



SOUTH CAROLINA GENERAL ASSEMBLY INTRODUCES REPTILE RESTRICTIONS

The Issue.

The South Carolina General Assembly has introduced House Bill 4218 which would regulate venomous reptiles, constricting snakes and crocodilians. The bill includes specifications on housing, bite safety and escape protocols. The bill also provides harsh penalties for violators and for fines of up to \$2,500 for anyone who intentionally releases one of the listed reptiles into the wild.

The Impact.

House Bill 4218 defines a “reptile” as a venomous reptile, large constricting snake, or crocodilian, and would make it unlawful for a person to:

- handle a reptile in a manner that intentionally or negligently exposes another person to unsafe contact with the reptile; and
- intentionally or negligently to suggest, entice, invite, challenge, intimidate, exhort, or otherwise induce or aid a person to handle or expose himself in an unsafe manner to a reptile regulated under this chapter;

The bill also sets forth specific criteria for venomous reptiles, large constricting snakes and crocodilians as listed below.

Venomous reptiles

HB 4218 would make it unlawful for a person to own, possess, use, transport, or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure.

The bill states that permanent enclosures must be designed to be escape-proof, bite-proof, and have an operable lock. Transport containers must also be designed to be escape-proof and bite-proof. Each enclosure must be clearly and visibly labeled 'Venomous Reptile Inside' with scientific name, common name, appropriate antivenom, and owner's identifying information noted on the container. A written bite protocol must be within sight of permanent housing and must include emergency contact information, local animal control office contact information, the name and location of suitable antivenom, first aid procedures, treatment guidelines, and an escape recovery plan. A copy of the written bite protocol must accompany the transport of any venomous reptile.

NOTE: A 'venomous reptile' is defined as “a snake or lizard capable of spreading a chemical or biological substance dangerous to humans by spitting, biting or secretion from a gland”.

Constrictor snakes

As for constrictor snakes, this bill would make it unlawful for a person to own, possess, use, transport, or traffic in any large constricting snake that is not housed in a sturdy and secure enclosure. 'Constricting



snake' includes the following: reticulated python (*python reticulatus*); Burmese python (*python molurus*); African rock python, (*python sebae*); Amethystine python, (*Morelia amethystina*); green anaconda, (*eunectes murinus*); and any subspecies or hybrids of these listed species.

Also, permanent enclosures must be designed to be escape-proof and must have an operable lock. Transport containers must be designed to be escape-proof. Each enclosure must be clearly and visibly labeled with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan must be within sight of permanent housing, and a copy of this protocol must accompany the transport of any large constricting snake. The safety protocol must include emergency contact information, local animal control office contact information, and first aid procedures.

Crocodiles

HB 4218 defines 'crocodilian' as "any of various reptiles of the order crocodylia, including alligators, crocodiles, caimans, and gavials. For purposes of this chapter 'crocodilian' does not include the American alligator (*American Mississippiensis*)". This bill would make it unlawful for a person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure.

Permanent enclosures must be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and must have an operable lock. Transport containers must be designed to be escape-proof.

A written safety protocol and escape recovery plan must be within sight of permanent housing, and a copy of this protocol must accompany the transport of any crocodilian. If an escape of a crocodilian occurs, the owner or possessor shall immediately notify local law enforcement.

NOTE: It is unlawful for a person intentionally to release into the wild a nonnative venomous reptile, a large constricting snake or a crocodilian.

EXEMPTIONS

The proposed regulations would not apply to the possession, exhibition, or handling of reptiles by employees or agents of licensed veterinarians, zoos, serpentariums, museums, laboratories, educational or scientific institutions, public and private, in the course of their educational or scientific work or to employees or agents of the Department of Natural Resources who are engaging in conduct within the scope of their authority

PENALTIES

Any person found in violation of this law is guilty of a misdemeanor and upon conviction may be fined up to \$500 or imprisoned for up to 30 days. Violators are also subject to punitive damages in any civil action that may be brought as a result of the violator's actions.

Any person who intentionally releases into the wild a nonnative venomous reptile, a large constricting snake, or a crocodilian is guilty of a misdemeanor and can be fined up to \$2,500 or imprisoned for up to six months.

If a person, other than the owner of a reptile regulated under this chapter, the owner's agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as the result of a violation of this chapter, the owner of the reptile is guilty of a misdemeanor and upon conviction must be fined not more than five thousand dollars or imprisoned not more than one year or both.

