

9004--A

I N A S S E M B L Y

March 6, 2014

Introduced by M. of A. ROSENTHAL, BENEDETTO, MILLMAN, COLTON -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 THE FOLLOWING LIVING WILD ANIMALS: NONHUMAN
6 SIMIANS (MONKEYS AND APES); LIONS, TIGERS, LEOPARDS (WITH THE EXCEPTION
7 OF CLOUDED LEOPARDS (NEOFELIS NEBULOSA)), JAGUARS, COUGARS; CANIS LUPUS;
8 AND URSIDAE; AS WELL AS ANY HYBRID OF THESE SPECIES.

9 (B) "DIRECT CONTACT" MEANS PHYSICAL CONTACT WITH A WILD ANIMAL OR
10 PROXIMITY TO A WILD ANIMAL WHERE PHYSICAL CONTACT IS POSSIBLE, INCLUD-
11 ING, BUT NOT LIMITED TO, ALLOWING A PHOTOGRAPH TO BE TAKEN WITH A WILD
12 ANIMAL WITHOUT A PERMANENT PHYSICAL BARRIER DESIGNED TO PREVENT PHYSICAL
13 CONTACT BETWEEN THE PUBLIC AND WILD ANIMAL.

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

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

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

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

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

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

6 S 2. This act shall take effect immediately.