

*[The following document is a generic position paper to help us fight the animal rights (AR) groups like Animal protection Institute (API), et al model anti-exotic animal ownership bills. There are places where you must insert the applicable information for your state, county or city. You may use the ideas in this paper for talking points or re-arrange and modify them as you see fit.]*

## **Native Species: Legal and Self Regulating Controls in Place**

### **Animals Are Property: People Own Animals**

**Stakeholders - those who own animals** - do not support animal rights model legislation that is written only for the purpose and intent to restrict and eventually end private animal ownership.

Current law defines animals as the "property" of the owners. The United States Constitution guarantees the fundamental right of property ownership. The ability of a U.S. citizen to make important decisions regarding their property is the most fundamental element of property rights. This bill would eliminate the property owner's right to make decisions about the care of their animals. This interference by state and local government violates the due process clause of the Fourteenth Amendment of the United States Constitution.

The API model legislation and others like it are too broadly and vaguely written. This legislation lacks measurable standards and encourages arbitrary and selective enforcement, often by those who will exploit their powers for personal gain. These model bills also attempt to illegally regulate the practice of veterinary medicine while they contain false presumptions about animals. Often these bills' intent to insure public safety and welfare do not advance the public purpose it claims.

**Taxpayers must be given proper representation.** The voters' voices must be heard in matters that directly affect them. Non profit animal rights groups do not have the hands-on experience of raising, breeding or operating an animal based business - whether it be beef and dairy cattle, commercial poultry, pet shop animals, "exotic, non-native" animals, or commercial kennels and catteries. **The tax free non-profit's "business" is to collect charitable donations. In order to do so, they must convince the unsuspecting public there is a need that only their organization can fill.**

Do not rely on faulty information and misrepresentations provided by such organizations. They have their own primary agenda and you may be surprised how their goals may one day affect your own life. (See Exhibit "A" - The Animal Rights Platform and Goals)

The majority of the money which animal rights organizations collect are re-invested in more fund raising campaigns (i.e. direct mail solicitations, media press releases, various campaigns, public rallies, etc.) Many such organizations lobby on the local, state and federal levels. **Animal rights organizations lobby to regulate stakeholders - those who own animals - while they themselves have no vested financial interest in animal ownership.** Their press releases are purposely sensational in order to generate anger, sympathy and more money. The animal rights activists also write model laws replete with their built in biases and agendas. Such animal related model ordinances are readily available through various organizations and databases that are accessed by city, town, county and state legislators.

### **References and Information:**

#### **Animal Protection Institute (API) Model Ordinances (Exhibit "B")**

[http://www.api4animals.org/b4c\\_model.php](http://www.api4animals.org/b4c_model.php)

#### **Council of State Governments Uses API as a Resource**

<http://www.csg.org/pubs/Documents/slmw-0512ThirdFrontierFunding.pdf>

The animal rights model legislation is available through numerous legislation services such as the one below.

#### **Legislation for Sale: The General Code Advantage**

<http://www.generalcode.com/samparch.html>

### **[Your State] Constitution and Bill Of Rights**

**URL**

**(Any applicable quotes)**

#### **The Declaration of Independence: Consent of the Governed**

<http://www.ushistory.org/declaration/document/>

#### **The right to privacy**

The Constitution does not specifically mention a right to privacy. However, Supreme Court decisions over the years have established that the right to privacy is a basic human right, and as such is protected by virtue of the 9th Amendment. A right to privacy is inherent in many of the amendments in the Bill of Rights, such as the 3rd, the 4th's search and seizure limits, and the 5th's self-incrimination limit

#### **42 U.S.C. § 1983 Claims and the Fourth Amendment to the Constitution**

<http://www.answers.com/topic/section-1983-1>

A Section 1983 claim requires a showing of the deprivation of a constitutional or federal statutory "right." A violation of the Fourth Amendment's guarantee against unreasonable searches and seizures or a violation of the Commerce Clause are examples of federal

constitutional rights that may be deprived. Deprivation of federal statutory rights is also actionable when it can be shown that the statute creates a federal right. Due process violations may also attach to the vagueness of a law or statute's wording.

To prevail in a claim under section 1983, the plaintiff must prove two critical issues: a person subjected the plaintiff to conduct that occurred under color of state law, and this conduct deprived the plaintiff of rights, privileges, or immunities guaranteed under federal law or the U.S. Constitution.

### **Conflicts of Interest**

All too often, personal agendas are involved where animal ownership is concerned. False reports are made. Animals are seized that are being well cared for. These animals can be sold for donations (i.e. profit) or they can be warehoused and hoarded in nonprofit "rescues" and sanctuaries that offer substandard conditions and care.

To be sure there are legitimate cases where animals must be removed from current owners due to many reasons. There are also top notch rescue and holding facilities - but that is not always the case. Should exotic and non-native animals be regulated, then so too should the non-profit sanctuaries, rescues and holding facilities.

Within the regulatory process, litigation often becomes necessary when a rulemaking or other final agency action is unlawful or unreasonable, or when a client must defend itself against an ill-founded or overreaching enforcement action.

### **Constitutional Due Process and Probable Cause**

[http://www.usconstitution.net/consttop\\_duep.html](http://www.usconstitution.net/consttop_duep.html)

#### **Inspection**

"During reasonable hours with a proper warrant, a person may not obstruct or hinder the employees in the discharge of their duties."

What are reasonable hours? The term "proper warrant" is vague and ambiguous. A warrant must be based on probable cause -- NOT on hearsay, an anonymous complaint, upon false witness or misleading information from disgruntled or vindictive persons with a personal agenda. Any confiscation or seizure should be based on genuine facts, not subjective opinions of employees, humane societies or animal control officers. Far too many of these types of cases have occurred across our nation, and animal owners have suffered from excessive regulations that are arbitrarily enforced. They have been litigated until they are broke. Others choose to give up their animals when they are threatened with stiff fines and possible jail time. They simply cannot afford the time and money that are necessary to fight city hall or an administrative agency.

#### **Seizure**

Under the provisions of this section, the owner of a nonnative animal seized by the Board is liable for all costs of treatment and care while the nonnative animal is under the control of the

Board. The Board may require an owner to post a bond sufficient to the reasonable costs of treatment and care of the nonnative animal during the period of confinement. Will an owner be charged for special caging, food and supplies to house the seized animal?

In many cases, where the owner has been proved innocent in a court of law, the animals have been returned in poor health. Often the holding facility does not have the expertise and knowledge to properly care for these animals. Some animals die to poor nutrition and stress - things that a private owner would be held accountable under animal cruelty laws.

### ***Seizure; return; bond.***

This section sets forth the circumstances under which the Board may immediately seize a nonnative species. The animal(s) will be returned to the owner/possessor only if he or she has a permit, is in compliance with the law and the nonnative species poses no threat to humans, other animals or plant life.

This provision is heavy handed. An owner/possessor should be given an opportunity and reasonable time to come into compliance with the law. Otherwise, there may be incentive to take animals in order to charge high boarding fees. This is happening across the country and has become a lucrative way for rescues and shelters to make money.