Recommended Action.

The South Carolina General Assembly reconvenes its 2009-2010 session on January 12, 2008. House Bill 4218 has been prefiled for introduction next week in the House. HB 4218 has been assigned to the House Committee on Agriculture, Natural Resources & Environmental Affairs.

Contact information for committee members is listed below. Also, to easily contact both members of the Committee, as well as your own Representative, visit PIJAC's [Legislative Action Center](http://www.pijac.org/governmentaffairs) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.

The text to this legislation is attached to the online version of this *PetAlert*, found on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).

If you have further questions please feel free to contact PIJAC's Bambi Nicole Osborne by phone at 202-452-1525 or via email at bambi@pijac.org.

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Not Yet a PIJAC Member?

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2009 SC H 4218 **AUTHOR:** Kirsh
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STATE OF SOUTH CAROLINA

H.B. No. 4218

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 17 TO TITLE 50 SO AS TO PROVIDE FOR THE REGULATION OF VENOMOUS REPTILES, CONSTRICTING SNAKES, AND CROCODILIANS, INCLUDING SPECIFICATIONS FOR HOUSING AND TRANSPORTATION ENCLOSURES, WRITTEN BITE, SAFETY, AND ESCAPE PROTOCOLS; LAW ENFORCEMENT PROCEDURES; REQUIREMENTS TO DETERMINE IF A REPTILE IS REGULATED UNDER THIS CHAPTER AND FOR MAKING FINAL DISPOSITIONS OF THESE REPTILES; ACTIVITIES NOT SUBJECT TO REGULATION UNDER THIS CHAPTER; CRIMINAL PENALTIES FOR VIOLATIONS; AND TO PROVIDE THAT CERTAIN CONDUCT CONSTITUTES RECKLESS DISREGARD FOR THE SAFETY OF OTHERS AND SUBJECTS VIOLATORS TO PUNITIVE DAMAGES IN CIVIL ACTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 50 of the 1976 Code is amended by adding:

"CHAPTER 17

Venomous Reptiles, Constricting Snakes,
and Crocodilians

Section 50-17-10. The intentional or negligent exposure of other human beings to unsafe contact with venomous reptiles, large constricting snakes, or crocodilians is essentially dangerous, injurious and detrimental to public health, safety, and welfare and is declared to be a public nuisance and a criminal offense, to be abated and punished as provided for in this chapter.

Section 50-17-20. As used in this chapter:

- (1) 'Reptile' means a venomous reptile, large constricting snake, and crocodilian.
- (2) 'Venomous reptile' means a snake or lizard capable of spreading a chemical or biological substance dangerous to humans by spitting, biting or secretion from a gland.
- (3) 'Constricting snake' means:
 - (a) reticulated python, *python reticulatus*;
 - (b) Burmese python, *python molurus*;

- (c) African rock python, *python sebae*;
- (d) Amethystine python, *Morelia amethystina*;
- (e) green anaconda, *eunectes murinus*; and
- (f) any subspecies or hybrids of items (a) through (e).

(4) 'Crocodilian' means any of various reptiles of the order crocodylia, including alligators, crocodiles, caimans, and gavials. For purposes of this chapter 'crocodilian' does not include the American alligator (*American Mississippiensis*).

Section 50-17-30. (A) It is unlawful for a person to handle a reptile regulated under this chapter in a manner that intentionally or negligently exposes another person to unsafe contact with the reptile.

(B) It is unlawful for a person intentionally or negligently to suggest, entice, invite, challenge, intimidate, exhort, or otherwise induce or aid a person to handle or expose himself in an unsafe manner to a reptile regulated under this chapter.

(C) It is not unlawful to engage in the safe and responsible handling of reptiles for purposes of animal husbandry, exhibition, training, transport, and education.

Section 50-17-40. (A)(1) It is unlawful for a person to own, possess, use, transport, or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure.

(2) Permanent enclosures must be designed to be escape-proof, bite-proof, and have an operable lock. Transport containers must be designed to be escape-proof and bite-proof.

(3) Each enclosure clearly and visibly must be labeled 'Venomous Reptile Inside' with scientific name, common name, appropriate antivenom, and owner's identifying information noted on the container. A written bite protocol must be within sight of permanent housing and must include emergency contact information, local animal control office contact information, the name and location of suitable antivenom, first aid procedures, treatment guidelines, and an escape recovery plan. A copy of the written bite protocol must accompany the transport of any venomous reptile.

