

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 307

Short Title: Regulate Ownership & Use of Certain Reptiles.

(Public)

Sponsors: Senator Jones.

Referred to: Judiciary II.

February 25, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 55 of Chapter 14 of the General Statutes reads as rewritten:  
5 "Article 55.

6 "Handling Regulation of Poisonous Certain Reptiles.

7 "**§ 14-416. Handling of poisonous reptiles declared public nuisance and criminal offense.**

8 The intentional or negligent exposure of other human beings to contact with ~~reptiles of a~~  
9 ~~venomous nature~~ venomous reptiles, with large constricting snakes, or with crocodilians being  
10 essentially dangerous and injurious and detrimental to public health, safety and welfare, the  
11 indulgence in and inducement to such exposure is hereby declared to be a public nuisance and a  
12 criminal offense, to be abated and punished as provided in this Article.

13 "**§ 14-417. Regulation of ownership or use of poisonous venomous reptiles.**

14 It shall be unlawful for any person to own, possess, use, transport, or traffic in any  
15 venomous reptile ~~of a poisonous nature whose venom is not removed, unless such reptile is at~~  
16 ~~all times kept securely in a box, cage, or other safe container in which there are no openings of~~  
17 ~~sufficient size to permit the escape of such reptile, or through which such reptile can bite or~~  
18 ~~inject its venom into any human being, that is not housed in a sturdy and secure enclosure.~~  
19 Permanent enclosures shall be designed to be escape-proof, bite-proof, and have an operable  
20 lock. Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with  
21 scientific name, common name, appropriate anti-venom, and owner's identifying information  
22 noted on the container. Transport containers shall be designed to be escape-proof and  
23 bite-proof. A written bite protocol that includes emergency contact information, local animal  
24 control office, the name and location of suitable anti-venom, first aid procedures and treatment  
25 guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a  
26 copy must accompany the transport of any venomous reptile. In the event of an escape of a  
27 venomous reptile, the owner or possessor of the venomous reptile shall immediately notify  
28 local law enforcement.

29 "**§ 14-417.1. Regulation of ownership or use of large constricting snakes.**

30 As used in this Article, large constricting snakes shall mean: Reticulated Python, Python  
31 reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae;  
32 Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of  
33 their subspecies or hybrids. It shall be unlawful for any person to own, possess, use, transport,  
34 or traffic in any of the large constricting snakes that are not housed in a sturdy and secure  
35 enclosure. Permanent enclosures shall be designed to be escape-proof and shall have an  
36 operable lock. Each enclosure shall be labeled clearly and visibly with the scientific name,  
37 common name, number of specimens, and owner's identifying information. Transport



1 containers shall be designed to be escape proof. A written safety protocol and escape recovery  
2 plan shall be within sight of permanent housing and a copy shall accompany the transport of  
3 any of the large constricting snakes. The safety protocol shall include emergency contact  
4 information, identification of the local animal control office, and first aid procedures. In the  
5 event of an escape of a large constricting snake, the owner or possessor shall immediately  
6 notify local law enforcement.

7 **"§ 14-417.2. Regulation of ownership or use of crocodilians.**

8 All crocodilians, excluding the American alligator, shall be regulated under this Article. It  
9 shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodilian  
10 that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to  
11 be escape-proof and have a fence of sufficient strength to prevent contact between an observer  
12 and the crocodilian and shall have an operable lock. Transport containers shall be designed to  
13 be escape-proof. A written safety protocol and escape recovery plan shall be within sight of  
14 permanent housing and a copy must accompany the transport of any crocodilian. In the event of  
15 the escape of a crocodilian, the owner or possessor shall immediately notify local law  
16 enforcement.

17 **"§ 14-418. Prohibited handling of reptiles or suggesting or inducing others to handle.**

18 It shall be unlawful for any person to intentionally handle any reptile of a ~~poisonous nature~~  
19 ~~whose venom is not removed, by taking or holding such reptile in bare hands or by placing or~~  
20 ~~holding such reptile against any exposed part of the human anatomy, or by placing their own or~~  
21 ~~another's hand or any other part of the human anatomy in or near any box, cage, or other~~  
22 ~~container wherein such reptile is known or suspected to be.~~ species regulated under this Article  
23 in a manner that intentionally or negligently exposes another individual to unsafe contact with  
24 such reptile. It shall also be unlawful for any person to intentionally suggest, entice, invite,  
25 challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself  
26 to any ~~such poisonous~~ reptile of a species regulated under this Article in any manner ~~defined in~~  
27 ~~this Article.~~ that intentionally or negligently exposes another individual to unsafe contact with  
28 such reptile. Safe and responsible handling of reptiles for purposes of animal husbandry,  
29 training, transport, and education is permitted.