### **Permits, Fees and Identification**

The larger "exotic" non native species such as big cats (Felidae), monkeys (non-human primates, canidae (nonnative canines) or Ursidae (bears) are already regulated under the USDA as well as various state and local laws. It is quite possible that an owner of such an animal(s) will pay multiple permit fees. As far as the smaller species of such animals, such as herps, commonly kept pet birds, gerbils and so forth, efficient record-keeping would be a costly and labor intensive. Surely the taxpayers of West Virginia have more important concerns. Tracking each and every animal that may have numerous owners throughout its lifetime is just not feasible.

### **Registries and Privacy Issues**

SB384 §19-9b-10 - "Establish and maintain a registry of ALL persons and businesses engaged in the sale of animals in this state." This may seem like a reasonable provision, but it too, has inherent problems. Privacy is (quote constitution) is a prime concern to stakeholders and taxpayers. Such registry database lists have been obtained by animal rights groups and posted to the internet for all to see. Registries and other mandatory requirements are invasions of privacy. An animal's medical records, with the exception of reportable diseases, are between a veterinarian and his or her client.

### **Administration and Enforcement**

§19-9B-5 of SB 384(2007) gives jurisdiction and enforcement powers to three agencies: The Department of Agriculture, the Division of Natural Resources and the Bureau of Public Health.

The establishment of an administrative agency, comprising three state agencies that are already established, would usurp broad powers without traditional checks and balances afforded by the executive, legislative and judicial branches. Laws that meet with the approval of those to be

governed are acceptable as is executive oversight of those laws. Judicial remedy is absolutely necessary to protect citizens from arbitrary and capricious enforcement of those laws.

Who would a Nonnative Species Board be accountable to? Would fair and equitable remedies (i.e. justice) be available to animal owners?

## **A Few Words About the Animal Rights Movement and Political Action**

Unfortunately, there is a great deal of misinformation out there, most of which is generated by hard core animal rights activists who do not believe in animal ownership of any kind - even dogs, cats or fish! Animal rights is VERY different than animal welfare. Welfare is about the best possible humane care of animals. Animal rights is about controlling people and taking away their rights and privileges.

The animal rights activists (ARAs) stop at nothing to manipulate our law makers and the public which generally has no first hand knowledge of captive bred husbandry practices. These groups are well funded and have cultivated a strong grass roots network. While WE devote our time to caring for our animals, THEY have time to campaign and lobby. Their leaders are paid by the non-profit organizations they have founded. They have generated an inaccurate and unhealthy fear of zoonosis. They have created a problem and blown it out of proportion, and then propose a solution where none is needed.

The animal rights organizations network and many take direction from the Humane Society of the United States (HSUS). HSUS does not operate one shelter or humane society, but they do manipulate them via a network of "federated societies". These societies lobby and help distribute HSUS "educational materials" which are little more than thinly disguised animal rights propaganda.

HSUS advances the animal rights agenda via its own Humane USA PAC. HSUS also provides model laws and ordinances which are regulating away private animal ownership at an alarming rate. These proposed model laws are strategically crafted so that they can be later amended with additional incremental restrictions. The HSUS et al's goal is to make it impossible to afford or legally own an animal. The ULTIMATE goal of the HSUS to end all animal ownership.

In 2006, HSUS used the tragedy of Hurricane Katrina to reap thousands of dollars in donations from the unsuspecting public. Their 990s clearly prove that most of their money is used for printing, postage, direct mail and media campaigns, lobbying and reams of free "educational" literature. It is vital for law makers to understand that not all legislation, promoted for animal or human protection, is based on fact or sound reasoning.

### **HSUS Expose**

[http://www.activistcash.com/organization\\_overview.cfm/oid/136](http://www.activistcash.com/organization_overview.cfm/oid/136)

**HSUS Federated Humane Societies aka Grass roots lobbyists**

[http://www.animalsheltering.org/programs\\_and\\_services/networking\\_and\\_groups/state\\_federations\\_of\\_humane\\_societies.html](http://www.animalsheltering.org/programs_and_services/networking_and_groups/state_federations_of_humane_societies.html)

## **Records Management: Privacy Issues and Animal Enterprise Terrorism**

Government licenses are public records. Anyone may request a copy for a fee. Driver's licenses, marriage licenses, dog licenses, and so forth are included. Most localities routinely sell this information which is generally used for sales and marketing purposes. Pet owners, kennel license holders and animal breeding facilities that are registered are more likely to be targeted by animal enterprise terrorists.

Certain ARA groups now appear on the FBI's Top Terrorist Threat listing (i.e. ALF - the Animal Liberation Front). Such groups utilize the internet to target their next animal-owning victims. They have the ability to infiltrate breeding facilities, veterinarian offices, government offices and other animal-related businesses - as well as hack into all types of informational databases.

Licensing, if properly and fairly mandated, will serve many various functions. However, the information collected must remain confidential or good citizens can be victimized by ARAs. They have no respect for private property rights and have released animals that could not survive in the wild. They have stolen dogs from people's own backyards just because they *believe* that the animals are not being properly cared for. In short, they have taken the law into their own hands.

It is important to continue to safeguard citizens, yet it is vitally important to govern under the guidelines that are uniquely American; by carefully following Constitutional law as written in the Bill of Rights.

The AR terrorists have focused their sabotage primarily on research laboratories that use animal testing. This is a lengthy subject in and of itself and it is heartbreaking to realize that we have lost so much valuable research and possible cures and medicines that could have saved countless human lives. This is but one example of what can happen when the public has access to information that should remain confidential.

### **Chronological list of Animal Enterprise Terrorism Acts**

<http://www.naiaonline.org/body/articles/archives/arterror.htm>

In fact, if you have time, please browse through the information on the National Animal Interest Alliance (NAIA) website. You may gain a new perspective on issues dealing with animal ownership.

### **Director's Cut DVD "Animal Righteousness: The Terror of Animal Rights"**

North Carolina Association of Zoos and Sanctuaries - NCAZS

<http://www.ncazs.org/video3.html>

Animal rights activists released privately owned lion cubs in order to generate fear and push legislation that indeed has threatened and endangered the rights and privileges of responsible

animal owners nationwide. They trespass on private property. They have no respect for anyone's privacy. They release animals with no thought to the animals' welfare.

## **Non-Native and Exotic Animals are Domesticated and Captive Bred**

Many "non-native" and "exotic" animals and birds fit the definition of "domestic animal." They have had a long association with humans and genetic changes have deliberately been sought to improve the temperament, color and health of such animals. Self regulation by peer pressure is remarkably effective; and from turtles to dogs to tigers, the serious owner can be depended on to exceed normal good husbandry, veterinary, and safety/legal requirements. Such owners provide educational examples on how to further advance animal ownership within a comfortable framework of today's society, and perpetuate the man/animal bonds established in the "cave man" era. Such bonds between animal and man are necessary, desirable, and deeply part of who, and what, we are.

### **Definition of Domestic Animal**

[http://www.peteducation.com/dict\\_alpha\\_listing.cfm?cls=0](http://www.peteducation.com/dict_alpha_listing.cfm?cls=0)

Domestic animal: An animal that has been housed and fed by man for generations and has little fear of man as a result. Some domestic animals learn to depend on human provision so completely that they have little ability to survive if returned to a natural habitat.

