

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SENATE BILL 307
RATIFIED BILL

AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 55 of Chapter 14 of the General Statutes reads as rewritten:
"Article 55.

~~"Handling~~ Regulation of ~~Poisonous~~ Certain Reptiles.

"§ 14-416. ~~Handling~~ Mishandling of poisonous certain reptiles declared public nuisance and criminal offense.

The intentional ~~or negligent~~ exposure of ~~other~~ human beings to ~~unsafe~~ contact with ~~reptiles of a venomous nature~~ venomous reptiles, ~~large constricting snakes, or crocodylians being~~ is essentially dangerous and injurious and detrimental to public health, safety and welfare, ~~the indulgence in and inducement to such exposure is hereby and is therefore declared to be a public nuisance and a criminal offense, to be abated and punished as provided in this Article.~~

"§ 14-417. Regulation of ownership or use of ~~poisonous~~ venomous reptiles.

(a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any ~~venomous~~ reptile of a ~~poisonous~~ nature whose venom is not removed, ~~unless such reptile is at all times kept securely in a box, cage, or other safe container in which there are no openings of sufficient size to permit the escape of such reptile, or through which such reptile can bite or inject its venom into any human being; that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. Transport containers shall be designed to be escape-proof and bite-proof.~~

(b) ~~Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with scientific name, common name, appropriate antivenom, and owner's identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenom, first aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile.~~

(c) ~~In the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement.~~

"§ 14-417.1. Regulation of ownership or use of large constricting snakes.

(a) ~~As used in this Article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of their subspecies or hybrids.~~

(b) ~~It shall be unlawful for any person to own, possess, use, transport, or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and shall have an operable lock. Transport containers shall be designed to be escape-proof.~~

(c) ~~Each enclosure shall be labeled clearly and visibly with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall accompany the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures.~~

(d) ~~In the event of an escape of a large constricting snake, the owner or possessor shall immediately notify local law enforcement.~~

"§ 14-417.2. Regulation of ownership or use of crocodylians.



(a) All crocodylians, excluding the American alligator, shall be regulated under this Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodylian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodylian and shall have an operable lock. Transport containers shall be designed to be escape-proof.

(b) A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodylian.

(c) In the event of the escape of a crocodylian, the owner or possessor shall immediately notify local law enforcement.

"§ 14-418. Prohibited handling of reptiles or suggesting or inducing others to handle.

(a) It shall be unlawful for any person to intentionally handle any reptile of a poisonous nature whose venom is not removed, by taking or holding such reptile in bare hands or by placing or holding such reptile against any exposed part of the human anatomy, or by placing their own or another's hand or any other part of the human anatomy in or near any box, cage, or other container wherein such reptile is known or suspected to be regulated under this Article in a manner that intentionally or negligently exposes another person to unsafe contact with the reptile.

(b) It shall also be unlawful for any person to intentionally or negligently suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself in an unsafe manner to any such poisonous reptile regulated in any manner defined in under this Article.

(c) Safe and responsible handling of reptiles for purposes of animal husbandry, exhibition, training, transport, and education is permitted under this section.

"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

In any case in which any law-enforcement officer or animal control officer has reasonable grounds probable cause to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of such the officer and the officer he is hereby authorized, empowered, and directed to immediately investigate such the violation or impending violation and to forthwith seize the reptile or reptiles involved, and all such officers the officer is are hereby authorized and directed to deliver such reptiles deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination and test for the purpose of ascertaining whether said reptiles contain venom and are poisonous. the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodylian to the North Carolina Zoological Park for the purpose of ascertaining whether the reptile is regulated under this Article. If the Museum or the Zoological Park North Carolina State Museum of Natural Sciences or its designated representative finds that said reptiles are dangerously poisonous, or their designated representatives find that a seized reptile is a venomous reptile, large constricting snake, or crocodylian regulated under this Article, the North Carolina State Museum of Natural Sciences Museum or the Zoological Park or its their designated representative shall be empowered to dispose determine final disposition of said reptiles the reptile in a manner consistent with the safety of the public; but if public. If the Museum or the Zoological Park or its their designated representative representatives find that the reptiles are not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or welfare, reptile is not a venomous reptile, large constricting snake, or crocodylian regulated under this Article, and either no criminal warrants or indictments are initiated in connection with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of such the law enforcement officer officers to return the said reptiles reptile or reptiles to the person from whom they were seized within five 15 days.

"§ 14-420. Arrest of persons violating provisions of Article.

If the an examination and tests made by the North Carolina State Museum of Natural Sciences or the North Carolina Zoological Park or its their designated representatives representative as provided herein show conducted pursuant to this Article shows that such reptiles are dangerously poisonous, the reptile is a venomous reptile, large constricting snake, or crocodylian subject to this Article, it shall be the duty of the officers officer making the seizure with probable cause to believe that the reptile is being owned,

possessed, used, transported, or trafficked in violation of this Article, ~~seizure, in addition to destroying such reptiles, also~~ to arrest all persons violating any of the provisions of this Article.

"§ 14-421. Exemptions from provisions of Article.

This Article shall not apply to the possession, exhibition, or handling of reptiles by employees or agents of duly constituted veterinarians, zoos, serpentariums, museums, laboratories, educational or scientific institutions, public and private, in the course of their educational or scientific work-work, or Wildlife Damage Control Agents in the course of the work for which they are approved by the Wildlife Resources Commission.

"§ 14-422. Violation made misdemeanor. Criminal penalties and civil remedies for violation.

(a) Any person violating any of the provisions of this Article shall be guilty of a Class 2 misdemeanor.

(b) If any person, other than the owner of a venomous reptile, large constricting snake, or crocodylian, the owner's agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as the result of a violation of this Article, the owner of the reptile shall be guilty of a Class A1 misdemeanor. This subsection shall not apply to violations that result from incidents that could not have been prevented or avoided by the owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the case of thefts of the reptile from the owner.

(c) Any person intentionally releasing into the wild a nonnative venomous reptile, a large constricting snake, or a crocodylian shall be guilty of a Class A1 misdemeanor.

(d) Violations of this Article as set forth in subsections (b) or (c) of this section shall constitute wanton conduct within the meaning of G.S. 1D-5(7) and subject the violator to punitive damages in any civil action that may be filed as a result of the violator's actions."

SECTION 2. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 16th day of July, 2009.

Walter H. Dalton
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2009