

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Senate Committee on Natural Resources

This measure may be considered for action during today's work session.

SENATE BILL 344

Enacts provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals. (BDR 50-871)

Sponsored By: Senator Ohrenschall
Date Heard: April 1, 2021
Fiscal Notes: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

Senate Bill 344 makes it unlawful for a person, unless he or she meets one of several exemptions, to: (1) import, possess, sell, transfer, or breed a dangerous wild animal; or (2) allow any member of the public to come in direct contact with a dangerous wild animal. Exempted from this prohibition are certain research facilities, nonprofit organizations, animal shelters, and licensees. Veterinarians and certain law enforcement personnel are authorized to deal with dangerous wild animals in carrying out their duties. Additionally, a person who possesses a dangerous wild animal before July 1, 2021, is allowed to keep that animal if the person meets certain requirements.

A law enforcement officer or an animal control agent may seize a dangerous wild animal if the agent believes the owner of the animal has violated certain provisions. A sheriff of metropolitan police department, as applicable, and the animal control authority may charge and collect reasonable fees for the application for, issuance of, and renewal of an annual registration in an amount which is equal to any administrative and enforcement costs. Such registration must include the number and species of all dangerous wild animals possessed and proof of certain liability insurance. The bill authorizes the forfeiture or voluntary relinquishment of a seized dangerous animal and provides for the disposition of a dangerous wild animal that is seized, forfeited, or relinquished. A person or entity given temporary custody of a dangerous wild animal may petition a court to gain compensation from the person from whom the animal was seized.

Lastly, this bill provides that a violation of the provisions regarding the importation, possession, sale, transfer, or breeding of dangerous wild animals is punishable as a misdemeanor. This bill provides that its provisions must not be construed as prohibiting a county or a city from adopting or enforcing any rule of law that places additional restrictions or requirements on the importation, possession, sale, transfer, or breeding of a dangerous wild animal.

Amendments: The Senate Committee on Natural Resources proposes the attached amendment to address concerns raised at the hearing.

Proposed Amendment for S.B. 344
(Proposed by the Senate Committee on Natural Resources)
April 8, 2021

Purpose of Proposed Changes

This proposed amendment is in addition to the proposed amendment from Sasha Sutcliffe-Stephenson.

This proposed amendment makes the following changes:

1. Removes a person who is a member, agent or officer of a Society for the Prevention of Cruelty to Animals from the definition for “law enforcement officer.”
2. Clarifies that the prohibitions in S.B. 344 do not apply to a casino or the film industry.
3. Provides a holder of a Class “C” license for exhibitors 90 days to correct certain revocations, suspensions, official warnings or stipulations, consent decrees or settlements before the holder loses its exemption status.
4. Removes the requirement that person who is transporting a legally possessed dangerous wild animal through this State provide certain notifications to certain entities at least 72 hours before transporting the legally possessed dangerous wild animal through this State.
5. Makes certain other minor changes.

Proposed Changes

Sec. 6. “Law enforcement officer” means:

1. *A sheriff of a county or metropolitan police department and any deputy thereof;*
2. *An employee of the Department of Public Safety who has the powers of a peace officer pursuant to NRS 289.270;*
3. *A police officer of a city or town; and*
4. *A game warden or other agent or employee of the Department of Wildlife ~~;~~ ~~and~~*
5. ~~*Any person acting under the authority of NRS 574.040.*~~

Sec. 1. The provisions of subsection 1 of section 7 of this act do not apply to:

1. *A research facility, as defined in 7 U.S.C. § 2132.*
2. *Any nonprofit entity that provides refuge and care to animals or an animal shelter, as defined in NRS 574.240, which is temporarily housing a dangerous wild animal at the written request of a law enforcement officer or an animal control authority.*
3. *A veterinarian licensed pursuant to chapter 638 of NRS for the purpose of providing treatment to a dangerous wild animal.*
4. *A law enforcement officer or animal control authority for the purpose of enforcing local ordinances and the laws of this State.*
5. *The Department of Wildlife or the agents or employees thereof for the purpose of enforcing title 45 of NRS.*

6. An institution or facility which is accredited by the Association of Zoos and Aquariums or its successor organization ~~+~~, or the Alliance of Marine Mammal Parks and Aquariums, or its successor organization.

7. A holder of a Class "C" license for exhibitors, as defined in 9 C.F.R. § 1.1, including, without limitation, a resort hotel, circus ~~+~~, qualified production or zoological park, that:

(a) Has not been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal.

(b) Does not employ any person who has:

(1) Direct contact with a dangerous wild animal; and

(2) Been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal.

(c) Has not:

(1) Had a license or permit for the care, possession, sale, exhibition or breeding of animals revoked or suspended by any federal, state or local governmental entity; or

(2) ~~Received an official warning of violation of federal regulation from the United States Department of Agriculture within the immediately preceding 3 years; or~~

~~(3) Entered into any stipulation, consent decree or settlement with the United States Department of Agriculture within the immediately preceding 5 years. A Class "C" licensee shall disclose to a law enforcement officer or an animal control authority, upon request, any pending investigations that the United States Department of Agriculture is conducting.~~

↪ A holder of a Class "C" license for exhibitors who is not in compliance with the provisions of paragraph (c) shall be given 90 days in which to correct the violation or situation that led to such noncompliance with the provisions of paragraph (c) before the holder of the Class "C" license for exhibitors loses the exemption afforded to it by this section.

(d) Has not been cited within the immediately preceding 3 years by the United States Department of Agriculture for jeopardizing the health or well-being of a dangerous wild animal by:

(1) Providing inadequate veterinary care to the dangerous wild animal;

(2) Inappropriately handling a dangerous wild animal that caused:

(I) Stress or trauma to the dangerous wild animal; or

(II) A threat to public safety; or

(3) Providing inadequate food, water, shelter or space to the dangerous wild animal.

