

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**S**

**D**

**SENATE DRS65248-LLf-79 (2/24)**

Short Title: Protection of Inherently Dangerous Animals. (Public)

---

Sponsors: Senator Garwood.

---

Referred to:

---

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT INHERENTLY DANGEROUS ANIMALS POSE AND TO PROTECT THE WELFARE OF INHERENTLY DANGEROUS ANIMALS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 19A of the General Statutes is amended by adding a new Article to read:

"Article 6.

"Protection of Inherently Dangerous Animals.

**"§ 19A-70. Intent.**

(a) It is the intent of the General Assembly to protect the public against health and safety risks that inherently dangerous animals pose to the community and to protect the welfare of the individual animals held in private possession and at roadside zoos. The General Assembly finds that by their very nature these animals are wild and inherently dangerous and do not adjust well in captivity without sufficient provisions for animal welfare and professional animal care expertise.

(b) The General Assembly finds that inherently dangerous animals are extremely unpredictable and dangerous creatures; the Animal and Plant Health Inspection Service of United States Department of Agriculture (USDA/APHIS), the American Zoo and Aquarium Association (AZA), the American Veterinary Medical Association, and numerous animal welfare and public safety organizations believe that only properly trained professionals and certified institutions should keep these animals.

(c) The General Assembly finds that care and handling of these inherently dangerous animals should be left to those qualified individuals who have the knowledge and means to maintain them properly; the average owner of an inherently dangerous animal lacks the specialized equipment and expertise necessary to provide properly for

1 the containment, medical care, husbandry, and nutrition of a wild animal, and it is  
2 virtually impossible for an inherently dangerous animal to adapt to traditional household  
3 settings or inadequate living spaces and conditions.

4 **"§ 19A-71. Definitions.**

5 (a) "Animal control authority" means the municipal or county animal control  
6 agency or a county sheriff in an area that does not have an animal control office.

7 (b) "Department" means the Department of Environment and Natural Resources.

8 (c) "Inherently dangerous animal" means an animal that is capable of inflicting  
9 serious or fatal injuries, or which has the potential to become a menace to the public  
10 health or indigenous wildlife populations, whether the animal is bred in the wild or in  
11 captivity, and includes all hybrids of that animal. The term does not include indigenous  
12 wild animals, the taking or possessing of which are regulated by the Wildlife Resources  
13 Commission under Article 22 of Chapter 113 of the General Statutes. The following are  
14 examples of inherently dangerous animals, but indigenous varieties of the listed  
15 classifications are not included within the definition, regardless of whether specifically  
16 exempted here:

17 (1.) Class Mammalia

18 a. Order Carnivora

19 1. Family Felidae (lions, tigers, leopards, ocelots, servals,  
20 etc.) – all species except domestic cats.

21 2. Family Canidae (wolves, foxes, jackals, etc.) – all  
22 species except domestic dogs and indigenous foxes.

23 3. Family Ursidae (bears) – all species except black bears.

24 4. Family Viverridae (only binturongs).

25 5. Family Procyonidae (only kinkajous and coatis).

26 6. Family Hyaenidae (hyenas, etc.) – all species.

27 b. Order Marsupialia – only kangaroos.

28 c. Order Perissodactyla – only rhinoceroses.

29 d. Order Primates (lemurs, monkeys, chimpanzees, gorillas) – all  
30 species.

31 e. Order Proboscidae (elephants, etc.) – all species.

32 f. Order Rodentia – only prairie dogs and Gambian rats.

33 (2.) Class Reptilia

34 a. Order Squamata

35 1. Family Varanidae – only water monitors and crocodile  
36 monitors.

37 2. Family Boidae – all species whose adult length has the  
38 potential to exceed eight feet in length.

39 3. Family Colubridae – only boomslangs and African twig  
40 snakes.

41 4. Family Elapidae (cobras, mambas, etc.) – all species.

42 5. Family Nactricidae – only keelback snakes.

43 6. Family Viperidae (vipers) – only nonindigenous species.

1                   7.     Family Helodermatidae (beaded lizards, Gila monsters,  
2                   etc.) – all species.

3                   8.     Family Hydrophiidae (sea snakes, etc.) – all species.

4                   9.     Family Atractaspidae (mole vipers, etc.) – all species.

5                   b.     Order Crocodylia (crocodiles, alligators, caimans, gavials, etc.)  
6                   – all species.

