated outside**
 36 **the state or are in the possession of an entity described in ORS 609.315.**

37 **(5) The department may not issue a temporary authorization under subsection (4) of this**
 38 **section later than two years after the effective date of this 2007 Act.**

39 **SECTION 8. (1) Notwithstanding ORS 609.319, the State Department of Agriculture may**
 40 **issue an exotic animal permit for an animal of the order Crocodylia to a person if the person**
 41 **applies for the permit on or before the 60th day after the effective date of this 2007 Act and**
 42 **submits proof satisfactory to the department that the person possessed the animal on the**
 43 **date immediately prior to the effective date of this 2007 Act.**

44 **(2) The department may charge a fee of \$300 to issue the permit.**

45 **(3) A permit issued under this section shall be treated for all purposes in the same**

1 manner as an exotic animal permit originally issued before the effective date of this 2007 Act.

2 SECTION 9. This 2007 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
4 on its passage.

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