(e) Has not been cited within the immediately preceding 3 years by the United States Department of Agriculture for:

(1) Refusing access to any site registered under the Class "C" license by an inspector of the United States Department of Agriculture; or

(2) Interfering with an inspection.

(f) Maintains liability insurance in an amount not less than \$250,000 per occurrence covering property damage or bodily injury or death caused by any dangerous wild animal that the Class "C" licensee possesses.

(g) Has ~~an annual~~ a written plan, which the Class "C" licensee shall provide upon request to the sheriff or metropolitan police department, as applicable, or the animal control authority having jurisdiction over the location of the holder, for the quick and safe recapture or destruction of a dangerous wild animal that escapes from captivity, including, without limitation, written protocols for training employees of the Class "C" licensee concerning methods of the safe recapture of a dangerous wild animal that escapes from captivity.

(h) Files an annual list with the sheriff or metropolitan police department, as applicable, or the animal control authority having jurisdiction over the location of the Class "C" licensee setting forth all dangerous wild animals which are acquired or disposed of by the Class "C" licensee during the calendar year for which the Class "C" licensee files the list.

↪ Any plan provided to or list filed with any sheriff, metropolitan police department or animal control authority pursuant to paragraph (g) or (h) is confidential and must be securely maintained by the sheriff, metropolitan police department or animal control authority to whom the plan is provided or with whom the list is filed. An officer, employee or other person to whom a plan or list is entrusted by a sheriff, metropolitan police department or animal control authority shall not disclose the contents of the plan or list except upon the order of a court of competent jurisdiction or as is necessary in the event of an emergency involving public health or safety.

8. A person, including, without limitation, a person who is located within this State and who is exempt pursuant to this section, transporting a legally possessed dangerous wild animal through this State for not more than 24 hours if the dangerous wild animal is:

(a) Not exhibited during transport; and

(b) At all times while in this State, kept in a cage or travel container that is appropriate to the species and the size of the dangerous wild animal and meets the requirements of 9 C.F.R. § 3.137 or 3.87, as applicable.

~~f. A person who is transporting a legally possessed dangerous wild animal pursuant to this subsection shall provide notice to the sheriff or metropolitan police department, as applicable, and animal control authorities having jurisdiction in an area through which the dangerous wild animal will be transported at least 72 hours before transporting the legally possessed dangerous wild animal in this State. Such notice must identify the number and type of dangerous wild animals that will be transported and any veterinary certificates or other permits required by federal, state or local law.~~

9. As used in this section:

(a) “Qualified production” includes preproduction, production and postproduction and means:

(1) A theatrical, direct-to-video or other media motion picture.

(2) A made-for-television motion picture.

(3) Visual effects or digital animation sequences.

(4) A television pilot program.

(5) Interstitial television programming.

(6) A television, Internet or other media series, including, without limitation, a comedy, drama, miniseries, soap opera, talk show, game show or telenovela.

(7) A reality show, if not less than six episodes are produced concurrently in this State and the total of the qualified direct production expenditures for those episodes is \$500,000 or more.

(8) A national or regional commercial or series of commercials.

(9) An infomercial.

(10) An interstitial advertisement.

(11) A music video.

(12) A documentary film or series.

(13) Other visual media productions, including, without limitation, video games and mobile applications.

(b) “Resort hotel” has the meaning ascribed to it in NRS 463.01865.

Sec. 9. The provisions of subsection 1 of section 7 of this act do not apply to a person who lawfully possessed a dangerous wild animal before July 1, 2021, if that person:

1. Has not:

(a) Been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal; or

(b) Had a license or permit relating to the care, possession, sale, exhibition or breeding of animals revoked or suspended by any federal, state or local governmental entity;

2. Does not acquire any additional dangerous wild animals through purchase, donation or breeding on or after July 1, 2021, except in compliance with section 8 of this act;

3. If selling or transferring a dangerous wild animal to another person:

(a) Notifies the sheriff or metropolitan police department, as applicable, and animal control authority with jurisdiction over the location where the dangerous wild animal is kept in writing not less than 72 hours before the sale or transfer of the name and address of the recipient of the dangerous wild animal; and

(b) Complies with all applicable local, state and federal laws;

4. Maintains all veterinary records and any documents evidencing the acquisition of the dangerous wild animal to establish that the person possessed the dangerous wild animal before July 1, 2021;

5. Maintains a written plan which must be based on the recommended standards of the American Veterinary Medical Association, or its successor organization, for the handling, restraint, tranquilization and euthanasia of a dangerous wild animal, which he or she shall provide upon request to the sheriff or metropolitan police department, as applicable, and animal control authority having jurisdiction over the location of the person, concerning:

(a) The quick and safe recapture or destruction of a dangerous wild animal that escapes from captivity; and

- (b) The protocol for managing the dangerous wild animal during an emergency;*
- 6. Has sufficient training to provide appropriate care for the dangerous wild animal that he or she possesses;*
- 7. Registers with the sheriff or metropolitan police department, as applicable, and the local animal control authority with jurisdiction over the premises where the dangerous wild animal is located within 2 months after July 1, 2021, and annually thereafter. Such registration must:*
- (a) Provide the number and species of all dangerous wild animals possessed; and*
- (b) Show proof of liability insurance in an amount not less than \$250,000 per occurrence covering property damage or bodily injury or death caused by any dangerous wild animal that the person possesses.*
- ~~*f→ The sheriff or metropolitan police department, as applicable, and the animal control authority may charge and collect reasonable fees for the application for, issuance of and renewal of a registration in an amount which is equal to any administrative and enforcement costs.*~~