7                   The Department may declare any additional species, families, or classes of wild  
8                   animals not specifically listed in G.S. 19A-71(c) to be an inherently dangerous animal  
9                   for the purposes of this Article if the animal meets the definition set forth in this  
10                  subsection.

11                  (d)    "Person" means any individual, partnership, corporation, organization, trade  
12                  or professional association, firm, limited liability company, joint venture, association,  
13                  trust, estate, or any other legal entity, and any officer, member, shareholder, director,  
14                  employee, agent or representative of the entity.

15                  (e)    "Possessor" means any person who owns, possesses, keeps, harbors, brings  
16                  into the State, acts as a custodian of, or has custody or control of, an inherently  
17                  dangerous animal.

18                  (f)    "Wildlife sanctuary" means a nonprofit organization described in section  
19                  170(b)(1)(A)(vi) of the Internal Revenue Code of 1986, and its subsequent amendments,  
20                  that operates a place of refuge where abused, neglected, unwanted, impounded,  
21                  abandoned, orphaned, or displaced inherently dangerous animals are provided care for  
22                  their lifetimes or are released back to their natural habitat and, with respect to any  
23                  animal owned by the organization, does not:

24                   (1)    Conduct any activity that is not inherent to the animal's nature;

25                   (2)    Use the animal for any type of entertainment;

26                   (3)    Sell, trade, or barter the animal or the animal's body parts; or

27                   (4)    Breed the animal for any purpose.

28                  **"§ 19A-72. Exemptions.**

29                  (a)    The provisions of this Article do not apply to:

30                   (1)    Institutions accredited by the American Zoo and Aquarium  
31                   Association (AZA) or under mentorship through the AZA.

32                   (2)    Duly incorporated nonprofit animal protection organizations housing  
33                   an inherently dangerous animal at the written request of the animal  
34                   control authority.

35                   (3)    Wildlife enforcement officers acting under the authority of this act.

36                   (4)    Animal control or law enforcement agencies or officers acting under  
37                   the authority of this act.

38                   (5)    Licensed veterinary hospitals or clinics.

39                   (6)    Any wildlife sanctuary as defined in G.S. 19A-71(f).

40                   (7)    Any licensed or accredited research or medical institution.

41                   (8)    Any licensed or accredited educational institution.

42                   (9)    Any lawfully operated circus or rodeo.

43                   (10) A person temporarily transporting an inherently dangerous animal  
44                   through the State if the transit time is not more than 96 hours and the

1           animal is at all times maintained within a confinement sufficient to  
2           prevent the inherently dangerous animal from escaping.

3 **"§ 19A-73. Keeping of inherently dangerous animals prohibited.**

4       (a) A person shall not own, possess, keep, harbor, bring into the State, act as a  
5 custodian of, or have custody or control of, an inherently dangerous animal, except in  
6 compliance with this Article.

7       (b) A person shall not breed an inherently dangerous animal.

8 **"§ 19A-74. Personal possession permit required for possessor.**

9       (a) A person may not own, possess, keep, harbor, bring into the State, act as a  
10 custodian of, or have custody or control of, an inherently dangerous animal unless that  
11 person holds a personal possession permit for that animal issued by the Department. A  
12 person may obtain a personal possession permit for an inherently dangerous animal only  
13 if the following requirements are met:

14           (1) The person was in legal possession of the inherently dangerous animal  
15 prior to January 1, 2006, and is the legal possessor of the inherently  
16 dangerous animal.

17           (2) The person applies for and is granted a personal possession permit for  
18 each inherently dangerous animal in the person's possession by March  
19 31, 2006.

20       (b) Persons who meet the requirements of subsection (a) of this section shall  
21 annually obtain a personal possession permit. From and after January 1, 2006, no new  
22 inherently dangerous animal shall be brought into possession under authority of a  
23 personal possession permit.

