Date: February 4, 2014

To: Members of the Committee on Consumer Protection

From: Representative Petryk

Re: Testimony regarding Assembly Bill 703

Good morning Chairman Thiesfeldt and members of the committee.

Every day law enforcement personnel and first responders face grave dangers associated with protecting the citizens of Wisconsin. However, these brave men and women should not have to face something as extraordinary as an escaped tiger or a rampaging chimpanzee because state law does not prevent these incredibly dangerous animals from being kept by unqualified individuals.

Assembly Bill 703 limits the possession of certain dangerous exotic animals to experienced, qualified, and accredited zoological facilities. It is <u>NOT</u> the intention of the bill to confiscate currently owned animals. Exotic animals that are currently possessed would be grandfathered so that possession of those animals would remain legal so long as they are registered locally, similar to the process of licensing a common dog.

Incidents involving these types of animals happen all across Wisconsin and often garner media attention. What is rarely mentioned is that taxpayers have been shouldering the financial burden for irresponsible individuals who acquire these animals due to weak or non-existent regulations. Police, animal control, and other emergency personnel are forced to expend limited resources when responding to dangerous incidents involving these deadly predators.

Wisconsin is one of only a handful of states that lacks state law regarding the private possession of dangerous wild animals, putting communities and first responders at risk. This bill does not prevent a local municipality from enacting a stricter ordinance, only to unify the patchwork of exotic animal ordinances already in place.

I have shared this legislation with the Wisconsin Department of Natural Resources. The Department has given Assembly Bill 703 their support in curbing the ownership of live, dangerous, exotic animals.

Assembly Bill 703 will bring common sense law to Wisconsin while continuing to allow accredited and municipal zoos, circuses, and legitimate animal sanctuaries to continue to operate. This bill will also keep citizens, law enforcement, and emergency responders safe and avoid costly occurrences for the taxpayers of our state.

Thank you for your consideration on this important legislation.

# Limitations on Private Ownership of Dangerous Exotic Animals

# **Types of Animals:**

- Big Cats: lions, tigers, cheetahs, jaguars, cougars, leopards, clouded leopards, snow leopards, and hybrids of such species.
- Apes (Greater and Lesser Apes)
- Alligators, Crocodiles, Caimans
- Non native bears such as Polar Bears, Sun Bears, and Grizzly Bears

# **Grandfather Clause:**

- Private owners may retain possession of their currently possessed animals for the life of the animals but may not breed them.
- Owners must license their dangerous animals just the same as dogs must be licensed under current state law (Wis. Stats. Ch. 174).

## **Exemptions:**

- Institutions accredited by the Assoc. of Zoos and Aquariums
- Municipal Zoos
- Circus World Museum
- Wildlife Sanctuaries as defined by the bill
- Research facilities registered by the USDA
- Circuses
- Licensed veterinarian hospitals for the purpose of treatment
- Humane and Law enforcement officers as needed for enforcement
- Persons temporarily transporting an animal through the state for a specified period of time

#### **Prohibited Activities:** A person shall not:

- Possess, sell, transfer, import, or breed a dangerous wild animal unless they meet one of the listed exemptions.
- Allow any member of the public to come into direct contact with a dangerous wild animal.

## **Registration of Grandfathered Animals:**

Same requirements as specified dog license under Wis. Stats. Ch. 174

# This legislation is supported by:

 The Wisconsin Counties Association, Milwaukee Police Association, Milwaukee Professional Fire Fighters Association, Humane Society of the United States, Wisconsin Federated Humane Societies, and the Wisconsin Professional Police Association.



Wisconsin Federated Humane Societies, Inc.

5132 Vogus Road

Madison, WI 53718

February 4, 2014

Reference: LRB-2993/current version

# PLEASE SUPPORT Legislation to Regulate the Possession of Certain Wild Animals

Wisconsin Federated Humane Societies Board of Directors and the humane societies and animal shelters we represent respectfully request your support of regulation of the possession of certain wild / exotic species in Wisconsin.

- Wisconsin is one of the few states in the country that does not regulate or require licensing for the possession of certain wild animals.
- These animals have very specific needs for food, housing, exercise and veterinary care that few citizens can adequately provide. This lack of proper care inflicts suffering on the animals.
- Wild animals can be dangerous. They are not pets.
- While adorable and appealing when young, these species grow to be unmanageable for most people and often end up abandoned, released or "warehoused" in substandard facilities.
- Keeping these animals in our Wisconsin communities possess a significant threat to public health and safety.
- The release or escape of wild animals is a danger and burden on law enforcement and to humane organizations.
- Humane societies and animal shelters in Wisconsin do not have the resources to care for these types of animals when they become homeless, abandoned or escape.

# These Animals are NOT Pets!





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# Wisconsin State Assembly Committee on Consumer Protection

February 4, 2014

Chairman Thiesfeldt and members of the Committee, thank you for the opportunity to testify today. My name is Debbie Leahy and I am manager of Captive Wildlife Protection for The Humane Society of the United States. On behalf of HSUS and our supporters in Wisconsin, I urge the committee to support Assembly Bill 703.

Sponsored by Rep. Warren Petryk, this bill is a commonsense piece of legislation that will protect public safety and promote animal welfare. The bill will restrict the future private ownership of dangerous exotic animals, such as non-native big cats and bears, apes, alligators, and crocodiles.

The bill has reasonable exemptions for zoos accredited by the Association of Zoos and Aquariums, municipal zoos, wildlife sanctuaries, research facilities, and circuses.