To be considered domesticated, a population of animals must have their behavior, life cycle, or physiology systemically altered as a result of being under humans control for many generations. Animals included in this list that do not fully meet this criterion are designated "captive-bred" or "semi-domesticated."

### **Federally Approved Biologics for Wolf dogs and Other Captive Bred "Nonnative Species"**

Zoos throughout the U.S. use rabies vaccines routinely to protect wolves and other captive canids against this disease. Since wolf-dog hybrids are not wild animals, there should be no legal reason why rabies vaccination should not be acceptable. It is a medically-acceptable fact that rabies vaccinations result in a protective antibody response in canids, and since laws should be based upon fact and not fiction, it is fictitious to contend that a rabies vaccination for a wolf-dog hybrid is somehow different than it is for a dog. "Domestic" dogs have innumerable wolf genes since they share a close common ancestry. A wild wolf is genetically little more distant from the domesticated dog than wild mustang is to a quarter horse. That wolf and dog can be hybridized, while a fox and a dog cannot, points to the genetic and ancestral affinities of wolf and dog. The genetic and phenotype distance" between wolf and dog is closed by hybridization and by taming or human-imprinting early in life. In sum, a first generation wolf-dog hybrid raised with human contact, like the offspring of a tamed or broken mustang, cannot be considered to be a wild animal in any sense of the word.

### **News from Zoos: Fostering Red Wolf Pups and Rabies Vaccinations**

<http://www.umich.edu/~esupdate/janfeb2003/newsfromzoos.htm>

Recently, all four pups of this litter were not only seen, but also captured, and found to be in excellent health. **Each pup was given a physical exam and vaccinations against parvo-virus, distemper and rabies.**

**Rabies Vaccination Protocol: AZA Maned Wolf Husbandry Manual**  
[http://www.aguaraguazu.org.ar/pdf/husbandry\\_manual.pdf](http://www.aguaraguazu.org.ar/pdf/husbandry_manual.pdf)

**Vaccination of Exotic and Wild Animals**  
<http://www.thefcf.com/husbandry/vaccination.asp?key=398>

### **Definition of Dangerous Animal is Vague and Ambiguous**

The definition of "Dangerous Animal" is vague and could mean anything at any time. The animals listed in SB 384 (2007), §19-9B-1(3) as "dangerous" are taken directly from API model legislation. In fact many of the bill's provision are based on this model. What is not included in the bill would be regulated in should a Board be established.

Furthermore, a non-native species board would be prone to include a category or breed of animal simply because of one incident with one animal. Expanding the definition to include subspecies or crossbreed is an indication of future regulations that would follow if a nonnative species board was implemented.

The API refers to itself as an animal rights organization. They reported net assets of \$5 million+ in 2005 and over a four year period spent \$1.5 million in lobbying expenses. They do not own animals, yet profess to know everything about them. They are responsible for a great deal of bad "exotic" legislation on the books.

### **A Common Sense Definition of Dangerous Animal**

- (1) "Dangerous Animal" means any animal which repeatedly bites or attacks a person or an animal more than once, but does not include the following:
- (2) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner;
- (3) An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly; or
- (4) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal;

**[Your State] regarding Vicious or Dangerous Dogs.**  
URL

## **Federal regulations for Licensing and Registration under the Animal Welfare Act**

**Guidelines for Dealers, Exhibitors, Transporters, and Researchers**



## USDA/APHIS

### Exempt Businesses

**Retail Pet Stores**--Anyone whose entire business consists of selling domestic animals to pet owners is exempt. However, if as part of your business you exhibit animals, you may have to be licensed as an exhibitor.

For example, you need an exhibitor's license if you take animals outside the store for teaching or promotion or if you set up a petting display. You must be licensed as a dealer if you sell wild or exotic animals, or if you sell regulated animals to other retailers, research institutions, exhibitors, or other animal dealers. You need to be licensed as an exhibitor if you display a monkey or other wild animal inside the store.

Exemptions for retail pet stores are on an all-or-nothing basis. If you qualify for exemption, none of your business is regulated or inspected. If you do not qualify, you are a full-fledged dealer, and all your regulated animals are inspected.

**Retail Chain Stores**--Centrally managed stores that sell pets entirely at retail are exempt. Like independent retailers, chains are treated as business entities on an all-or-nothing basis. If all outlets qualify as retail pet stores, the entire chain is free from regulation. Conversely, if any outlet does not qualify as a retail pet store, the company must be licensed as a dealer, and all regulated animals at all outlets are inspected.

**Direct Sales**--Anyone who sells domestic pets directly to pet owners is exempt, regardless of sales volume. Such sales can be made in person or by mail.

**Hobby Breeders**--Small-scale breeders with gross sales under \$500 per year are exempt, as long as these sales do not include wild or exotic animals, dogs, or cats. If you own no more than three breeding female dogs or cats and sell the offspring, into the pet channels only, you are exempt.

**Public Pounds**--Animal shelters that are part of State, county, or local governments are exempt. The exemption covers only the pound's own activities. You must have a dealer's license if you purchase animals from pounds for resale or acquire them on contract for resale. The Pet Protection Act of 1990 places some restrictions on pounds and shelters, such as a specific holding period for animals before they may be sold to a dealer.

**Private Shelters**--Animal shelters operated by humane societies and other private groups are exempt unless animals are disposed of through trade channels as pets or to research institutions for use as laboratory animals, or animals are taken off the premises for exhibition to the public.

**Trade-Day Sales Sponsors**--Anyone arranging occasions for people to make private sales or trades of animals is exempt. The exemption holds only if the sponsor does not act as intermediary in the transaction. The buyers, sellers, and traders at trade-day sales, however, must be licensed if they meet the definition of a dealer.

**Boarding Kennels**--Anyone housing animals for others is exempt, except for intermediate handlers and holding facilities. You must be registered as an intermediate handler if, as part of your services, you receive shipment of regulated animals traveling on public carriers. You have to agree in writing to observe USDA's standards of animal care if you operate a holding facility--meaning that you board regulated animals for licensed dealers or research facilities. APHIS inspects regulated animals in holding facilities to ensure that they receive the required care; dealers or research facilities need prior APHIS approval to board regulated animals with you.

**Dealers in a Nonregulated Species**--There is a blanket exemption for anyone handling only those animals not included under Federal law or regulations

<http://www.aphis.usda.gov/lpa/pubs/awlicreg.html#Intro#Intro>

[Also research your state for additional regulations. They are often found under the State Department of Agriculture, Natural Resources or Fish and Wildlife/Game]

## **Appropriations and Taxpayer Monies**

[Add any relevant arguments in this section]

By comparison, the Animal Protection Institute (API) tax-free budget of \$4,673,863 for 2005 alone is spent on such things as:

\$ 261,318	Compensation of 5 Officers and Directors
47,083	Legal Fees
38,332	Telephone
193,222	Postage and Shipping
59,175	Direct Mail Consultant (to raise more funds from the public)
19,658	Office Equipment
234,257	Printing and Publications
72,719	Travel

They received

\$3,195,469	in Direct Public Support and have
1,306,510	in Investments

Money drives the animal rights movement and their agenda, while animal owners of every kind are crushed beneath increasingly restrictive legislation. It is beyond the scope of this paper to add up the budgets of all of these non-profit groups, even for a single year, but suffice it to say - it is in the billions of dollars.