24       (c) A possessor shall file an application to receive a personal possession permit  
25 with the Department on forms provided by the Department. The application shall  
26 include the following:

27           (1) A written statement that sets forth at least the following information:

28           a. The name, address, telephone number, and date of birth of the  
29 possessor;

30           b. A description of the inherently dangerous animal possessed,  
31 including the scientific name, name, sex, age, color, weight, and  
32 any distinguishing marks or coloration that would aid in the  
33 identification of the animal;

34           c. A photograph of the inherently dangerous animal;

35           d. The address of the location where the inherently dangerous  
36 animal is to be kept, including directions to the location if no  
37 address exists;

38           e. The name, address, and telephone number of the person from  
39 whom the possessor obtained the inherently dangerous animal,  
40 if known;

41           f. The microchip number of the inherently dangerous animal,  
42 excluding inherently dangerous animals exempted under  
43 G.S. 19A-75; and

- 1           g.     The name, address, and telephone number of the veterinarian  
2                 providing veterinary care to the inherently dangerous animal  
3                 and a certificate of good health from the possessor's  
4                 veterinarian.
- 5           (2)    The possessor's certification in writing and notarized, that:
- 6                 a.     The applicant is 18 years of age or older;  
7                 b.     The applicant has not been convicted of, or found responsible  
8                 for, violating a State or local law prohibiting cruelty, neglect, or  
9                 mistreatment of an animal, and has not within the past 10 years  
10                been convicted of a felony or convicted for possession, sale, or  
11                use of illegal narcotics;
- 12               c.     The requirements set forth in subsection (a) of this section and  
13                of G.S. 19A-75 have been met;
- 14               d.     The facility and the conditions in which the inherently  
15                dangerous animal will be kept are in compliance with this  
16                Article;
- 17               e.     The applicant has regularly provided veterinary care to the  
18                inherently dangerous animal when needed and will provide  
19                such care in the future; and
- 20               f.     Proof that a licensed veterinarian has spayed or neutered the  
21                inherently dangerous animal, as required by G.S. 19A-76.
- 22           (3)    The possessor's plan for the quick and safe recapture of the inherently  
23                dangerous animal if the inherently dangerous animal escapes at the  
24                time of filing of the application.
- 25           (4)    A copy of the possessor's policy for liability insurance at the time of  
26                filing of the application, as required by G.S. 19A-79.
- 27           (5)    Any additional information the Department may deem necessary to  
28                carry out the provisions of this Article.
- 29           (6)    Payment of a fee to be established by the Department for application,  
30                issuance, and renewal of a personal possession permit in order to  
31                recover the costs associated with the administration and enforcement  
32                of this Article. The fee collected under this section may be used only  
33                to administer and enforce the provisions of this Article.
- 34           (d)    A permit shall not be granted unless the Department finds that all of the  
35                requirements in subsection (c) of this section have been met.
- 36           (e)    The personal possession permit shall set forth all of the following  
37                information:
- 38                (1)    The name, address, phone number, and date of birth of the permit  
39                holder;
- 40                (2)    The address where the inherently dangerous animal or animals will be  
41                kept;
- 42                (3)    The name, number, sex, species, age of the inherently dangerous  
43                animal or animals, and any distinguishing marks or coloration that  
44                would aid in the identification of the animals;

1           (4) The identification number required under G.S. 19A-75, if applicable;

2           (5) The name, address, and phone number of the veterinarian who  
3           provides veterinary care to the inherently dangerous animal or animals  
4           named on the permit; and

5           (6) Any other relevant information the Department may deem necessary.

6           (f) If a person can no longer care for an inherently dangerous animal, that person  
7           may only transfer the animal to another person currently holding a valid personal  
8           possession permit.

9           (g) The Department shall keep records of persons carrying a valid permit. A  
10           permit holder shall notify the Department of any changes in the stated information on  
11           the permit, including the death of an inherently dangerous animal.

12           **"§ 19A-75. Identification number.**

13           Every inherently dangerous animal shall be implanted with a microchip, at the  
14           expense of the possessor, by or under the supervision of a veterinarian. This provision  
15           does not apply if a veterinarian determines that the implant of a microchip would  
16           endanger the well-being of the animal.

17           **"§ 19A-76. Spaying or neutering.**

18           Every inherently dangerous animal must be spayed or neutered, at the expense of the  
19           possessor, by or under the supervision of a veterinarian. This provision does not apply if  
20           a veterinarian determines that the spay or neuter procedure would endanger the  
21           well-being of the animal.

22           **"§ 19A-77. Caging requirements and standards for inherently dangerous animals.**

23           For each inherently dangerous animal, the possessor shall comply with the American  
24           Zoo and Aquarium Association's (AZA's) Minimum Husbandry Guidelines for animal  
25           care and maintenance of that animal.

