

# USE OF EXOTICS IN DISPLAYS

## MODEL LEGISLATION<sup>1</sup>

AN ACT to amend the [STATE], in relation to the use of wild or exotic animals in live performances and the regulation thereof:

The People of the State of [STATE], represented in the Senate and Assembly/House do enact as follows:

### Section 1. Prohibited Acts

1. Except as provided in Section 3 of this Act, it shall be unlawful for any person to conduct or operate a display of wild or exotic animals.
2. It shall be unlawful for any person to conduct or operate a rodeo.

### Section 2. Penalties

1. Any person violating Section 1 shall be fined not less than \$2,500 nor more than \$5,000 per animal per display or be imprisoned not more than one year, or both.

### Section 3. Exemptions

The following displays of animals are exempt from this law:

1. A display of wild or exotic animals solely for educational or therapeutic purposes at institutions accredited by the American Zoo and Aquarium Association (AZA) or the Association of Sanctuaries (TAOS).
2. Other than fights and rodeos, a display consisting of one or more companion or farm animal, including cats, dogs, horses, cows, sheep, or llamas.

### Section 4. Definitions

1. **COMPANION ANIMAL.** Any animal that is commonly kept as a pet as defined in this section. The definition shall include but not be limited to:

- (a) domesticated dogs;
- (b) domesticated cats and feral cats as defined in this section;
- (c) horses;
- (d) hamsters;
- (e) gerbils;
- (f) guinea pigs;
- (g) rabbits;
- (h) turtles (except those determined by the Department to be a danger to public health or safety);
- (i) mice;
- (j) rats;
- (k) ferrets;
- (l) fish, coral, and all aquatic invertebrates.

2. **DISPLAY.** Any exhibit, exhibition, act, circus, public show, trade show, photographic opportunity, carnival, ride, parade, race performance or similar undertaking in which animals perform tricks, fight, or participate in performances.

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<sup>1</sup>This model bill includes a prohibition on rodeo, although where political exigencies require its omission, the bill would remain a workable prohibition on the display of wild or exotic animals.

3. **EDUCATIONAL PURPOSE.** Teaching and instructing with the intent and effect of imparting knowledge to others through oral presentations and written handouts (whose sole purpose is to teach without entertainment).
4. **ENTERTAINMENT.** That which does not constitute an educational purpose.
5. **WILD OR EXOTIC ANIMAL.** Any animal that is wild by nature whether bred in the wild or in captivity and whether or not native to [STATE]. Wild or exotic animals include, but are not limited to, any or all of the following orders and families and any hybrids thereof, and such others as the Department determines are dangerous to public health or safety. Animals listed in parentheses are intended to serve as examples and are not to be construed as an exhaustive list of each group, unless otherwise specified:
  - (a) Non-human primates and prosimians;
  - (b) Felidae (with the exception of domesticated and feral cats);
  - (c) Canidae (with the exception of domesticated dogs);
  - (d) Ursidae;
  - (e) Elephantidae;
  - (g) Crocodylia;
  - (h) Marsupialia;
  - (i) Reptilia;
  - (j) Hyaenidae;
  - (k) Mustelidae (with the exception of ferrets);
  - (l) Procyonidae;
  - (m) Endentatae;
  - (n) Viverridae;
  - (o) Camelidae;
  - (p) Cetacea;
  - (q) Birds (Psittacidae – parrots, parakeets, Fringillidae – finches, Columbidae – doves and pigeons, Serinus canaria – canaries).
6. **FARM ANIMAL.** Any ungulate, poultry, species of cattle, sheep, swine, goats, llama, horses or fur-bearing animals as defined in [CITE RELEVANT STATE LAW], which are raised for commercial or subsistence purposes. Fur-bearing animals shall not include dogs or cats.
7. **FERAL CAT.** Any domesticated cat that was formerly owned or has been abandoned and is no longer socialized, or any cat born outdoors that has not been socialized, as well as any offspring thereof.
8. **PERSON.** An individual, partnership, corporation, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative of these.
9. **PET.** Any animal kept for the primary purpose of companionship that is normally maintained in or near the household of the owner or person who cares for such domesticated animal.
10. **RODEO.** A public performance featuring bronco riding, calf roping, steer wrestling, or bull riding.
11. **THERAPEUTIC PURPOSE.** Employing an animal as a remedial agent with the intent and/or effect of treating a disease or disorder.



**The American Society for the Prevention of Cruelty to Animals**

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