(B) If an escape of a venomous reptile occurs, the owner or possessor of the venomous reptile immediately shall notify local law enforcement.

Section 50-17-50. (A)(1) It is unlawful for a person to own, possess, use, transport, or traffic in any large constricting snake that is not housed in a sturdy and secure enclosure.

(2) Permanent enclosures must be designed to be escape-proof and must have an operable lock. Transport containers must be designed to be escape-proof.

(3) Each enclosure clearly and visibly must be labeled with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan must be within sight of permanent housing, and a copy of this protocol must accompany the transport of any large constricting snake. The safety protocol must include emergency contact information, local animal control office contact information, and first aid procedures.

(4) If an escape of a large constricting snake occurs, the owner or possessor immediately shall notify local law enforcement.

Section 50-17-60. (A)(1) It is unlawful for a person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure.

(2) Permanent enclosures must be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodylian and must have an operable lock. Transport containers must be designed to be escape-proof.

(3) A written safety protocol and escape recovery plan must be within sight of permanent housing, and a copy of this protocol must accompany the transport of any crocodylian.

(B) If an escape of a crocodylian occurs, the owner or possessor immediately shall notify local law enforcement.

Section 50-17-70. It is unlawful for a person intentionally to release into the wild a nonnative venomous reptile, a large constricting snake, or a crocodylian.

Section 50-17-80. (A) If a law enforcement officer or animal control officer has probable cause to believe that a provision of this chapter has been or is about to be violated, the officer immediately shall investigate the violation or impending violation and seize the reptile or reptiles involved and deliver the reptile believed to be venomous or a large constricting snake or crocodylian to the Department of Natural Resources or its designated representative for examination for the purpose of ascertaining whether the reptile is regulated under this chapter.

(B) If the Department of Natural Resources or its designated representative finds that a seized reptile is a reptile regulated under this chapter, the department or its designated representative shall determine final disposition of the reptile in a manner consistent with the safety of the public.

(C) If the department or its designated representative finds that the reptile is not a reptile regulated under this chapter, and no criminal warrants or indictments are initiated in connection with the reptile within ten days of the initial seizure, or if a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this chapter, the law enforcement officer within fifteen days shall return the reptile or reptiles to the person from whom they were seized.

Section 50-17-90. If an examination made by the Department of Natural Resources or its designated representative conducted pursuant to this chapter shows that the reptile is a reptile regulated under this chapter, the officer, making the seizure with probable cause to believe that the reptile is being owned, possessed, used, transported, or trafficked in violation of this chapter, shall arrest all persons violating any provision of this chapter.

Section 50-17-100. This chapter does not apply to the possession, exhibition, or handling of reptiles by employees or agents of licensed veterinarians, zoos, serpentariums, museums, laboratories, educational or scientific institutions, public and private, in the course of their educational or scientific work or to employees or agents of the Department of Natural Resources who are engaging in conduct within the scope of their authority.

Section 50-17-110. (A) Except as provided for in subsections (B) and (C), a person violating a provision of this chapter is guilty of a misdemeanor and upon conviction must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(B) A person who violates Section 50-17-70 is guilty of a misdemeanor and must be fined not more than twenty-five hundred dollars or imprisoned not more than six months.

(C) If a person, other than the owner of a reptile regulated under this chapter, the owner's agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as the result of a violation of this chapter, the owner of the reptile is guilty of a misdemeanor and upon conviction must be fined not more than five thousand dollars or imprisoned not more than one year or both.

Section 50-17-120. A violation of this chapter pursuant to Section 50-17-110(B) or (C) constitutes reckless disregard for the safety of others and subjects the violator to punitive damages in any civil action that may be brought as a result of the violator's actions.

Section 50-17-130. Civil or criminal liability imposed on a person for a violation of this chapter does not apply to a violation that resulted from:

(1) an act of God;

(2) war;

(3) other catastrophe; or

(4) an act or omission of a third party, who is not an employee or agent of the defendant or in a contractual relationship, directly or indirectly, with the defendant, that the defendant could not have prevented or avoided by exercise of proper care and due diligence."

SECTION 2. This act takes effect upon approval by the Governor.