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# HOUSE BILL No. 1179

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2-40.5; IC 14-22-26.

**Synopsis:** Wild animal permits. Adds certain persons to and removes certain persons from the application of the wild animal permit laws. Makes changes to the definition of "zoological park". Adds a definition of "circus" for purposes of wild animal permits. Removes the requirement that a permit is necessary if the wild animal is harmful to plants. Removes the requirement that a separate permit is necessary for each wild animal. Allows the natural resources commission to raise the wild animal permit fee. Allows an animal to be seized if it poses a risk to public health or safety.

**Effective:** July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Natural Resources.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1179



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-8-2-40.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 40.5. "Circus", for purposes of IC 14-22-26, has the**
- 4 **meaning set forth in IC 14-22-26-1.5.**
- 5 SECTION 2. IC 14-22-26-1 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not
- 7 apply to ~~licensed commercial animal dealers~~; **the following:**
- 8 (1) Zoological parks.
- 9 (2) ~~Circuses. or carnivals.~~
- 10 (3) **Research facilities licensed or registered with the United**
- 11 **States Department of Agriculture.**
- 12 (4) **Educational institutions licensed or registered with the**
- 13 **United States Department of Agriculture.**
- 14 (5) **An organization or person housing a wild animal at the**
- 15 **request of the department.**
- 16 (6) **An individual who transports a wild animal through**
- 17 **Indiana if the animal:**



- 1           **(A) is not unloaded or exhibited in Indiana; and**  
 2           **(B) is continuously confined in a container that is of**  
 3           **sufficient strength to prevent the animal from escaping or**  
 4           **coming into contact with the public.**

5           SECTION 3. IC 14-22-26-1.5 IS ADDED TO THE INDIANA  
 6           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7           [EFFECTIVE JULY 1, 2012]: Sec. 1.5. As used in this chapter,  
 8           "circus" means an entity that:

- 9           **(1) has an exhibitor license required by the United States**  
 10           **Department of Agriculture under 9 CFR 1;**  
 11           **(2) offers performances by animals, clowns, and acrobats for**  
 12           **public entertainment; and**  
 13           **(3) does not breed or sell animals.**

14           **The term does not include an exhibitor who presents a wild animal**  
 15           **to the public where the animal and patron are in close proximity**  
 16           **to each other, even if the exhibitor is licensed by the United States**  
 17           **Department of Agriculture under 9 CFR 1.**

18           SECTION 4. IC 14-22-26-2 IS AMENDED TO READ AS  
 19           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this  
 20           chapter, "zoological park" means

- 21           ~~(1) a permanent establishment that is a member of accredited by~~  
 22           ~~the American Association of Zoological Parks Zoos and~~  
 23           ~~Aquariums. or~~  
 24           ~~(2) an agency of local government, open to and administered for~~  
 25           ~~the public, to provide education, conservation, and preservation~~  
 26           ~~of the earth's fauna.~~

27           SECTION 5. IC 14-22-26-3 IS AMENDED TO READ AS  
 28           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The director may  
 29           adopt rules under IC 4-22-2 to require and issue the following:

- 30           (1) A permit to possess a wild animal protected by statute or rule.  
 31           (2) A permit to possess a wild animal that may be harmful or  
 32           dangerous to ~~plants~~ **humans** or **domestic or wild** animals. ~~A~~  
 33           ~~separate permit is required for each wild animal described in this~~  
 34           ~~subdivision.~~

35           SECTION 6. IC 14-22-26-4 IS AMENDED TO READ AS  
 36           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. **(a)** A permit issued  
 37           under this chapter:

- 38           (1) must be in the form prescribed by the director;  
 39           (2) may not be issued unless the director is satisfied that the  
 40           permit should be issued;  
 41           (3) has an expiration date fixed by the director; and  
 42           (4) has a **minimum** fee of ten dollars (\$10).

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1           **(b) The commission may set the permit fee above the minimum**  
 2 **amount in subsection (a). The amount may not be more than is**  
 3 **reasonably necessary to generate revenue sufficient to offset the**  
 4 **costs incurred by the department in carrying out its responsibilities**  
 5 **under this chapter.**

6           SECTION 7. IC 14-22-26-5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If an emergency  
 8 exists, the director may summarily suspend a permit issued under this  
 9 chapter. The director may summarily seize and hold an animal for  
 10 which a permit is required under this chapter, pending the outcome of  
 11 the proceedings under this section, if either of the following conditions  
 12 exist:

13           (1) A permit has not been issued to possess the animal.

14           (2) A permit has been issued to possess the animal, but the  
 15 director believes that an emergency exists because at least one (1)  
 16 of the following conditions exists:

17           (A) The animal is in a position to harm another animal.

18           (B) The life or health of the animal is in peril.

19           **(C) The animal poses a risk to public health or safety.**

20           (b) After suspending a permit or seizing and holding an animal  
 21 under subsection (a), the department shall proceed as quickly as  
 22 feasible to provide the opportunity for completed adjudicative  
 23 proceedings under IC 4-21.5. The proceedings may result in the  
 24 revocation, temporary suspension, or modification of the permit.  
 25 Provision may be made for a final disposition with respect to the wild  
 26 animal, including confiscation of the animal. IC 4-21.5 provides the  
 27 exclusive remedy available to a person aggrieved by a determination  
 28 of the department under this section.

29           (c) The director may contract with experts in the handling of  
 30 animals for which a permit is required under this chapter to assist the  
 31 director in seizing and holding an animal under this section. A person  
 32 who seizes and holds an animal under a contract with the director is not  
 33 subject to legal action arising from the seizure or holding to the same  
 34 extent as if the person was an employee of the department.

35           (d) The owner of an animal seized under this section is liable for the  
 36 costs of seizing and holding the animal and of the proceedings under  
 37 this section, including a trial, if any.

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