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Oregon's Anti Exotic Pet Attack

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OR SB391 First Legislative Session Summary

The first Environment and Natural Resources Senate Committee meeting on SB391 on 5 March 2009 was a perfect reminder that the legislative process depends upon us. Our votes determine who sits in the capital, and we need to do a much better job of not electing politicians who support laws that hurt animals. Even more urgently, we must provide our legislators with the information they need to make the right choices. Our legislators are generally well-intentioned and compassionate people who are trying to pass fair laws that will ensure public safety while also protecting animal welfare. But all too often, these men and women do not see the underlying problems with animal related bills. Because they do not have the experience with animals or with the Animal Rights groups to read between the lines, they simply do not know what we know. With so many pressing issues demanding their attention, busy legislators often spend only a few minutes thinking about the animal bills. HSUS/PETA assails them constantly with countless newspaper and television ads, mailings, private member visits, and pressure from paid lobbyists. If we want our legislators to make the right decisions, we must inform them. We must show them the bigger picture so they understand the facts. **It is up to us!** First a quick reminder. Senate Bill 391 would effectively prohibit all private ownership in Oregon of:

- Any member of the family *Felidae*, except *Felis catus* (domestic cat);
- Any nonhuman primate;
- Any member of the family *Canidae* except *Canis familiaris* (domestic dog);
- Any bear;
- Any member of the order *Crocodylia*.

Before I even begin to report on the testimony we heard, here are some general impressions:

1. Most of the legislators seem to have absolutely no understanding of the underlying AR issues. They genuinely think that this bill is about [public safety](#), not eradicating captive animals.

2. Many seem to feel that since this bill has been on the agenda for several legislative sessions, it should pass this time. The reality: if [HSUS has the money](#) to keep trying year after year, they eventually win...
3. Senator Mark Hass, the bill's sponsor, claimed to have "worked with" animal breeders and owners to address our concerns since last session. In fact, no one in our small and close-knit community (who virtually all oppose this ill-conceived and misguided bill) was ever contacted by the senator or his staff or representatives. And none of the crucial changes we believe would improve this bill were added.
4. Why would responsible lawmakers NOT consult the state's genuine animal experts? For five years we have been offering, begging, to be allowed to participate in shaping this bill so it might actually accomplish its stated goals. We have proposed reasonable amendments and constructive compromises: why do advocates of this bill refuse to work with us, the men and women who devote our lives to the study and care of animals? If there are problems with animal laws in Oregon, those of us who work every day at understanding and solving the core issues of safe, compassionate, and responsible animal care are fully prepared to help draft and will support a bill that actually improves our state's animal laws.
5. Our legislators have little knowledge of the current animal statutes. They evidently believe anyone can acquire a tiger tomorrow! They appear not to know, for instance, that in Oregon anyone contemplating keeping a tiger as pet faces daunting requirements, the first being the accumulation of 500 hours of documented experience working with tigers. Because establishments possessing tigers will not risk their licenses by employing inexperienced labor, this is essentially impossible. In the unlikely event a person were to accumulate the 500 hours of experience needed to qualify for an Oregon Department of Agriculture license, the would-be tiger keeper would next need to spend thousands of dollars on suitable housing, then meet with the state vet, arrange an ODA inspection to ensure that cage, housing, and secondary perimeter fence are sufficient, and provide a written plan for the animal's proper nutrition, health maintenance, and general welfare. Next is the stipulation to allow the ODA to inspect the applicant's home and property unannounced so long as the animal lives. Moreover, such property cannot be within city limits in virtually any city in Oregon; and several counties also prohibit such animals. Even after the applicant has complied with every regulatory requirement, the granting of a permit remains the sole discretion of the ODA. Next, because it remains illegal to transport a tiger across state lines as a pet, the applicant must find a tiger seller in state - virtually impossible. And of course once acquired, the tiger can never be loose anywhere off the owner's property. Are these regulations inadequate?
6. Many elected officials seem to believe that citizens must prove that their activity benefits society if it is not to be banned. That idea plainly violates a bedrock American principle that every citizen has the right to pursue happiness so long as that pursuit does not endanger or harm others. Not the stamp collector, the golfer, the beer drinker, the television watcher, nor any other persons are obligated to demonstrate that their pursuits are worthwhile. Under our Declaration of Independence and Constitution, we the people have a presumed freedom to pursue

happiness unless and until it is demonstrated that such pursuit is harmful to others. If someone has a pet serval, and that makes the person happy and the serval happy and harms no one, the person has no obligation legal or moral to justify their pursuit to anyone.