**These groups have two primary goals:**

- 1. To solicit donations from a gullible public and**
- 2. To put an end to animal ownership.**

**In the meantime, animal owners are focused on the hard work and dedication that are required to keep their animals in the best condition and health possible. In many cases, animal ownership has become a full time occupation.**

**Foundations which contribute to animal rights organizations**

[http://www.activistcash.com/index\\_foundations.cfm](http://www.activistcash.com/index_foundations.cfm)

## **The Test: Animal Rights and Animal Welfare?**

Animal welfare works for the genuine safety and well being of animals.  
Animal rights activists seek to control people by legislating animal ownership.

### **Captive Wild Animal Protection Coalition (CWAPC)**

By applying the above test, it is very clear that the CWAPC is an animal rights organization. This organization seeks to end the private ownership of all exotic animals. This powerful, well funded and connected organization has brought together the heavy hitters in anti-animal ownership non-profit organizations. **The coalition includes the Humane Society of the United States (HSUS), People for the Ethical Treatment of Animals (PeTA), the Animal Protection Institute (API), the Fund For Animals (FFA), the International Fund for Animal Welfare (IFAW) the radical Avian Welfare Coalition and the Association of Animal Sanctuaries (TAOS). The Kimya Institute, 501c3, "holds" their donations.**

### **Insurance and Signage**

Signage can create an "attractive nuisance" where none existed. It can attract the curious and tempt them to trespass or it can attract thieves. Utility workers and animal control services have no business on a property without first securing permission of the property owner. Nor is it in the best interest of public safety for neighbors and neighborhood youth to be notified of the presence of captive wildlife. Posting signs has been shown to encourage the general public to enter the private property of captive wildlife owners. In many jurisdictions, first responders, such as local fire and police, are often already aware of captive wildlife owners.

*During a national animal rights conference in July of 2006, animal rights leadership encouraged animal rights activists to harass captive animal owners and encouraged them to release the captive animals.* Signage makes the illegal acts of domestic terrorists much easier to accomplish. There are many documented incidents where activists and vandals in the U.S. illegally entered zoos and other animal facilities. They have released animals which could become a threat to public safety. Vandals have also been known to torture and kill zoo animals. Requiring signage on captive wildlife properties provides information to activists and thieves without offering any protection to neighboring properties.

Requiring insurance and bonds for captive wildlife owners can create a Catch-22 situation. Some states and localities have labeled certain animals as "dangerous." Owners of these animals often learn that insurance companies refuse to insure them, thus they can be charged with non-compliance, thus creating a "de facto" ban on animals. Insurance requirements could make it impossible to own an otherwise lawful animal. Dangerous, or exotic animal policies, are never available as part of homeowners insurance and must be obtained from specialist carriers. Such coverage can easily cost **OVER \$1,000 A YEAR PER ANIMAL** - and that is for low liability coverage. Coverage amounts are never specified in the proposed West Virginia bills, and could be changed at whim by a Board proposal.

There is a nationwide movement by animal rights organizations such as the Humane Society of The United States (HSUS), the Animal Protection Institute (API) and many others, which seek to

control, restrict and eventually eliminate animal ownership. Part of their propaganda effort is to demonize captive wildlife and one clever means is to label many captive animals as “dangerous”.

## **The Zoonosis Scare Tactic**

The API Model Anti-Exotic Animal Ownership Bill begins with the statement that "it is the intent of the state to protect the public against health and safety risks that exotic animals pose to the community ..."

Though this sounds good on paper, please be advised that protocols are already in place to track and monitor disease, including zoonoses.

According to the CDC website, [www.cdc.gov](http://www.cdc.gov), “Although animals can carry germs, it is important to know that you are more likely to get some of these germs from contaminated food or water than from your pet or another animal you encounter.” We do not live in a *third world country where medical care is not readily available, if necessary*.

The U.S. Center for Disease Control reports no incidence of diseases from non-native species occurring in [Your State] for [xxx]. During the 2003 monkeypox "scare", 37 confirmed cases were reported nationwide and [X] were from [your state].

Veterinarians and medical doctors are already under strict regulations to report diseases of concern to the U.S. Public Health Service.

### **Summary of Federal and State Laws Already in Place**

**United States Code - [Control of Communicable Diseases \(42 USC 264-272\)](#)**  
**Code of Federal Regulations - [Interstate Quarantine \(42 CFR 70\)](#)**  
**Executive Orders [Amendment to E.O. 13295: Quarantinable Communicable Diseases](#)**  
**Interim Final Rule [Restrictions on African Rodents and Prairie Dogs \(42 CFR 71.56\)](#)**  
**Orders Issued by CDC [Notice of Embargo of Civets \(January 13, 2004\)](#)**  
**Orders Issued by CDC [Notice of embargo of birds from specified countries](#)**  
**International Agreements [International Health Regulations](#)**

Additional Information [Controlling the Spread of Contagious Diseases: Quarantine and Isolation](#)

Fact sheets developed via cooperative agreement between CDC and the American Red Cross.

[Fact Sheet: Isolation and Quarantine \(Updated September 9, 2004\)](#)

[Fact Sheet: Legal Authorities for Isolation/Quarantine \(Updated February 9, 2006\)](#)

[Q & A: Legal Authorities for Isolation and Quarantine \(Updated February 9, 2006\)](#)

[Q & A on the Embargo of Birds from Specified Southeast Asian Countries \(2004\)](#)

[Question and Answers on the Embargo of Civets \(January 20, 2004\)](#)

[Q & A on Interim Final Rule Prohibiting Importation of African Rodents \(2003\)](#)

Additional Public Health Law Resources

[CDC Public Health Law Program](#)  
[Center for Law and the Public's Health](#)

[Model State Emergency Health Powers Act](#)

**U.S. Code Title 7 Agriculture**

**§8319. Surveillance of zoonotic diseases**

**Title 42 Public Health and Welfare**

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**§264 Regulations to control Communicable Diseases**

**§1240.63. African rodents and other animals that may carry monkeypox virus**

**§1240.65 Psittacine Birds**

[Find your applicable state statutes and reporting systems]

**[Many states have General Case Investigation Forms and Electronic Disease surveillance Systems]**

[Encourage your Legislators focus on the following issue:]

The problem as defined by CDC: Currently there are multiple systems in place that support communications for public health labs, the clinical community, and state and local health departments. Each has demonstrated the importance of being able to exchange health information. However, many of these systems operate in isolation, not capitalizing on the potential for a cross-fertilization of data exchange. A crosscutting and unifying framework is needed to better monitor these data streams for early detection of public health issues and emergencies. The Public Health Information Network (PHIN) is this framework.

**The Public Health Information Network**

<http://www.cdc.gov/phn/>

<http://www.cdc.gov/nedss/>

**National Center for Infectious Diseases: Division of Global Migration and Quarantine**

<http://www.cdc.gov/ncidod/dq/animal.htm>

Importation of Pets, Other Animals, and Animal Products into the United States

CDC [regulations](#) govern the importation of dogs, cats, turtles, monkeys, other animals, and animal products capable of causing human disease. Requirements for the importation of the most common pets are described below. Pets taken out of the United States are subject upon return, to the same regulations as those entering for the first time.

