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STATUS INFORMATION

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Prefiled in the House on November 17, 2009

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Venomous reptiles

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
11/17/2009	House	Prefiled
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VERSIONS OF THIS BILL

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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

1 is declared to be a public nuisance and a criminal offense, to be
2 abated and punished as provided for in this chapter.

3

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

5 (1) 'Reptile' means a venomous reptile, large constricting
6 snake, and crocodilian.

7 (2) 'Venomous reptile' means a snake or lizard capable of
8 spreading a chemical or biological substance dangerous to humans
9 by spitting, biting or secretion from a gland.

10 (3) 'Constricting snake' means:

11 (a) reticulated python, python reticulatus;

12 (b) Burmese python, python molurus;

13 (c) African rock python, python sebae;

14 (d) Amethystine python, Morelia amethystina;

15 (e) green anaconda, eunectes murinus; and

16 (f) any subspecies or hybrids of items (a) through (e).

17 (4) 'Crocodilian' means any of various reptiles of the order
18 crocodylia, including alligators, crocodiles, caimans, and gavials.

19 For purposes of this chapter 'crocodilian' does not include the
20 American alligator (American Mississippiensis).

21

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

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

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

33

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

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

40 (3) Each enclosure clearly and visibly must be labeled
41 'Venomous Reptile Inside' with scientific name, common name,
42 appropriate antivenom, and owner's identifying information noted
43 on the container. A written bite protocol must be within sight of

1 permanent housing and must include emergency contact
2 information, local animal control office contact information, the
3 name and location of suitable antivenom, first aid procedures,
4 treatment guidelines, and an escape recovery plan. A copy of the
5 written bite protocol must accompany the transport of any
6 venomous reptile.

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

10

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

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

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

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

28

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

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

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

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

42

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

4
5 Section 50-17-80. (A) If a law enforcement officer or animal
6 control officer has **probable cause** to believe that a provision of this
7 chapter has been or is about to be violated, the officer immediately
8 shall investigate the violation or impending violation and seize the
9 reptile or reptiles involved and deliver the reptile believed to be
10 venomous or a large constricting snake or crocodilian to the
11 Department of Natural Resources or its designated representative
12 for examination for the purpose of ascertaining whether the reptile
13 is regulated under this chapter.

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

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

27
28 Section 50-17-90. If an examination made by the Department
29 of Natural Resources or its designated representative conducted
30 pursuant to this chapter shows that the reptile is a reptile regulated
31 under this chapter, the officer, making the seizure with probable
32 cause to believe that the reptile is being owned, possessed, used,
33 transported, or trafficked in violation of this chapter, shall arrest all
34 persons violating any provision of this chapter.

35
36 Section 50-17-100. This chapter does not apply to the
37 possession, exhibition, or handling of reptiles by employees or
38 agents of licensed veterinarians, zoos, serpentariums, museums,
39 laboratories, educational or scientific institutions, public and
40 private, in the course of their educational or scientific work or to
41 employees or agents of the Department of Natural Resources who
42 are engaging in conduct within the scope of their authority.

43

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

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

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

15

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

21

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

25 (1) an act of God;

26 (2) war;

27 (3) other catastrophe; or

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

33

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

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