7. Similar to HB2470, it was alarming to note that virtually every person in the hearing room who had actual hands-on experience with animals opposed the bill, while virtually every person supporting the bill had, by their own assertion, no actual experience, only great certainty and passion.

The varied arguments presented in opposition to SB391, included:

1. Laws cannot justly be based on species, color, breed, race, or any other personal criteria. They must be based upon actions.
2. Responsible ownership is what must be legislated.
3. Exotic animals can be, and often are, suitable, wonderful pets.
4. We have laws that work. The historic record is remarkable: legally owned exotic animals have caused virtually no harm in our state. In the past decade in Oregon, exotic animals as defined by this bill have caused the public a single injury (a trespassing child was bitten), zero [disease transmissions](#), and zero invasive species problems. Let us be fair and honest here: any animal can be dangerous, and we do not assert that there is zero risk from such animals. But the reality is that more people are hurt in a time period per capita while bowling than are hurt by exotic animals.
5. SB391 targets all owners regardless of their skills and circumstances. Reasonable laws must be based on the owner and not the animal. If an owner can keep a captive animal happy and healthy, and can ensure that the animal does not get loose, then it is not a hazard to anyone.
6. This bill would reduce the population of knowledgeable and skilled animal experts, precisely the people working within the state to prevent exotic animals from ever becoming a problem. Several law enforcement people testified in support of this bill because they feel unqualified to handle exotic animal situations should they arise. This response appears reasonable until matched with the historic evidence. While problems arise from ILLEGAL ownership - ownership that would not be altered by this bill - the solution is invariably to call one of the animal experts in the state, the very people its advocates are trying to drive out of Oregon with this law. It is such experts who offer advice, who come to safely capture the animal, and who are often asked to keep the animal, and otherwise resolve a problem situation.
7. Keeping exotic animals is not intrinsically dangerous or cruel, despite what HSUS may claim. In most cases, these animals are pampered and loved, and enjoy lives



significantly superior to what they could experience in the modern wild world or in a large zoo or other institution.

8. The current bill makes no distinction between a two-pound Fennec Fox and a 600-pound tiger.
9. The current law makes no provision for USDA-licensed animal owners who want to retire in the future. Upon retirement, these capable people would no longer be able to keep their animals and would be forced to destroy them.
10. There is effectively no way for anyone in the future to become a USDA licensee: a person must already possess verified animal experience and animals that they are now planning to use professionally: but under the new law, such qualification would not be possible.
11. We believe it is our duty as the leading experts in the field to help inform our legislators on animal issues, even if the bill does not directly impact us or those supporting the bill, so that they can make the best decision.
12. When a special interest group seeks to pass laws that are immoral, unconscionable, and wrong, we stand up and say “No.”
13. We care deeply about what happens to the animals. You may believe those people who have no animal experience when they tell you that this bill would help animals, but we know better. We know it firsthand from our decades of experience. We know that animals will suffer because of these bills.
14. If we want future generations to care about the natural world, we need to have captive animals for our children to meet and come to love.
15. None of these steps is final-each is another stumble towards the single goal of the AR movement: the eradication of all captive animals.