30 **"§ 14-418.1. Registration of reptiles.**

31 The owner of any venomous reptile, large constricting snake, or crocodilian, as defined in  
32 this Article, shall register the location of the reptile's housing with local law enforcement.  
33 Registration shall be made by December 1, 2010, and shall be updated on an annual basis, and  
34 within 30 days of any change in the location of the reptile's housing. Local law enforcement  
35 may charge an annual registration fee not to exceed fifty dollars (\$50.00) per housing location  
36 of reptiles named in this Article.

37 **"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;**  
38 **disposition of reptiles.**

39 In any case in which any law-enforcement officer or animal control officer has reasonable  
40 grounds to believe that any of the provisions of this Article have been or are about to be  
41 violated, it shall be the duty of such officer and he is hereby authorized, empowered, and  
42 directed to immediately investigate such violation or impending violation and to forthwith seize  
43 the reptile or reptiles involved, and all such officers are hereby authorized and directed to  
44 deliver such reptiles to the North Carolina State Museum of Natural Sciences or to its  
45 designated representative for examination ~~and test~~ for the purpose of ascertaining whether ~~said~~  
46 ~~the reptiles contain venom and are poisonous.~~ are venomous reptiles, large constricting snakes,  
47 or crocodilians subject to this Article. If the North Carolina State Museum of Natural Sciences  
48 or its designated representative finds that ~~said reptiles are dangerously poisonous,~~ a seized  
49 reptile is a venomous reptile, large constricting snake, or crocodilian subject to this Article, the  
50 North Carolina State Museum of Natural Sciences or its designated representative shall be  
51 empowered to ~~dispose~~ determine final disposition of ~~said reptiles~~ the reptile in a manner

1 consistent with the safety of the public; but if the Museum or its designated representative find  
2 that the ~~reptiles are not dangerously poisonous, and are not and cannot be harmful to human~~  
3 ~~life, safety, health or welfare,~~ reptile is not a venomous reptile, large constricting snake, or  
4 crocodilian subject to this Article, and either no criminal warrants or indictments are initiated in  
5 connection with the reptile within 10 days of initial seizure, or a court of law determines that  
6 the reptile is not being owned, possessed, used, transported, or trafficked in violation of this  
7 Article, then it shall be the duty of ~~such~~ the law enforcement officers to return the ~~said reptiles~~  
8 the reptile to the person from whom they were seized within five days.

9 **"§ 14-420. Arrest of persons violating provisions of Article.**

10 If the examination ~~and tests~~ made by the North Carolina State Museum of Natural Sciences  
11 ~~or its designated representative~~ as provided herein ~~show~~ shows that ~~such reptiles are~~  
12 ~~dangerously poisonous,~~ the reptile is a venomous reptile, large constricting snake, or  
13 crocodilian, it shall be the duty of the officers making the ~~seizure,~~ seizure with probable cause  
14 to believe that the reptile is being owned, possessed, used, transported, or trafficked in violation  
15 of this Article, in addition to ~~destroying such reptiles,~~ authorizing the North Carolina Museum  
16 of Natural Sciences or its designated representative to determine final disposition of the reptile,  
17 also to arrest all persons violating any of the provisions of this Article.

18 **"§ 14-421. Exemptions from provisions of Article.**

19 This Article shall not apply to the possession, exhibition, or handling of reptiles by  
20 employees or agents of duly constituted museums, laboratories, educational or scientific  
21 institutions in the course of their educational or scientific work.

22 **"§ 14-422. ~~Violation made misdemeanor.~~ Criminal penalties and civil remedies for**  
23 **violation.**

24 (a) Any person violating any of the provisions of this Article shall be guilty of a Class 2  
25 misdemeanor.

26 (b) If a person other than the owner of a venomous reptile, large constricting snake, or  
27 crocodilian, or other than the owners' agent or agents, suffers a life threatening injury or is  
28 killed as the result of a violation of this Article, the owner shall be guilty of a Class I felony.

29 (c) Any person intentionally releasing into the wild a nonnative venomous reptile, a  
30 large constricting snake, or a crocodilian shall be guilty of a Class 1 misdemeanor.

31 (d) A violation of this Article subject to the provisions of subsection (b) or (c) of this  
32 section shall constitute wanton conduct within the meaning of G.S. 1D-5(7) and subject the  
33 violation to punitive damages in any civil action that may be filed as a result of the violator's  
34 actions."

35 **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
36 offenses committed on or after that date.