**References and More Information:**

[Restricted Animals, Agents, Hosts, and Vectors](#)

[Importation of Dogs](#) (Updated March 29, 2006)

[Embargoed Animals and Monkeypox Virus](#)

[Embargo of Civets](#)

**Compendium of U.S. State and Territory Animal Import Regulations  
Discussions Regarding Exotic Animal Importation, Sale, and Distribution:**  
[Summary of Information Presented at Public Meeting on May 18, 2006](#) (Federal Register  
notice; updated August 8, 2006)

**The National Association of State Public Health Veterinarians (NASPHV)**

<http://www.nasphv.org/>

The National Association of State Public Health Veterinarians (NASPHV) helps direct and develop uniform public health procedures involving zoonotic disease in the United States and its territories

**Council of State and Territorial Epidemiologists**

<http://www.cste.org>

<http://www.cste.org/committees/InfectiousDiseaseCommittee.asp>

**NetVet Veterinary Government & Law Resources**

[AC - Animal Care](#)

[Animal Care Policy Manual](#)

[Animal Importation](#)

[APHIS - Animal and Plant Health Inspection Service](#)

[AWA - Animal Welfare Act](#)

[AWIC - Animal Welfare Information Center](#)

[CAHM - Center for Animal Health Monitoring](#)

[CEAH - Centers for Epidemiology and Animal Health](#)

[CVB - Center for Veterinary Biologics](#)

[CVM - Center for Veterinary Medicine](#)

[Disease Status and Information](#)

[NADC - National Animal Disease Center](#)

[NAHMS - National Animal Health Monitoring System](#)

[NCHS - National Center for Health Statistics](#)

[NCID - National Center for Infectious Diseases](#)

[Pets and Wildlife](#)

[Transportation, Sale, and Handling of Certain Animals \(Title 7, Chapter 54\)](#)

[US State Veterinarians](#)

[Viruses, Serums, Toxins, Antitoxins, and Analogous Products \(Title 21, Chapter 4\)](#)

## Exhibit "A" ANIMAL RIGHTS GOALS

The Animal Rights Platform, published in *Animals' Agenda* magazine, November 1987 and reprinted in The Hijacking of the Humane Movement by Rod and Patti Strand.

**The below platform goals are not about protecting animals or humans, but are the tenets for a radical, cult like belief that seeks to END ALL ANIMAL USE AND OWNERSHIP. Do not be deceived: animal welfare is not the goal; nor is human welfare.**

### Animal Rights Platform: Goals

1. We are firmly committed to the eventual abolition by law of animal research, and call for an immediate prohibition of painful experiments and tests. The billions of dollars disbursed annually by the National Institutes of Health for animal experiments should be re-channeled into direct health care, preventive medicine, and biomedical research using non-animal tests and procedures. In addition, the government should fund projects to develop and promote non-animal technologies where they do not yet exist so that animal experiments may be rapidly phased out. In the meantime, procedural mechanisms must be established to allow for greater public scrutiny of all research using animals.

**Contrast this to the Timeline of Progress: Medical Breakthroughs and Animal Testing**  
<http://www.fbresearch.org/Education/Timeline/Timeline.htm>

### **Do Not Promote Agri-Business**

3. We encourage vegetarianism for ethical, ecological, and health reasons. As conversion of plant protein to animal flesh for human consumption is an energetically inefficient means of food production, a vegetarian diet allows for wiser use of the world's limited food resources. Livestock production is a major source of environmental degradation. Furthermore, a shift in human diet from animal foods to plant food would result in a lower incidence of heart diseases and cancer and better health generally. Vegetarian meals should be made available to all public institutions including primary and secondary schools. Nutritional education programs currently administered by the Department of Agriculture should be handled by an agency charged with promoting public health **rather than promoting the interest of agribusiness.**

### **No Factory Farming**

4. Steps should be taken to begin **phasing out intensive confinement systems of livestock production, also called factory farming, which causes severe physical and psychological suffering for the animals kept in overcrowded and unnatural conditions.** As animal agriculture depletes and pollutes water and soil resources, and destroys forests and other ecosystems, we call for the eventual elimination of animal agriculture. In the meantime, the exportation of live farm animals for overseas slaughter must be regulated to ensure humane treatment. **Livestock grazing on US public lands should be immediately prohibited.** Internationally, the US should assist poorer countries in the development of locally-based, self-reliant agricultural systems.

### **Say No to Chemicals and Yes to Predators**

5. The use of **herbicides, pesticides, and other toxic agricultural chemicals should be phased out**. Predator control on public lands should be immediately outlawed and **steps should be taken to introduce native predators** to areas from which they have been eradicated in order to restore the balance of nature.

### **New Age Agency for Animal Welfare**

6. **Responsibility for enforcement of animal welfare legislation must be transferred from the Department of Agriculture** to an agency created for the purpose of protecting animals and the environment.

### **No Fur Industry**

7. Commercial trapping and fur ranching should be eliminated. We call for an end to the use of furs while recognizing Western society's responsibility to support alternative livelihood for native peoples who now rely on trapping because of the colonial European and North American fur industries.

### **Hunting, trapping, and fishing for sport should be prohibited**

8. State and federal agencies should focus on preserving and re-establishing habitat for wild animals instead of practicing game species management for maximum sustainable yield. Where possible, native species, including predators, should be reintroduced to areas from which they have been eradicated. Protection of native animals and plants in their natural surroundings must be given priority over economic development plans. Further, drainage of wetlands and development of shore areas must be stopped immediately.

### **Rain Forest Protection** (Based on Junk Science)

9. Internationally, steps should be taken by the US government to prevent further destruction of rain forests. Additionally, we call on the US government to act aggressively to end international trade in wildlife and goods produced from exotic and/or endangered fauna or flora.

### **No More Animals**

10. **We strongly discourage any further breeding of companion animals, including pedigree or purebred dogs and cats. Spay and neuter clinics should be subsidized by state and municipal governments. Commerce in domestic and exotic animals for the pet trade should be abolished.**

11. We call for an end to the use of animals in entertainment and sports such as dog racing, dog and cock fighting, fox hunting, hare coursing, rodeos, circuses, and other spectacles and a critical reappraisal of the use of animals in quasi-educational institutions such as zoos and aquariums. These institutions, guided not by humane concerns but by market imperatives, often cruelly treat animals and act as agents of destruction for wild animals. In general, we believe that animals should be left in their appropriate environments in the wild, not showcased for entertainment purposes. Any animals held captive must have their psychological, behavioral, and social needs satisfied.



**12. Advances in biotechnology are posing a threat to the integrity of species, which may ultimately reduce all living beings to the level of patentable commodities. Genetic manipulation of species to produce transgenic animals must be prohibited.**

**We do not support the Animal Rights Agenda nor would the majority of the American public if they truly knew what we know.**

**EXHIBIT "B"**  
**API Anti-Exotic Animal Ownership Model Legislation**

Bill No. \_\_\_\_\_

AN ACT Relating to the Private Possession of Exotic Animals

NEW SECTION. Sec. 1 Intent

It is the intent of the state of \_\_\_\_\_ to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, these animals are wild and exotic and, as such, do not adjust well to a captive environment.

