

6903

I N S E N A T E

March 27, 2014

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to public safety and wild animals

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 WILD ANIMALS PROHIBITED.

4 1. AS USED IN THIS SECTION:

5 (A) "WILD ANIMAL" MEANS A LIVING WILD ANIMAL OF THE ORDERS AND FAMI-
6 LIES DEFINED IN PARAGRAPH (E) OF SUBDIVISION 6 OF SECTION 11-0103 OF
7 THIS ARTICLE.

8 (B) "DIRECT CONTACT" MEANS PHYSICAL CONTACT WITH A WILD ANIMAL OR
9 PROXIMITY TO A WILD ANIMAL WHERE PHYSICAL CONTACT WOULD BE POSSIBLE,
10 INCLUDING, BUT NOT LIMITED TO, HAVING A PHOTOGRAPH TAKEN WITH A WILD
11 ANIMAL WITHOUT A PERMANENT PHYSICAL BARRIER THAT PREVENTS PHYSICAL
12 CONTACT BETWEEN THE PUBLIC AND WILD ANIMAL.

13 2. IT SHALL BE UNLAWFUL FOR ANY PERSON LICENSED OR REQUIRED TO BE
14 LICENSED AS AN EXHIBITOR OR DEALER PURSUANT TO THE ANIMAL WELFARE ACT, 7
15 USC 2132-2134, INCLUDING AGENTS OR EMPLOYEES OF SUCH PERSON, TO KNOWING-
16 LY ALLOW THE PUBLIC TO HAVE DIRECT CONTACT WITH A WILD ANIMAL.

17 3. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE
18 SUBJECT TO A PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST
19 OFFENSE AND NOT MORE THAN ONE THOUSAND DOLLARS FOR A SECOND AND SUBSE-
20 QUENT OFFENSES. EACH INSTANCE OF ALLOWING DIRECT CONTACT OF A WILD
21 ANIMAL WITH THE PUBLIC IN VIOLATION OF THIS SECTION SHALL CONSTITUTE A
22 SEPARATE OFFENSE.

23 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT
24 VETERINARY EXAMINATION, TREATMENT OR CARE OF A WILD ANIMAL OR TRANSPOR-
25 TATION OF THE ANIMAL FOR SUCH PURPOSE.

26 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY
27 PROTECTIONS AFFORDED TO WILD ANIMALS UNDER ANY OTHER LAW.

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

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1 6. NOTHING IN THIS SECTION SHALL PREVENT ANY CITY, TOWN, OR COUNTY
2 FROM ENACTING MORE RESTRICTIVE PROVISIONS GOVERNING DIRECT CONTACT
3 BETWEEN WILD ANIMALS AND THE PUBLIC.
4 S 2. This act shall take effect immediately.