

Enrolled
Senate Bill 391

Sponsored by Senators HASS, BOQUIST; Representatives BERGER, BRUUN, GARRARD, ROBLAN, SCHAUFLER, WITT

CHAPTER

AN ACT

Relating to exotic animals; creating new provisions; and amending ORS 609.305, 609.309, 609.312, 609.315, 609.319 and 609.335.

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

SECTION 1. ORS 609.305 is amended to read:

609.305. As used in ORS 609.305 to 609.335 and 609.992, "exotic animal" means:

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

(2) Any nonhuman primate;

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

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

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

(5) Any member of the order Crocodylia.

SECTION 2. ORS 609.309 is amended to read:

609.309. It is the policy of this state [*that the keeping of exotic animals be regulated so as*] to **protect the public against health and safety risks that exotic animals pose to the community**, ensure the health, welfare and safety of [*those*] **exotic animals** and [*to*] ensure the security of facilities in which [*they*] **exotic animals** are kept, so as to avoid undue physical or financial risk to the public. [*It is the policy of this state that regulation place no more burden upon the keepers of exotic animals than is required to accomplish the purposes expressed in this section.*]

SECTION 3. ORS 609.312 is amended to read:

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

SECTION 4. ORS 609.315 is amended to read:

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

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

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

(c) **An exotic animal protection organization, including humane societies and animal shelters, incorporated under ORS chapter 65, that houses an exotic animal at the written request of the state or a state agency for a period not to exceed 30 days.**

(d) A law enforcement agency.

(e) A licensed veterinary hospital or clinic.

(f) **An educational facility that houses a member of the order Crocodylia pursuant to a written request of the state, a local government or a state agency stating the need to house the member of the order Crocodylia at the educational facility.**

(g) **A person or organization that takes in an exotic animal in an emergency situation but that does not otherwise qualify for an exemption under this section. The person or organization may keep the exotic animal for not more than 48 hours during which time the person or organization must make a good faith effort to contact a law enforcement agency, the State Department of Agriculture or a wildlife rehabilitation center described in paragraph (a) of this subsection.**

(h) **A person with a disability as defined in 42 U.S.C. 12102(2)(A) who possesses a service monkey if:**

(A) **The person presents, at the request of the State Department of Agriculture, written proof from a medical doctor that the person has a disability and that the service monkey performs specific tasks for the benefit of the person with the disability;**

(B) **The service monkey was obtained from, and trained at, a nonprofit organization whose mission is to improve the quality of life of persons with disabilities; and**

(C) **The person complies with any requirements of the Americans with Disabilities Act relating to service animals.**

(2) **As used in subsection (1)(h) of this section, “service monkey” means a nonhuman primate of the genus *Cebus* that is trained to perform specific tasks for a person with a disability.**

SECTION 5. ORS 609.319 is amended to read:

609.319. (1) *[No]* A person may **not** keep an exotic animal in this state unless, *before acquiring the animal,* the person possesses a valid State Department of Agriculture permit for that animal *[issued pursuant to ORS 609.335.]* **issued prior to the effective date of this 2009 Act or issued as provided in section 8 of this 2009 Act.**

(2) **Except as provided in subsection (4) of this section, a person keeping an exotic animal in this state may not breed that animal.**

(3) *[No]* A person may **not** keep an exotic animal in this state for more than 30 days after the expiration, revocation or suspension of a permit.

(4)(a) **A person may breed a small exotic feline if the person:**

(A) **Is exempt from the requirements for a permit under ORS 609.315; or**

(B) **Breeds a small exotic feline with a member of the species *Felis catus* (domestic cat), and:**

(i) **The person has a permit issued by the State Department of Agriculture under section 8 of this 2009 Act; and**

(ii) **The person provides written documentation, including the person’s business license, that the person bred the animals for the purpose of retail sale of the offspring.**

(b) **As used in this subsection, “small exotic feline” means a member of the family Felidae, except the species *Felis catus* (domestic cat), that weighs 50 pounds or less when fully mature.**

SECTION 6. ORS 609.335 is amended to read:

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

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

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

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

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

SECTION 7. Sections 8 and 9 of this 2009 Act are added to and made a part of ORS 609.305 to 609.335.

SECTION 8. (1) The State Department of Agriculture may issue a permit to a person to keep an exotic animal if the person applies for the permit within 90 days after the effective date of this 2009 Act.

(2) **The department may, within one year of the effective date of this 2009 Act, issue a permit to a person to possess an exotic animal if the person submits satisfactory proof to the department that the person possessed the exotic animal prior to the effective date of this 2009 Act and that the person meets requirements of rules adopted by the department under ORS 609.335.**

(3) **The department may charge a fee to issue or renew a permit under this section. The fee may not exceed \$100. Each permit or renewal of a permit is valid for two years.**

SECTION 9. The State Department of Agriculture may issue a permit to a person to keep an exotic animal if:

(1) **The person operated a facility under a valid license or research facility registration issued by the United States Department of Agriculture pursuant to the federal Animal Welfare Act of 1970 (7 U.S.C. 2133 or 2136);**

(2) **The person does not renew the person's license or registration described in subsection (1) of this section;**

(3) **The person applies for the permit within 90 days after the renewal date of the license or registration; and**

(4) **The person meets the requirements of rules adopted by the department under ORS 609.335.**

Passed by Senate March 24, 2009

Repassed by Senate June 12, 2009

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Secretary of Senate

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President of Senate

Passed by House June 10, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

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