

House Bill 3008

Sponsored by Representative NOSSE

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**.

Prohibits person from using specified types of animals in traveling animal act. Provides certain exemptions from prohibition.

Punishes by maximum of six months' imprisonment, \$2,500 fine, or both. Authorizes court to require person convicted of violation to forfeit animal used in violation.

A BILL FOR AN ACT

Relating to traveling animal acts; creating new provisions; and amending ORS 609.992.

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

SECTION 1. (1) A person may not use an animal described in subsection (3) of this section in a traveling animal act.

(2) Subsection (1) of this section does not apply to:

(a) A facility that is accredited, certified or verified by the Association of Zoos and Aquariums, the World Association of Zoos and Aquariums or the Global Federation of Animal Sanctuaries;

(b) A person that uses an animal described in subsection (3) of this section as part of an education program, if the animal is not kept in a transport vehicle for more than 12 hours in a day and the person is:

(A) An agent of a wildlife rehabilitation center operated under a valid permit issued by the State Fish and Wildlife Commission pursuant to ORS 497.308; or

(B) A falconer operating under a valid license issued by the State Fish and Wildlife Commission;

(c) A licensed or accredited academic, medical or research institution; or

(d) A licensed veterinary hospital or clinic.

(3) The prohibition in subsection (1) of this section applies to the use of any of the following, including a hybrid of any of the following:

(a) Any member of the family Canidae, except the species *Canis familiaris* (domestic dog);

(b) Any member of the family Cetartiodactyla, except the species *Bison bison* (American bison), *Bos taurus* (domestic cow), *Lama glama* (domestic llama), *Ovis aries* (sheep), *Rangifer tarandus* (reindeer) and *Sus domesticus* (domestic pig), and the subspecies *Capra aegagrus hircus* (domestic goat);

(c) Any member of the order Crocodylia;

(d) Any member of the subclass Elasmobranchii;

(e) Any member of the family Elephantidae;

(f) Any member of the family Felidae, except the species *Felis catus* (domestic cat);

(g) Any member of the family Hyaenidae;

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 (h) Any member of the mammalian infraclass Marsupialia;
2 (i) Any member of the family Mustelidae, except the subspecies *Mustela putorius furo*
3 (domestic ferret);
4 (j) Any nonhuman primate;
5 (k) Any member of the order Perissodactyla, except the subspecies *Equus ferus caballus*
6 (domestic horse), the subspecies *Equus africanus asinus* (donkey), a pony and a mule;
7 (L) A member of the clade Pinnipedia;
8 (m) A member of the family Procyonidae;
9 (n) A member of the group ratite;
10 (o) A member of the family Spheniscidae;
11 (p) A member of the family Testudinidae;
12 (q) A member of the family Ursidae;
13 (r) A member of the family Varanidae;
14 (s) A member of the family Viverridae; and
15 (t) A member of the clade Xenarthra.
16 (4) As used in this section:
17 (a) "Education program" means an animal exhibition designed to impart information
18 about an animal's natural behavior, habitat or life cycle for educational or conservation
19 purposes.
20 (b) "Performance" means a carnival, circus, display, exhibition, exposition, fair, parade,
21 petting zoo, photographic opportunity, race, ride, trade show or similar undertaking during
22 which an animal performs tricks, gives rides or otherwise entertains or amuses an audience,
23 whether or not a fee is charged.
24 (c) "Traveling animal act" means a performance of an animal to which the animal is
25 transported to perform.

26 **SECTION 2.** ORS 609.992 is amended to read:

- 27 609.992. (1) Violation of ORS 609.341 **or section 1 of this 2021 Act** is a Class B misdemeanor.
28 (2) In addition to and not in lieu of any jail sentence or fine it may impose, a court may require
29 a defendant convicted under ORS 609.341 **or section 1 of this 2021 Act** to forfeit any rights of the
30 defendant in any exotic animal **or other animal** kept **or used** in violation thereof and to repay
31 reasonable costs incurred by any person, city, county or state agency in caring for the animal prior
32 to judgment.
33 (3) When the court orders the defendant's rights in the exotic animal **or other animal** to be
34 forfeited, the court may further order that those rights be given over to an appropriate person or
35 agency demonstrating a willingness to accept and care for the animal or to the county or an ap-
36 propriate animal care agency for further disposition in accordance with accepted practices for hu-
37 mane treatment of animals. This subsection shall not constitute or authorize any limitation upon the
38 right of the person or agency to whom rights are granted to resell or otherwise make disposition
39 of the animal. A transfer of rights under this subsection constitutes a transfer of ownership.

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