NEW SECTION. Sec. 2 Definitions

A. "Department" means the Department of Fish and Game (or the Department empowered to regulate exotic animals usually the state's Department of Fish and Game or Agriculture. Please note that local animal control agencies can regulate the prohibition on possessing exotic animals instead of the Department.)

B. "Exotic animal" means any member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:

1. Class Mammalia

(a) Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats)

(b) Order Carnivora

(i) Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats)

(ii) Family Canidae (wolves, coyotes, foxes, jackals, not domestic dogs)

(iii) Family Ursidae (all bears)

(iv) Family Mustelidae (weasels, skunks, martins, minks, not ferrets)

(v) Family Procyonidae (raccoons, coatis)

(vi) Family Hyaenidae (hyenas)

(vii) Family Viverridae (civets, genets, mongooses, binturongs)

(a) Order Edentatia (anteaters, armadillos, sloths)

(b) Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders)

(c) Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)

(d) Order Primates (lemurs, monkeys, chimpanzees, gorillas)

(e) Order Proboscidae (elephants)

(f) Order Rodentia (squirrels, beavers, porcupines, prairie dogs, not guinea pigs, or rats, or mice, or gerbils, or hamsters)

1. Class Reptilia

(a) Order Squamata

(i) Family Varanidae (only water monitors and crocodile monitors)

(ii) Family Iguanidae (only green iguanas and rock iguanas)

(iii) Family Boidae (all species whose adult length has the potential to exceed eight (8) feet in length)

(iv) Family Colubridae (only boomslangs and African twig snakes)

(v) Family Elapidae (such as coral snakes, cobras, mambas, etc.) – All species

(vi) Family Natricidae (only keelback snakes)

(vii) Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.) – All species

(b) Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.) – All species 3. The Department may declare species not listed as an exotic animal if the confinement of the animal within the state can be shown to constitute a threat to public health and safety.

C. “Person” means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.

D. “Possessor” means any person who owns, possesses, keeps, harbors, brings into the state, has in one’s possession, acts as a custodian, or has custody or control of an exotic animal.

E. “Wildlife sanctuary” means a non-profit organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986, and its subsequent amendments, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to any animal owned by the organization, does not:

1. Conduct any activity that is not inherent to the animal’s nature;
2. Use the animal for any type of entertainment;
3. Sell, trade or barter the animal or the animal’s body parts; or
4. Breed the animal for any purpose. (unable to reproduce)

#### NEW SECTION. Sec. 3 Keeping of Exotic Animals Prohibited

A. It shall be unlawful for any person to own, possess, keep, harbor, bring into the state, have in one’s possession, act as a custodian, or have custody or control of an exotic animal, except in compliance with this act.

B. It shall be unlawful for a person to breed an exotic animal.

#### NEW SECTION. Sec. 4 Exemptions

A. The provisions of this act shall not apply to:

1. Institutions accredited by the American Zoo and Aquarium Association (AZA) or under mentorship through the AZA.
2. Duly incorporated non-profit animal protection organizations housing an exotic animal at the written request of the Department.
3. Animal control or law enforcement agencies or officers acting under the authority of this act.
4. Licensed veterinary hospitals or clinics.
5. Any wildlife sanctuary as defined under this act.
6. Any licensed or accredited research or medical institution.
7. Any licensed or accredited educational institution.
8. Any lawfully operated circus or rodeo.
9. A person temporarily transporting an exotic animal through the State if the transit time is not more than 96 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

NEW SECTION. Sec. 5 Personal Possession Permit Required for Possessor

A. A person may not own, possess, keep, harbor, bring into the state, have in one's possession, act as a custodian, or have custody or control of an exotic animal unless that person holds a personal possession permit for that animal issued by the Department. A person may obtain a personal possession permit for an exotic animal only if the following are met:

1. The person was in legal possession of the exotic animal prior to the effective date of this act and is the legal possessor of the exotic animal.
2. The person applies for and is granted a personal possession permit for each exotic animal in the person's possession by \_\_\_\_\_ as set forth in Section 17.

A. Persons who meet the requirements set forth in subsection A of this section shall annually obtain a personal possession permit. From and after the effective date of this act, no new exotic animal shall be brought into possession under authority of a personal possession permit.

B. An applicant shall file an application to receive a personal possession permit with the Department on forms provided by the Department. The application shall include the following:

1. A written statement which sets forth the following information:
  - (a) The name, address, telephone number, and date of birth of the applicant.
  - (b) A description of each exotic animal applicant possesses, including the scientific name, name, sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal.
  - (c) A photograph of the exotic animal.
  - (d) The exact location where the exotic animal is to be kept.
  - (e) The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.
  - (f) The microchip number of the exotic animal, excluding exotic animals exempted under Section 6.
  - (g) The name, address, and phone number of the veterinarian providing veterinary care to the exotic animal and a certificate of good health from the possessor's veterinarian.
2. The requirement that the possessor certifies in writing and notarized by a notary public that:
  - (a) The applicant is eighteen (18) years of age or older.
  - (b) The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of an animal or has not within the past ten (10) years been convicted of a felony or been convicted for possession, sale, or use of illegal narcotics.
  - (c) All of the requirements set forth in Section 5A, Section 6, and Section 9A and 9B are met.
  - (d) The facility and the conditions in which the exotic animal will be kept are in compliance with this act.
  - (e) The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.
  - (f) Proof that a licensed veterinarian pursuant to Section 7 has spayed or neutered the exotic animal. At the time of filing of the application, an applicant must submit his/her plan for the quick and safe recapture of the exotic animal if the exotic animal escapes.
4. An applicant must submit a copy of the policy for liability insurance at the time of filing of the application.
5. Any additional information the Department may deem necessary to carry out the provisions of this act.

6. The Department may establish and charge reasonable fees for application, issuance, and renewal of a personal possession permit in order to recover the costs associated with the administration and enforcement of this act. The fee charged to an applicant may not exceed \$\_\_\_\_\_ for each animal and may not exceed \$\_\_\_\_\_ for each person obtaining a permit, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce this act..

A. A permit shall not be granted unless the Department finds that all of the requirements in Section 5C have been met.

B. The personal possession permit shall set forth all of the following information:

1. The name, address, phone number, and date of birth of the permit holder.

2. The address, if different than above, where the exotic animal(s) will be kept.

3. The name, number, sex, species, age of the exotic animal(s), and any distinguishing marks or coloration that would aid in the identification of the animal.

4. The identification number as required under Section 6, if applicable.

5. The name, address, and phone number of the veterinarian who provides veterinary care to the exotic animal(s) named on the permit.

6. Any other relevant information the Department may deem necessary.

A. If a person can no longer care for his/her exotic animal, that person may only transfer his/her exotic animal to another person currently holding a valid personal possession permit.

B. The Department shall keep records of who is carrying a valid permit. A permit holder shall notify the Department of any changes of the stated information on the permit, which changes shall include the death of the exotic animal.

