

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 594

Short Title: Traveling Animals/Pub. Safety Protection Act. (Public)

Sponsors: Representatives Ball, Harrison, John, and Fisher (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 20, 2021

A BILL TO BE ENTITLED
AN ACT TO ENACT THE TRAVELING ANIMAL AND PUBLIC SAFETY PROTECTION
ACT.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "Traveling Animal and Public Safety Protection Act."

SECTION 2. Findings. – The General Assembly finds all of the following:

- (1) The protection of exotic and wild animals, and the health and safety of workers and the public, are matters of statewide concern.
- (2) Conditions inherent to traveling exotic and wild animal acts, including temporary, collapsible facilities, proximity to the public, constant travel, and prolonged confinement and physical coercion of animals, subject exotic and wild animals to compromised welfare and chronic stress, resulting in animal disease, the spread of zoonotic disease, and animal escape, which present health, welfare, and safety risks not adequately addressed by current regulation.
- (3) Current regulatory oversight of traveling exotic and wild animal acts is complex and costly, and these costs are not typically recouped via licensing fees, but instead are left to be borne by the taxpayers.
- (4) The frequent mobility of traveling exotic and wild animal acts complicates oversight, such that agencies and authorities cannot properly monitor, evaluate, or follow through regarding the condition of animals or facilities; their history of potential injuries, incidents, illnesses, violations; or other issues, and so cannot properly protect animals, workers, or the public.
- (5) Traveling exotic and wild animal acts use collapsible, temporary, mobile facilities, which risk escape and serious harm to animals, workers, and the public.
- (6) Traveling exotic and wild animal acts present health and safety risks by permitting or not preventing public contact and by displaying animals in inappropriate, uncontrolled areas in dangerous proximity to humans and other animals.
- (7) Exotic and wild animals have intrinsic value. Their wild instincts and needs are unpredictable and not naturally suited to the standard business model and practices for traveling acts. Animals suffer when unable to fulfill instinctive, natural behaviors.



- 1 (8) Exotic and wild animals used in traveling acts suffer severe and extended
2 confinement, and, deprived of natural movements and behaviors, are prone to
3 chronic stress and behavioral, health, and psychological problems.
- 4 (9) Exotic and wild animals are forced to perform unnatural tricks requiring
5 extreme physical coercion, including, but not limited to, the use of food and
6 water restrictions, extended confinement, chaining, and abuse with electric
7 shock devices, bullhooks, metal bars, whips, shovels, and pitchforks, among
8 others.
- 9 (10) It is not necessary to use exotic and wild animals in traveling acts to
10 experience the circus or similar events.
- 11 (11) Using exotic and wild animals as commodities traded for traveling
12 performances adds nothing to the understanding and conservation of such
13 animals or their natural environment and actually undermines conservation
14 efforts necessary to protect threatened and endangered species.
- 15 (12) The exploitation and trade of wildlife is a primary driver of biodiversity loss
16 and disease emergence.
- 17 (13) It is not possible to ensure health and safety for the public and workers or
18 appropriate physical and mental welfare for exotic and wild animals under this
19 business model, which inherently and significantly restricts animals' natural
20 movements and behaviors, and which has a prevalence of abuse and
21 problematic oversight.
- 22 (14) Restricting the use of exotic and wild animals in traveling acts is the most
23 cost-effective and efficient way to safeguard the public, workers, and the
24 animals.

25 **SECTION 3.** Chapter 19A of the General Statutes is amended by adding a new
26 Article to read:

27 "Article 2A.

28 "Use of Exotic or Wild Animals in Traveling Acts.

29 **"§ 19A-15. Exotic or wild animal performances prohibited.**

30 (a) Prohibition. – No person shall cause a performance of, or allow for the participation
31 of, an exotic or wild animal in a traveling animal act.

32 (b) Exceptions. – This section shall not apply to the following:

33 (1) The use of an exotic or wild animal in any of the following:

34 a. An exhibition at a nonmobile, permanent institution, facility, zoo, or
35 aquarium accredited by the Association of Zoos & Aquariums, the
36 World Association of Zoos and Aquariums, or the Global Federation
37 of Animal Sanctuaries.

38 b. An exhibition at a wildlife sanctuary.

39 c. An environmental education program conducted by or under the direct
40 supervision of a person accredited by the Association of Zoos &
41 Aquariums or the World Association of Zoos and Aquariums, if the
42 animal used for such purposes is not kept in a mobile housing facility
43 for more than 12 hours in any day.

