

House Research Act Summary

CHAPTER: 264

SESSION: 2004 Regular Session

TOPIC: Possession of Regulated Animals

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Overview

Chapter 264 establishes state regulation over the purchase, possession, breeding, and sale of large cats, bears, and nonhuman primates. Every person that possesses one or more of these “regulated” animals must be licensed by the United States Department of Agriculture or must be registered with a local animal control authority. Different requirements are imposed for facilities licensed by the United States Department of Agriculture (USDA) and those not licensed but registered with a local animal control authority.

1 Possession of certain regulated animals.

Subd. 1. Definitions. Terms are defined including “person,” “possess,” “regulated animal,” “wildlife sanctuary,” and “local animal control authority.” “Regulated animal” means large cats, bears, and nonhuman primates.

Subd. 2. Possession of regulated animals. Generally, within 90 days after the effective date of the act a person who possesses a regulated animal must be licensed by the USDA **or** register with the local animal control authority and bring the facilities and the conditions under which the animal is kept into compliance with standards specified in USDA regulations applicable to *facilities and operations, animal health and husbandry, and veterinary care*.

Only a person holding a valid USDA license may breed regulated animals. A USDA licensed person may purchase regulated animals to maintain their inventory as of the effective date of the act, and may sell regulated animals outside Minnesota and to

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Minnesota residents eligible to purchase them. Animals under the age of six months are not counted toward the inventory cap.

A person without a USDA license but registered with the local animal control authority and in compliance with USDA facilities standards for regulated animals cannot increase the number of regulated animals they possess. These persons must not breed regulated animals but are allowed to replace a regulated animal if it dies (but the replacement is valid only once). If a regulated animal dies of neglect or cruelty, or if the person is involved in illegal activities, the person is not allowed to replace the regulated animal that has died.

Subd. 3. Registration. A person who possesses one or more regulated animals must register the animals with the local animal control authority within 60 days after the effective date of the act. The registration must include a complete inventory of animals held by the person. The local animal control authority may charge an initial site inspection fee of \$50 plus \$25 per animal (to a maximum of \$250 per person) for the annual registration. If the person acquires a different type of regulated animal the local animal control authority may charge an additional \$50 site inspection fee.

The use of implanted microchips is encouraged, and specifically required under certain circumstances.

Subd. 4. Requirements. A person who possesses regulated animals must maintain complete health and ownership records related to each animal and provide a copy of the records if the animal is transferred to another person. Each animal must be visited by a veterinarian at least once each year.

A person possessing a regulated animal must notify the local animal control authority within ten days after a change of address or a change in the location of the animal.

A copy of the annual inspection report on a USDA licensed facility must be forwarded to the local animal control authority within 30 days of receipt.

A person must prominently display a sign on the structure where a regulated animal is kept, indicating the presence of the animal. The person must maintain a written recovery plan and necessary recovery equipment in the event a regulated animal escapes. If an animal escapes, the person must notify local law enforcement officials. The person is responsible for any costs related to the capture after an escape.

If requested, the local animal control authority must be notified prior to moving a regulated animal from its registered location, except when the animal is being transported to a licensed veterinarian.

If the person can no longer care for the animal he or she must attempt to locate an appropriate site for its long-term placement.

Subd. 5. Seizure. The local animal control authority can seize a regulated animal

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possessed in violation of these regulations. The authority may grant a 30-day grace period for the person in possession to come into compliance with requirements. If an animal is seized, the owner must be notified and given the opportunity to post a security deposit and ask for a court hearing to recover the animal. The person from whom the animal was seized must pay all costs for the care, keeping, and possible disposal of the animal.

Subd. 6. Disposal of animals. A regulated animal that is taken into custody and is determined by a veterinarian to be suffering and beyond cure may be immediately disposed of.

Subd. 7. Exemptions. Several exemptions from the requirements of this section are noted, including accredited zoos, wildlife sanctuaries, licensed game farms, the Department of Natural Resources and a person with a permit issued by the Department, research or medical institutions, and a circus, rodeo, or fair.

Subd. 8. License transfer. Allows a person licensed by USDA to sell or transfer the entire business and the regulated animals to another USDA licensed person.

Subd. 9. Report to Board of Animal Health. Each July 1, local animal control authorities must report to the Board of Animal Health on regulated animals registered with them and any enforcement actions taken.

Subd. 10. Penalty. It is a misdemeanor to knowingly violate subdivisions 2, 3, or 4.

2 Effective date. The provisions of section 1 are effective January 1, 2005.