Arguments in favor of the bill included:



1. Public safety! After carefully reviewing the past decade for the very worst instances of exotic animal malfeasance, we heard these harrowing tales: in 2002, “Al,” the four-foot alligator got loose and waddled around for a day before he was safely recaptured; and in 2007, a capuchin monkey got harmlessly loose for several hours before being safely recaptured. (Senator Hass described four-foot “Al” as a “snarling” man-eater...)
2. Zoonotic diseases! Of course no human has ever gotten a disease from a primate outside of a lab where monkeys were intentionally infected, but it could happen: there have been some scary movies.
3. A woman representing a sanctuary condemned private owners as irresponsible despite the fact that the ONLY exotic animal-related injury in Oregon in recent history occurred at her own facility, where an intern was bitten by a chimp after a

- cage was left unlocked. She also referenced a chimp incident in California a few years ago which also occurred not at a private owner facility but at a sanctuary similar to hers. Such testimony suggests that sanctuaries need stricter regulation, but highlight the near-perfect track record of Oregon's private animal owners.
4. Tony Vecchio of the Portland zoo was a reasonable and effective speaker, except that he seemed not to recognize his own point: he admitted that there are some private owners who do a fabulous job and are at least as knowledgeable as any zoo employee. But, he argued, for every good owner there are several bad owners. That is a perfect statement of the situation: We need to write laws that target those bad owners and allow the good owners to continue doing their good work. Similar to the sanctuaries, I would suggest that the AZA track-record in recent years is arguably worse than the private owners'. Mr. Vecchio and the rest of the AZA had better wake up before it is too late: they are helping the AR zealots destroy private animal ownership, and zoos are next on the list. Zoo administrators will be unhappily surprised when none of us animal lovers are left to defend them. This is a simple issue-either you believe animals can be safely and humanely kept by humans, or you do not. If you believe they can, then you should stand together with those of us who are challenging those who believe they cannot. Obviously we need to have appropriate rules and regulations that define who can have animals, but that step comes after we agree that animals can and do thrive in captivity.
 5. A sheriff from Oakland, Oregon, claimed that in his small town there have been two recent primate attacks: one involving a child whose head was "ripped open," and another involving a man who was bitten and spent six months in quarantine. Despite extensive searching, we have been unable to locate ANY record of these events - not even on PETA's comprehensive list of such things.
 6. Wild animals "deserve" to be in the wild "where they belong." Perhaps the most important item on this list, this idea underlies the entire controversy. Time and again, this bill's supporters casually invoked this assertion as unassailable wisdom, an article of faith. Of course wild animals are better off in the wild, and only a crazy person would question that truth. I submit that it is crazy not to question assumptions, not the other way around. Why are wild animals better off in the wild? Because Bambi told us so? Animals consistently live longer in captivity; they receive optimal veterinary care; they do not starve and fight, they have water, they are not eaten by predators nor plagued by parasites; they are kept warm and dry; they are given exercise and enrichment and ideal nutrition; they are not bred every year; they are not shot, poisoned, run over, or trapped. If we are ever going to have a productive conversation about animal welfare and whether or not captivity is desirable, such dialogue will need to begin with everyone being willing to genuinely question their assumptions about how captivity enhances or diminishes animal welfare.

SB391 would not increase public safety, it would not improve animal welfare; it would do one thing: advance the personal agenda of people who erroneously believe that NO animal can or should be kept in captivity and want to eradicate them all. SB391 will likely go to the senate floor and be voted on by all of our senators. I implore you: contact our

senators and urge them to vote “no” on this bill as it stands. (<http://www.leg.state.or.us/senate>) Tell them not to be swayed by dramatic tales of animal horrors that can not and do not occur in our state under our current laws. There is not a single example of exotic animal misconduct that cannot be remedied by simple enforcement of universal and fair laws requiring that all owners behave responsibly. Why anyone would not want the same law to be in place for all owners is baffling. Are they really okay if children are mauled by a Poodle? I think not. Tell our senators that we will not sit by while they pass immoral and ineffective laws simply to placate a powerful lobby whose members want to eradicate animals. Demand just laws that target all humans who are behaving irresponsibly and not those people who are responsibly and effectively taking care of their pets and keeping them safely and happily, regardless of species or breed... The best statement of the day was made by Senator Hass, who commented that he did not mind someone breeding or possessing exotic animals, what he found objectionable was irresponsible owners who purchased these animals and then allowed them to escape or otherwise become a danger. Bravo! That is precisely the point of those who oppose this bill, so please contact your senators and urge them to reject this bill and to work with the animal community to draft legislation or amendments addressing irresponsible owners instead of innocent animals...

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