44 d. A research or educational program conducted by a university, college,
45 laboratory, or other research facility properly licensed or registered
46 under 7 U.S.C. § 2131, et seq., as amended, for research or education
47 purposes.

48 (2) The use of animals that are indigenous to the State in an environmental
49 education program by a person licensed or permitted by the Wildlife
50 Resources Commission under G.S. 113-272.5 or G.S. 113-274 if the animals

- 1 used in the program are not kept in a mobile housing facility for more than 12
2 hours in any day.
- 3 (c) Definitions. – The following definitions apply in this Article:
- 4 (1) Cause a performance. – To provide, arrange for, sponsor, or obtain financial
5 benefit from the use of an exotic or wild animal in a traveling animal act.
- 6 (2) Environmental education program. – A program which includes an exotic or
7 wild animal, which is professionally designed to impart knowledge or
8 information to the public for educational or conservation purposes about that
9 animal's natural behavior, habitat, life cycle, or similar pedagogical
10 information, conducted by an individual qualified to impart such information,
11 and which does not include any exhibition of behavior that does not naturally
12 occur for that animal in the wild state, except for industry-standard husbandry
13 practices for veterinary purposes.
- 14 (3) Exotic or wild animal. – The following taxa, and hybrids of those taxa,
15 whether the animal was captured from the wild or bred in captivity:
- 16 a. Canidae (other than domestic dogs).
- 17 b. Cetartiodactyla (other than alpacas, bison, cattle, deer, goats,
18 guanacos, llamas, swine, and sheep).
- 19 c. Crocodylia.
- 20 d. Edentata.
- 21 e. Elasmobranchii.
- 22 f. Elephantidae.
- 23 g. Felidae (other than domestic cats).
- 24 h. Hyaenidae.
- 25 i. Marsupialia.
- 26 j. Mustelidae.
- 27 k. Nonhuman primates.
- 28 l. Perissodactyla (other than horses, donkeys, and mules).
- 29 m. Pinnipedia.
- 30 n. Procyonidae.
- 31 o. Ratites.
- 32 p. Spheniscidae.
- 33 q. Testudinidae.
- 34 r. Ursidae.
- 35 s. Varanidae.
- 36 t. Viverridae.
- 37 (4) Mobile traveling facility. – A vehicle such as a truck, car, trailer, airplane,
38 ship, or railway car used to transport or house animals and which moves from
39 place to place for performance purposes.
- 40 (5) Performance. – Any act, circus, ride, carnival, display, exhibition, parade,
41 petting zoo, race, or similar undertaking in which animals are required to
42 perform tricks, give rides, participate in photographic opportunities, or serve
43 as an accompaniment for the entertainment or amusement or other benefit for
44 an audience.
- 45 (6) Traveling animal act. – A performance with one or more animals that
46 transports the animals from place to place in a mobile housing facility for the
47 purpose of participation in the performance.
- 48 (7) Wildlife sanctuary. – An organization that is exempt from federal income tax
49 under section 501(c)(3) of the Internal Revenue Code, is described by section
50 170(b)(1)(A)(vi) of the Internal Revenue Code, and is a place of refuge that
51 provides care for abused, neglected, unwanted, impounded, abandoned,

1 orphaned, or displaced wildlife for their lifetime, and which does not engage
2 in any of the following:

- 3 a. Using an exotic or wild animal for any type of entertainment, including
4 direct contact between the public and any exotic or wild animal for
5 photographic opportunities, petting, or other entertainment.
- 6 b. Permitting unescorted public visitation or direct contact between the
7 public and any exotic or wild animal.
- 8 c. Engaging in commercial trade in any exotic or wild animal, including
9 the sale of any animal, animal part, derivative, or offspring.
- 10 d. Breeding exotic or wild animals.

11 **"§ 19A-16. Violation of Article.**

12 A violation of the provisions of this Article shall constitute a Class 2 misdemeanor.

13 **"§ 19A-17. Enforcement of Article.**

14 This Article is enforceable by wildlife protectors of the Wildlife Resources Commission, by
15 sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter
16 jurisdiction. Wildlife protectors shall have all the powers set forth in Article 13 of Chapter 113
17 of the General Statutes in the enforcement of this Article."

18 **SECTION 4.** This act becomes effective January 1, 2022.