S T A T E O F N E W Y O R K

9004

I N A S S E M B L Y

March 6, 2014

Introduced by M. of A. ROSENTHAL -- read once and referred 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:

Section 1. The environmental conservation law is amended by adding a new section 11-0538 to read as follows:

S 11-0538. DIRECT CONTACT BETWEEN PUBLIC AND WILD ANIMALS PROHIBITED.

1. AS USED IN THIS SECTION:

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

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

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

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

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

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY 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.

LBD14190-01-4

6. NOTHING IN THIS SECTION SHALL PREVENT ANY CITY, TOWN, OR COUNTY FROM ENACTING MORE RESTRICTIVE PROVISIONS GOVERNING DIRECT CONTACT BETWEEN WILD ANIMALS AND THE PUBLIC.

S 2. This act shall take effect immediately.