#### NEW SECTION. Sec. 6 Identification Number

Every exotic animal must be implanted with a microchip, at the expense of the possessor, by or under the supervision of a veterinarian. This provision does not apply to an exotic animal if a veterinarian determines that the implant of a microchip would endanger the well-being of the exotic animal.

#### NEW SECTION. Sec. 7 Spaying or Neutering

Every exotic animal must be spayed or neutered, at the expense of the possessor, by or under the supervision of a veterinarian. This provision does not apply to an exotic animal if a veterinarian determines that the spay or neuter procedure would endanger the well-being of the exotic animal.

#### NEW SECTION. Sec. 8 Caging Requirements and Standards for Exotic Animals

For each exotic animal, the possessor shall comply with AZA's Minimum Husbandry Guidelines for animal care and maintenance of that animal.

#### NEW SECTION. Sec. 9 Care and Treatment of Exotic Animals Held under a Personal Possession Permit

A. An exotic animal shall not be tethered, leashed, chained outdoors, or allowed to run at large.

B. An exotic animal shall not be mistreated, neglected, abandoned, deprived of necessary food, water, and sustenance.

C. A person transporting an exotic animal in a vehicle shall keep the animal securely caged in the vehicle at all times.

D. Each person shall have a plan for the quick and safe recapture of the exotic animal if the exotic animal escapes; if recapture is impossible, then a plan for the destruction of the exotic animal held under a personal possession permit.

E. The possessor shall contact the Department, or a wildlife sanctuary as defined under this act, or an AZA accredited facility if the possessor can no longer care for the exotic animal prior to euthanasia of the exotic animal.

#### NEW SECTION. Sec. 10 Insurance; Signs; and Notification

A. A possessor of an exotic animal shall maintain liability insurance coverage in an amount of not less than two hundred and fifty thousand dollars (\$250,000.00) for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. The possessor of an exotic animal shall provide a copy of the policy for liability insurance to the Department on an annual basis.

B. The possessor of an exotic animal shall have continuously posted and displayed at each possible entrance onto the premises where an exotic animal is kept a conspicuous sign, clearly legible, and easily readable by the public warning that an exotic animal is on the premises. In addition, the possessor shall conspicuously display a sign with a warning symbol that informs children of the presence of an exotic animal. The Department shall prescribe the exact content and size of the sign.

C. If any exotic animal escapes, either intentionally or unintentionally, the possessor of the exotic animal shall immediately contact a law enforcement officer of the city or county where the possessor resides to report the escape or release. The possessor is liable for all expenses associated with efforts to recapture the animal.

D. No person may intentionally release an exotic animal. If an exotic animal is intentionally released the possessor is liable for all expenses associated with efforts to recapture the animal.

#### NEW SECTION. Sec. 11 Public Contact

The permittee shall not bring an exotic animal to any public property, or a commercial or retail establishment unless the permittee is bringing the animal to a licensed veterinarian or a veterinarian clinic.

#### NEW SECTION. Sec. 12 Enforcement of Article

The Department, its staff, its agents, local law enforcement agents, or county sheriffs are authorized and empowered to enforce the provisions of this Article.

#### NEW SECTION. Sec. 13 Inspection

The possessor of an exotic animal, at all reasonable times, shall allow the Department, its staff, and its agents to enter the premises where the animal is kept to ensure compliance with this act.

#### NEW SECTION. Sec. 14 Denial of Personal Possession Permit; Appeal

A. If the Department finds that an applicant for an original or renewal of a personal possession permit does not meet the requirements set forth in Section 5, the Department shall deny the applicant a personal possession permit and give the applicant written notice of the denial and the reasons for the denial.

B. If the Department finds that a person has not complied with this act the Department may suspend or revoke the personal possession permit and give the possessor written notice of the suspension or revocation and the reasons for the suspension or revocation.

C. A person who is denied a personal possession permit, denied a renewal of a personal possession permit, or who has had a permit suspended or revoked may appeal the decision to a Superior Court for the precinct in which the animal is located or the municipal court in the municipality in which the animal is located no later than the fifteen (15) days after the permit was denied, suspended, or revoked. The decision of the court may not be appealed.

#### NEW SECTION. Sec. 15 Confiscation and Disposition of Exotic Animals

A. The Department may immediately confiscate any exotic animal if the animal is kept in contravention of this act. The possessor is liable for the costs of placement and care for the exotic animal from the time of confiscation until the time of return to the possessor or until the time the animal has been relocated to an approved facility, such as a wildlife sanctuary as defined under this act or an institution accredited by the AZA.

B. If an exotic animal is confiscated due to the animal being kept in contravention of this act, the possessor must post a security bond or cash with the Department in an amount sufficient to guarantee payment of all reasonable expenses expected to be incurred in caring and providing for the animal, including but not limited to the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The security bond or cash shall not prevent the Department from disposing of the animal at the end of the thirty (30) days unless the person claiming the animal posts an additional security bond or cash with the Department to secure payment of all reasonable expenses expected to be incurred in caring and providing for the animal for an additional thirty (30) days, and does so prior to the expiration of the first thirty (30) day period. The amount of the security bond or cash shall be determined by the Department and based on the current rate to feed, provide medical care, and house the animal.

C. If a confiscated animal possessor cannot be located or if a confiscated animal remains unclaimed, in the discretion of the Department, the Department may contact an approved facility, such as a wildlife sanctuary as defined under this act or an institution accredited by the AZA, allow the animal to be adopted by a person who currently possesses a personal possession permit, or may euthanize the animal.

D. If the exotic animal cannot be taken up or recaptured safely by the Department or if proper and safe housing cannot be found the Department may immediately euthanize the animal.

E. An exotic animal may be returned to the possessor only if, to the satisfaction of the Department, the possessor has a personal possession permit, has corrected the conditions resulting in the confiscation, and has paid the cost of placement and care of the animal while under the care and control of the Department.

#### NEW SECTION. Sec. 16 Penalties

A. Whoever violates Sections 5A, 5B, or 5F, Section 6, Section 7, Section 8, Section 10B, Section 10C, and Section 13 shall be guilty of a misdemeanor punishable by a fine of not more than \$ \_\_\_\_\_ or a jail sentence of not more than \_\_\_\_ months.

B. Whoever violates Section 3A and B, Section 9, Section 10A, Section 10D, Section 11, and Section 15B shall be guilty of a minor misdemeanor punishable by a fine of not more than \$ \_\_\_\_\_ or a jail sentence of not more than \_\_\_\_ months.

NEW SECTION. Sec. 17 Effective Date

A. Except as provided by this section, this act takes effect on the date the Governor signs this act into law.

B. Not later than \_\_\_\_\_ (generally 6 months from bill being signed into law), the Department shall implement and administer the prohibitions of the keeping of exotic animals under this act. This includes, but is not limited to, the creation of the personal possession permit program established by Section 5 of this act, orders relating to the applications for personal possession permit and renewals, fees for the permit, and the form and content of the application.

C. A person is not required to obtain a personal possession permit under Section 5 before \_\_\_\_\_ (generally 6 months after date from Section 17 B), but must obtain a personal possession permit by \_\_\_\_\_ (generally allow possessors 6 months to obtain permit).