26           **"§ 19A-78. Care and treatment of inherently dangerous animals.**

27           (a) An inherently dangerous animal shall not be tethered, leashed, chained  
28           outdoors, or allowed to run at large.

29           (b) An inherently dangerous animal shall not be mistreated, neglected,  
30           abandoned, deprived of necessary food, water, and sustenance, or otherwise treated in a  
31           manner that violates Article 47 of Chapter 14 of the General Statutes.

32           (c) A possessor transporting an inherently dangerous animal in a vehicle shall  
33           keep the animal securely caged in the vehicle at all times.

34           (d) Each possessor shall have a plan for the quick and safe recapture of the  
35           inherently dangerous animal if the animal escapes, and a plan for the destruction of the  
36           animal if recapture is impossible.

37           (e) The possessor shall contact the Department, a wildlife sanctuary, or an  
38           American Zoo and Aquarium Association (AZA) accredited facility if the possessor can  
39           no longer care for the inherently dangerous animal prior to euthanasia of the inherently  
40           dangerous animal, and shall do so before resorting to euthanasia.

41           **"§ 19A-79. Insurance; signs; notification.**

42           (a) The possessor of an inherently dangerous animal shall maintain liability  
43           insurance coverage in an amount of not less than one hundred thousand dollars  
44           (\$100,000) for each occurrence for liability damages for destruction of or damage to

1 property, and for death or bodily injury to a person caused by the inherently dangerous  
2 animal. The possessor of an inherently dangerous animal shall provide a copy of the  
3 policy for liability insurance to the Department on an annual basis.

4 (b) The possessor of an inherently dangerous animal shall have continuously  
5 posted and displayed, at each possible entrance onto the premises where an inherently  
6 dangerous animal is kept, a conspicuous sign, clearly legible, and easily readable by the  
7 public, warning that there is an inherently dangerous animal on the premises. The  
8 Department may prescribe the exact content and size of the sign.

9 (c) No person may intentionally release an inherently dangerous animal.

10 (d) If any inherently dangerous animal escapes, either intentionally or  
11 unintentionally, the possessor of the animal shall immediately contact the Department  
12 and the animal control authority or a law enforcement officer of the city or county in  
13 which the possessor resides to report the escape or release.

14 (e) If an inherently dangerous animal escapes or is intentionally released, the  
15 possessor is liable for all reasonable expenses associated with efforts to recapture the  
16 animal, unless the escape is due to the criminal act of another person. If the inherently  
17 dangerous animal cannot be recaptured safely by the Department, animal control  
18 authority, or law enforcement officer, or if proper and safe housing cannot be found, the  
19 Department may immediately euthanize the animal.

20 **"§ 19A-80. Public contact.**

21 Unless prior approval has been received from the Department, a person shall not  
22 bring an inherently dangerous animal to any public property or commercial or retail  
23 establishment unless the person is bringing the animal to a licensed veterinarian or a  
24 veterinarian clinic.

25 **"§ 19A-81. Enforcement of Article.**

26 The provisions of this Article are enforceable by the Department, its staff, its agents,  
27 animal control authorities, local law enforcement agents, and county sheriffs.

28 **"§ 19A-82. Inspection.**

29 The possessor of an inherently dangerous animal shall, at all reasonable times, allow  
30 the Department, its staff, and its agents to enter the premises where the animal is kept to  
31 ensure compliance with this Article.

32 **"§ 19A-83. Denial of personal possession permit; appeal.**

33 (a) If the Department finds that an applicant for an original or renewal of a  
34 personal possession permit does not meet the requirements set forth in G.S. 19A-74, the  
35 Department shall deny the applicant a personal possession permit and give the applicant  
36 written notice of the denial and the reasons for the denial.

37 (b) If the Department finds that a person has not complied with this Article, the  
38 Department may suspend or revoke the personal possession permit and give the  
39 possessor written notice of the suspension or revocation and the reasons for the  
40 suspension or revocation.

41 (c) A person who is denied a personal possession permit, who is denied a  
42 renewal of a personal possession permit, or who has had a permit suspended or revoked,  
43 may appeal the decision to the district court for the district in which the animal is

1 located no later than 15 days after the permit is denied, suspended, or revoked. The  
2 decision of the court may not be appealed.

