

6903--C

Cal. No. 625

I N   S E N A T E

March 27, 2014

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Introduced by Sens. AVELLA, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to public safety and big cats

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 11-0538 to read as follows:  
3     S 11-0538. DIRECT CONTACT BETWEEN PUBLIC AND BIG CATS PROHIBITED.  
4     1. AS USED IN THIS SECTION:  
5     (A) "BIG CAT" SHALL MEAN ANY LIVE SPECIES OF LION (PANTHERA LEO),  
6     TIGER (PANTHERA TIGRES), LEOPARD (PANTHERA PARDUS) (WITH THE EXCEPTION  
7     OF CLOUDED LEOPARDS (NEOFELIS NEBULOSA)), JAGUAR (PANTHERA ONCA), MOUN-  
8     TAIN LION, SOMETIMES CALLED COUGAR (FELIS CONCOLAR) OR ANY HYBRID OF  
9     SUCH SPECIES.  
10    (B) "DIRECT CONTACT" MEANS PHYSICAL CONTACT OR PROXIMITY WHERE PHYS-  
11    ICAL CONTACT IS POSSIBLE, INCLUDING, BUT NOT LIMITED TO, ALLOWING A  
12    PHOTOGRAPH TO BE TAKEN WITHOUT A PERMANENT PHYSICAL BARRIER DESIGNED TO  
13    PREVENT PHYSICAL CONTACT BETWEEN THE PUBLIC AND BIG CATS.  
14    (C) "DEALER" SHALL MEAN ANY PERSON WHO, IN COMMERCE, FOR COMPENSATION  
15    OR PROFIT, DELIVERS FOR TRANSPORTATION, OR TRANSPORTS, EXCEPT AS A  
16    CARRIER, BUYS, SELLS, OR NEGOTIATES THE PURCHASE OR SALE OF ANY ANIMALS.  
17    (D) "EXHIBITOR" SHALL MEAN ANY PERSON (PUBLIC OR PRIVATE) EXHIBITING  
18    ANY ANIMALS, WHICH WERE PURCHASED IN COMMERCE OR THE INTENDED DISTRIB-  
19    UTION OF WHICH AFFECTS COMMERCE, OR WILL AFFECT COMMERCE, TO THE PUBLIC  
20    FOR COMPENSATION, AS DETERMINED BY THE COMMISSIONER, AND SUCH TERM

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 INCLUDES CARNIVALS, CIRCUSES, AND ZOOS EXHIBITING SUCH ANIMALS WHETHER  
2 OPERATED FOR PROFIT OR NOT.

3 2. IT SHALL BE UNLAWFUL FOR ANY PERSON LICENSED OR REQUIRED TO BE  
4 LICENSED AS AN EXHIBITOR OR DEALER PURSUANT TO THE ANIMAL WELFARE ACT, 7  
5 USC 2132-2134, INCLUDING AGENTS OR EMPLOYEES OF SUCH PERSON, TO KNOWING-  
6 LY ALLOW THE PUBLIC TO HAVE DIRECT CONTACT WITH A BIG CAT.

7 3. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE  
8 SUBJECT TO A PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST  
9 OFFENSE AND NOT MORE THAN ONE THOUSAND DOLLARS FOR A SECOND AND SUBSE-  
10 QUENT OFFENSES. EACH INSTANCE OF ALLOWING DIRECT CONTACT OF A BIG CAT  
11 WITH THE PUBLIC IN VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE  
12 OFFENSE.

13 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT  
14 VETERINARY EXAMINATION, TREATMENT OR CARE OF A BIG CAT OR TRANSPORTATION  
15 OF THE ANIMAL FOR SUCH PURPOSE.

16 S 2. This act shall take effect on the one hundred eightieth day after  
17 it shall have become a law.