

House Bill 3214

Sponsored by Representative HUDSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person from using specified types of animals in traveling animal act. Provides certain exemptions from prohibition.

Punishes by maximum of six months' imprisonment, \$2,500 fine, or both. Authorizes court to require person convicted of violation to forfeit animal used in violation.

A BILL FOR AN ACT

1
2 Relating to traveling animal acts; creating new provisions; and amending ORS 609.992.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A person may not use an animal described in subsection (3) of this sec-**
5 **tion in a traveling animal act.**

6 **(2) Subsection (1) of this section does not apply to:**

7 **(a) A facility that is accredited, certified or verified by the Association of Zoos and**
8 **Aquariums, the World Association of Zoos and Aquariums or the Global Federation of Ani-**
9 **mal Sanctuaries;**

10 **(b) A person that uses an animal described in subsection (3) of this section as part of an**
11 **education program, if the animal is not kept away from the animal's permanent facility for**
12 **more than 12 hours in a 24-hour period and the person is:**

13 **(A) An agent of a wildlife rehabilitation center operated under a valid permit issued by**
14 **the State Fish and Wildlife Commission pursuant to ORS 497.308; or**

15 **(B) A falconer operating under a valid license issued by the State Fish and Wildlife**
16 **Commission;**

17 **(c) A licensed or accredited academic, medical or research institution; or**

18 **(d) A licensed veterinary hospital or clinic.**

19 **(3) The prohibition in subsection (1) of this section applies to the use of any of the fol-**
20 **lowing, including a hybrid of any of the following:**

21 **(a) Any member of the family Canidae, except the species *Canis familiaris* (domestic dog);**

22 **(b) Any member of the family Cetartiodactyla, except the species *Bos taurus* (domestic**
23 **cow), *Lama glama* (domestic llama), *Lama pacos* (alpaca), *Ovis aries* (sheep), *Rangifer***
24 ***tarandus* (reindeer) and *Sus domesticus* (domestic pig), and the subspecies *Capra aegagrus***
25 ***hircus* (domestic goat);**

26 **(c) A member of the order Crocodylia;**

27 **(d) A member of the subclass Elasmobranchii;**

28 **(e) A member of the family Elephantidae;**

29 **(f) A member of the family Felidae, except the species *Felis catus* (domestic cat);**

30 **(g) A member of the family Hyaenidae;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (h) A member of the mammalian infraclass Marsupialia;
- 2 (i) A member of the family Mephitidae;
- 3 (j) A member of the family Mustelidae, except the subspecies *Mustela putorius furo* (do-
- 4 mestic ferret);
- 5 (k) A nonhuman primate;
- 6 (L) A member of the order Perissodactyla, except the subspecies *Equus ferus caballus*
- 7 (domestic horse), the subspecies *Equus africanus asinus* (donkey), a pony and a mule;
- 8 (m) A member of the clade Pinnipedia;
- 9 (n) A member of the family Procyonidae;
- 10 (o) A member of the group ratite;
- 11 (p) A member of the family Spheniscidae;
- 12 (q) A member of the family Testudinidae;
- 13 (r) A member of the family Ursidae;
- 14 (s) A member of the family Varanidae;
- 15 (t) A member of the family Viverridae; and
- 16 (u) A member of the clade Xenarthra.

17 (4) As used in this section:

18 (a) “Education program” means an animal exhibition designed to impart information
19 about an animal’s natural behavior, habitat or life cycle for educational or conservation
20 purposes.

21 (b) “Performance” means a carnival, circus, display, exhibition, exposition, fair, parade,
22 petting zoo, photographic opportunity, race, ride, trade show or similar undertaking during
23 which an animal performs tricks, gives rides or otherwise entertains or amuses an audience,
24 whether or not a fee is charged.

25 (c) “Traveling animal act” means a performance of an animal to which the animal is
26 transported to perform.

27 **SECTION 2.** ORS 609.992 is amended to read:

28 609.992. (1) Violation of ORS 609.341 **or section 1 of this 2023 Act** is a Class B misdemeanor.

29 (2) In addition to and not in lieu of any jail sentence or fine it may impose, a court may require
30 a defendant convicted under ORS 609.341 **or section 1 of this 2023 Act** to forfeit any rights of the
31 defendant in any exotic animal **or other animal** kept **or used** in violation thereof and to repay
32 reasonable costs incurred by any person, city, county or state agency in caring for the animal prior
33 to judgment.

34 (3) When the court orders the defendant’s rights in the exotic animal **or other animal** to be
35 forfeited, the court may further order that those rights be given over to an appropriate person or
36 agency demonstrating a willingness to accept and care for the animal or to the county or an ap-
37 propriate animal care agency for further disposition in accordance with accepted practices for hu-
38 mane treatment of animals. This subsection shall not constitute or authorize any limitation upon the
39 right of the person or agency to whom rights are granted to resell or otherwise make disposition
40 of the animal. A transfer of rights under this subsection constitutes a transfer of ownership.

41