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

9004--C

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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- 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 big cats

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 BIG CATS PROHIBITED.

1. AS USED IN THIS SECTION:

(A) "BIG CAT" SHALL MEAN ANY LIVE SPECIES OF LION (PANTHERA LEO), TIGER (PANTHERA TIGRES), LEOPARD (PANTHERA PARDUS) (WITH THE EXCEPTION OF CLOUDED LEOPARDS (NEOFELIS NEBULOSA)), JAGUAR (PANTHERA ONCA), MOUNTAIN LION, SOMETIMES CALLED COUGAR (FELIS CONCOLAR) OR ANY HYBRID OF SUCH SPECIES.

(B) "DIRECT CONTACT" MEANS PHYSICAL CONTACT OR PROXIMITY WHERE PHYSICAL CONTACT IS POSSIBLE, INCLUDING, BUT NOT LIMITED TO, ALLOWING A PHOTOGRAPH TO BE TAKEN WITHOUT A PERMANENT PHYSICAL BARRIER DESIGNED TO PREVENT PHYSICAL CONTACT BETWEEN THE PUBLIC AND BIG CATS.

(C) "DEALER" SHALL MEAN ANY PERSON WHO, IN COMMERCE, FOR COMPENSATION OR PROFIT, DELIVERS FOR TRANSPORTATION, OR TRANSPORTS, EXCEPT AS A CARRIER, BUYS, SELLS, OR NEGOTIATES THE PURCHASE OR SALE OF ANY ANIMALS.

(D) "EXHIBITOR" SHALL MEAN ANY PERSON (PUBLIC OR PRIVATE) EXHIBITING ANY ANIMALS, WHICH WERE PURCHASED IN COMMERCE OR THE INTENDED DISTRIBUTION OF WHICH AFFECTS COMMERCE, OR WILL AFFECT COMMERCE, TO THE PUBLIC FOR COMPENSATION, AS DETERMINED BY THE COMMISSIONER, AND SUCH TERM INCLUDES CARNIVALS, CIRCUSES, AND ZOOS EXHIBITING SUCH ANIMALS WHETHER OPERATED FOR PROFIT OR NOT.

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

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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 BIG CAT.

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 BIG CAT 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 BIG CAT OR TRANSPORTATION OF THE ANIMAL FOR SUCH PURPOSE.

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