D. A city or county may adopt an ordinance governing exotic animals that is more restrictive than this act. This may include prohibiting additional animals to the definition of “exotic animals,” additional caging standards, and stricter care and treatment provisions. If a city or county already has an equal or greater ordinance already in existence that city or county will be in compliance with this act.

NEW SECTION. Sec. 18 Severability

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



## **Exhibit "C"**

### **PROTOCOLS in PLACE FOR SELF REGULATION**

People who own captive bred "exotic" animals invest a great deal of time, money and resources to the care of those animals. It is in their best interest to learn all they can about their care, requirements and well being. Self regulation by peer pressure is remarkably effective; whether it be turtles, dogs, tigers, birds, or any other animal. The serious owner can be depended on to exceed the minimum, basic husbandry, veterinary and safety requirements.

Such owners educate others through books, magazine articles and lectures. The private sector has also contributed to and exchanged invaluable knowledge with zookeepers on a species by species basis. The below informational links are but a small example of the information available to the beginning and seasoned "non-native" animal owner. Protocols for environmental requirements such as caging and sanitation; husbandry manuals which include nutrition requirements, breeding facts and care of young animals; and veterinary medicine (including zoonosis) are a just a few of the basic topics to be found.

The Avian Veterinary Association (AAV), the Association of Reptile and Amphibian Veterinarians, the Association of Primate Veterinarians (APV), numerous exotic cat veterinarians throughout the U.S. and all the other veterinarians who specialize in various captive bred species have helped to develop approved biologics for the treatment and prevention of diseases.

The USDA/APHIS is currently formulating rules and regulations which will govern all domesticated aviary birds in the United States. These federal regulations are being written by very knowledgeable people, one being an avian veterinarian that once owned and operated a commercial aviary. He has also taught college classes and lectured to avian veterinarian students nationwide. With years of avicultural experience, such a person is more than qualified to write such rules and regulations.

By the way, all but a very few aviary birds for private ownership are imported due to the WBCA (Wild Bird Conservation Act) of 1992. Pet birds are NOT a risk factor for catching the flu. There have been no documented cases of humans catching Avian Flu from pet birds such as parrots, finches and other commonly kept species.

#### **A Tragic Side Effect of the Avian Flu Pandemic Paranoia**

<http://www.cyberparrots.com/AvianInfluenza.html>

#### **Zoological Association of America Accreditation**

<http://www.zaoa.org/>

#### **Zoological Society of America**

<http://www.zaoa.org/>

### **Aviary Management Protocols and Other Information Resources**

### **Model Aviculture Program and Certification**

<http://www.modelaviculture.org/>

<http://www.modelaviculture.org/Downloads/Guidelines/Guidelines.pdf>

### **Association of Avian Veterinarians (AAV) Brochures**

<http://www.aav.org/brochures.html>

### **Organization of Professional Aviculturists**

<http://www.proaviculture.com/>

### **National and Regional Bird Clubs**

<http://www.birdsnways.com/birds/assoc.htm>

<http://www.petstation.com/birdclub.html>

### **Extensive Links Regarding Aviary Birds - Everything for the Beginning Aviculturist**

<http://www.birdsnways.com/birds/assoc.htm>

### **AZA Husbandry Manuals and Misc Info**

[http://www.nagonline.net/husbandry\\_manual\\_chapters.htm](http://www.nagonline.net/husbandry_manual_chapters.htm)

**Housing, Husbandry, Care & Welfare of Selected Birds: AWIC Resource Series No. 26**  
(Quail, Pheasant, Finches, Ostrich, Dove, Parrot & Others) - February 2004

<http://www.nal.usda.gov/awic/pubs/Birds/birds2.htm>

The below link will demonstrate how many different types of aviary birds exist. Each has their own specialized requirements. A three man regulatory board simply cannot properly regulate such diversity. In fact, an experienced aviculturist with decades of first hand knowledge cannot know everything about every captive bred bird!

### **Aviary Bird Taxonomy Database**

<http://www.zoonomen.net/avtax/frame.html>

*Columbiformes (Doves and Pigeons)*

*Psittaciformes (Parrot type birds)*

*Passeriformes (finches, canaries)*

*Piciformes (toucan type birds)*

### **Herp Information and Organizations**

Herpetology is concerned with "cold-blooded" groups of animals. "Herps" include salamanders, frogs, toads, an odd group of amphibians called [caecilians](#), [snakes](#), [lizards](#), [turtles](#), [tuataras](#) and [crocodilians](#).

### **Association of Reptile and Amphibian Veterinarians**

<http://www.arav.org/>

## **Reptile, Amphibian Medicine & Veterinary Books**

<http://herpetology.com/medbooks.html>

## **Herp Clubs**

<http://www.kingsnake.com/society.html>

## **Herp Care Sheets**

<http://www.kingsnake.com/features.html>

## **Books**

<http://www.kingsnake.com/books/>

## **Misc Husbandry Articles**

<http://lllreptile.com/info/library/general-care-and-husbandry/>

## **Some Herp Information Links**

<http://www.seanthomas.net/oldsite/links.html>

## **Primate Ownership Laws**

### **Primate Ownership Laws**

<http://monkeymaddness.com/laws/laws.htm>

### **Helping Hands: Monkey Helpers for the Disabled**

<http://www.helpinghandsmonkeys.org/>

### **Primate Books: General Care and other Information**

[http://www.offthewallemporium.com/primates/primate\\_books.htm#General%20Primate%20Care%20and%20Info](http://www.offthewallemporium.com/primates/primate_books.htm#General%20Primate%20Care%20and%20Info)

## **The Simian Society**

<http://www.simiansociety.org/>

THE SIMIAN SOCIETY OF AMERICA is a non-profit organization founded in 1957 to improve the welfare of primates in captivity. Composed primarily of private caretakers, membership also includes veterinarians, primatologists and zoological officials. The SSA discourages the keeping of primates by individuals who do not understand their complex needs and the multitude of problems associated with keeping them. However, for those committed to providing captive primates with long-term, care-conducive homes, the society offers health, diet, psychological well-being and management information as well as access to a network of experienced primate caretakers. The Society maintains an active network through its monthly publications, a video lending library, educational publications, biennial conventions and local chapters. In addition, the SSA sponsors primate rescue and placement efforts. Through this network, mature, unwanted primates have found permanent homes in wildlife sanctuaries or private collections with necessary permits.

**Commentary by Primate Owner Regarding Restrictive Laws**

<http://www.offthewallemposium.com/primates/ss.html>

**Big Cat Ownership, Model legislation and Husbandry**

**General Requirements for Private Big Cat Ownership**

**AZA Small Felid Husbandry Manual**

<http://www.felidtag.org/pages/Reports/Husbandry%20Manual%20for%20Small%201998/husbandry.htm>

**Feline Conservation Federation**

<http://www.thefcf.com/husbandry/husbandry.asp?key=12>

Articles and Information about Feline Husbandry, Health Protocols and Exotic Animal Vaccinations

**Exotic Cat Care Information**

***Diet and Nutrition***

<http://www.exoticcatz.com/care.html>

**Housing and Environmental Enrichment**

<http://www.exoticcatz.com/housing.html>

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