3 **"§ 19A-84. Confiscation and disposition of inherently dangerous animals.**

4 (a) The Department may immediately confiscate any inherently dangerous  
5 animal if the animal is kept in violation of this Article. The possessor is liable for the  
6 costs of placement and care for the inherently dangerous animal from the time of  
7 confiscation until the time of return to the possessor, or until the time the animal has  
8 been relocated to an approved facility, such as a wildlife sanctuary or an institution  
9 accredited by the American Zoo and Aquarium Association (AZA).

10 (b) If an inherently dangerous animal is confiscated as a result of the animal  
11 being kept in violation of this Article, the possessor shall post a security bond or cash  
12 with the Department in an amount sufficient to guarantee payment of all reasonable  
13 expenses expected to be incurred in capturing, caring for, providing for, and placing the  
14 animal, including the estimated cost of feeding, medical care, and housing for at least 30  
15 days, plus the cost of relocating the animal. The security bond or cash shall not prevent  
16 the Department from disposing of the animal at the end of the 30 days unless the person  
17 claiming the animal posts an additional security bond or cash with the Department to  
18 secure payment of all reasonable expenses expected to be incurred in caring and  
19 providing for the animal for an additional 30 days, and does so prior to the expiration of  
20 the first 30-day period. The amount of the security bond or cash shall be determined by  
21 the Department and based on the current rate to feed, provide medical care, and house  
22 the animal, plus the cost of relocating the animal and costs already incurred for  
23 capturing and relocating the animal.

24 (c) If the possessor of a confiscated animal cannot be located, or if a confiscated  
25 animal remains unclaimed, the Department may, in its discretion, contact an approved  
26 facility, such as a wildlife sanctuary or an institution accredited by the American Zoo  
27 and Aquarium Association (AZA), allow the animal to be adopted by a person who  
28 currently possesses a personal possession permit, or euthanize the animal.

29 (d) If the inherently dangerous animal cannot be taken up or recaptured safely by  
30 the Department, or if proper and safe housing cannot be found, the Department may  
31 immediately euthanize the animal.

32 (e) An inherently dangerous animal may be returned to the possessor only if, to  
33 the satisfaction of the Department, the possessor has a personal possession permit, has  
34 corrected the conditions resulting in the confiscation, and has paid the cost of placement  
35 and care of the animal while under the care and control of the Department.

36 **"§ 19A-85. Penalties.**

37 (a) Any possessor who fails to obtain a personal possession permit under  
38 G.S. 19A-74 for an inherently dangerous animal or renew a personal possession permit  
39 for each inherently dangerous animal shall be liable for a civil penalty of not less than  
40 two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000) for each  
41 animal with respect to which there is a violation and for each day the violation  
42 continues. A civil penalty collected pursuant to this subsection may be retained by the  
43 Department.



1       (b) A person who violates the provisions of G.S. 19A-74(f), 19A-75, 19A-77,  
2 19A-79(b), 19A-79(d), 19A-80, or 19A-82 is guilty of a Class 3 misdemeanor.

3       (c) A person who violates G.S. 19A-73(b), 19A-76, 19A-78, 19A-79(a),  
4 19A-79(c), or 19A-84(b) is guilty of a Class 2 misdemeanor.

5 **"§ 19A-86. Local governing bodies.**

6       Pursuant to its authority under G.S. 153A-131 and G.S. 160A-187, a city or county  
7 may adopt an ordinance governing inherently dangerous animals that is more restrictive  
8 than this Article. Such an ordinance may apply to animals not covered by this Article,  
9 provide additional caging standards, provide stricter care and treatment standards, or  
10 otherwise restrict or prohibit the possession of inherently dangerous animals.

11 **"§ 19A-87. Severability.**

12       If any part of this act is found to be unconstitutional or unenforceable, it shall not  
13 affect the constitutionality or enforceability of any other part."

14       **SECTION 2.** This act becomes effective January 1, 2006, and applies to  
15 inherently dangerous animals existing in this State on or after that date. A person who  
16 meets the legal requirements for possessing an inherently dangerous animal set forth in  
17 Article 6 of Chapter 19A of the General Statutes, as enacted in this act, is not required  
18 to obtain a personal possession permit by that date, but shall obtain that permit by  
19 March 31, 2006. The Department of Environment and Natural Resources shall  
20 implement and administer the provisions of Article 6 of Chapter 19A of the General  
21 Statutes, and shall establish the fee authorized by that Article and the personal  
22 possession permit program necessary to implement the provisions of that Article no  
23 later than January 1, 2006.