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SENATE BILL NO. 570

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 3.2-6581 of the Code of Virginia and to amend the Code of Virginia by adding in Article 11 of Chapter 65 of Title 3.2 a section numbered 3.2-6584.1, relating to ownership of primates; penalty.

Patron—Ticer

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6581 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 11 of Chapter 65 of Title 3.2 a section numbered 3.2-6584.1 as follows:

Article 11.

Hybrid Canines Exotic Animals.

§ 3.2-6581. Definitions.

As used in this article:

"Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to § 3.2-6540, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal that at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

"Primate" means any non-human primate including gorillas, apes, chimpanzees, orangutans, and monkeys.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

§ 3.2-6584.1. Ownership of primates prohibited; penalty.

A. No person shall acquire, including by means of breeding and reproduction, a primate after July 1, 2010. Any owner or custodian of a primate must register with the local animal control prior to January 1, 2011. The State Veterinarian or any animal control officer employed by the locality may, upon his own motion, inspect and enter during daytime hours any place where primates are maintained.

B. This section shall not apply to zoos accredited by the Association of Zoos and Aquariums or the Zoological Association of America, nature centers, museums, exhibitors licensed or registered with the United States Department of Agriculture or laboratories, state- or locality-operated parks, and research facilities maintained by scientific or educational institutions licensed or registered with the United States Department of Agriculture.

C. Any person who violates this section may be required to surrender the primate and is guilty of a Class 3 misdemeanor for the first violation and a Class 1 misdemeanor for any subsequent violation.

INTRODUCED

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