People who currently possess these species can keep them until the animals die, but they will not be allowed to acquire additional dangerous exotic animals.

Wisconsin is one of only six states with little to no laws on the books concerning the private possession of dangerous exotic animals. In fact, Wisconsin is surrounded by states with stronger laws and will likely attract a growing and expensive problem as the rest of the country continues to crack down on this issue.

Contrary to inaccurate information from the reptile industry, AB 703 does not give the Department of Natural Resources any new rule making powers related to any animal nor does this bill apply to snakes and many other reptiles—but it will prevent individuals from owning alligators and crocodiles—like the Madison man who police found keeping a 6-foot alligator in his home with his 2-year-old daughter.

Dangerous exotic animals require substantial space, specialized husbandry, safe handling, escape-proof housing, and costly care during lifespans that can run several decades. Keeping these animals in substandard environments not only poses a danger, it places animals who can live 20, 30, or even 60 years in sad and miserable conditions. The average person simply does not have the knowledge or resources to provide proper, safe, humane, and long-term care for species such as tigers, lions, and chimpanzees.

The private possession of these animals also puts communities at unnecessary risk. Emergency responders, such as the police, firefighters, and paramedics, are put in harm's way when dealing with escapes, attacks, and other dangerous incidents. Taxpayers, as well as the sanctuary community, are footing the bill to deal with the problem.

These animals have caused numerous deaths and many catastrophic injuries. Examples of dangerous incidents in Wisconsin include:

- A volunteer at a private menagerie in Rock Springs was severely bitten by a tiger.
- An 8-year-old girl was bitten on the chest by an African lion at a Baraboo pet store.
- Greenfield police seized a leopard and dozens of other exotic animals being kept inside an apartment.
- Beloit teenagers encountered an abandoned alligator while cleaning an apartment.

No one knows how many exotic animals are in private hands in Wisconsin because there is currently no state oversight. Unfortunately, we do know that the days when irresponsible and unqualified people can pick up a few tigers and call themselves a zoo are not over in Wisconsin. For example, in 2008 a Lakewood man began collecting dangerous animals as pets until he ended up with 15 tigers, 4 African lions, and 5 Syrian brown bears among many other animals. Despite his lack of resources and qualifications, he invited the public to visit his personal menagerie.

We immediately began receiving complaints about this facility. After a visit, one man, who identified himself as a member of the military, wrote to us saying, "The conditions [the animals] are kept in are terrible. ... The cages are constructed out of mere reinforced chicken wire, and there is little or no cover from the harsh northern Wisconsin weather. People can put their own 6 month kids up to the cage and tease the lion cub. ... The conditions are unfit, and I'm embarrassed as a Wisconsin citizen."

Federal inspectors found many serious problems that went uncorrected for years, including unsafe conditions, a lack of veterinary care, malnourished animals, and inexperienced staff.

Three years after it began, this Lakewood menagerie closed, but not before it became a burden to taxpayers as government officials at the town, county, state, and federal level dealt with neglectful and hazardous conditions among other problems.

Restricting especially dangerous species to qualified, professionally-run, and fiscally-responsible facilities is fair, reasonable, and necessary to ensure animal welfare and protect public safety. We urge your support for AB 703.

Sincerely, Deblin Leahy

Debbie Leahy

Manager, Captive Wildlife Protection

dleahy@humanesociety.org

630-393-9627



February 3, 2014

Representative Jeremy Thiesfeldt Chair, Committee on Consumer Protection Room 16 West State Capitol PO Box 8953 Madison, WI 53708

Re: Comments regarding AB 703

Dear Honorable Chairman Thiesfeldt:

The Zoological Association of America (ZAA) is an alternative trade organization which supports responsible animal management and safety. As such, ZAA should be written into AB 703 just as the AZA has been included in the bill.

## **OVERVIEW of ZAA**

ZAA is a 501c3 professional trade association formed in 2005 to promote high standards of animal management practices through our Accreditation Program with an emphasis animal welfare, public education, and safety. Additionally, our aim is to support responsible legislation to enhance these goals while protecting the rights of our members. Our association membership consists of several hundred members and is comprised of both publicly funded and privately funded zoological facilities throughout the US, Canada and several foreign countries. Our Board of Directors represents decades of experience in the zoological field. Our member organizations are also committed to promoting global conservation education internally through thousands of educational programs presented annually and externally through media appearances including the Discovery Channel, National Geographic, Animal Planet, ABC, CNN, Fox, NBC and CBS. Many of our members provide critical funding for in situ conservation programs across the globe. ZAA is an association which cares deeply about the welfare of our animal ambassadors, the safety of our visitors, and our role in ensuring the continued survival of some of the world's most endangered species.

ZAA and its members are tirelessly dedicated to the constructive advancement of sound animal welfare and management principals, safety, conservation through captive breeding, in situ conservation, and our education programs. ZAA believes its focus should be on matters of animal management and public safety while all other aspects of facility management should be left up to the facility management.

Our membership consists of both large and small publicly funded zoos, and from small privately funded collections that practice a higher standard of animal care to large privately funded public zoos and collections, some of which cover thousands of acres.

Our stringent accreditation process encompasses a review of general facility management, animal care, exhibit design, employee training and safety protocols, risk management, conservation education, in situ conservation, as well as compliance with all local, state, and federal regulations, and record keeping. ZAA published standards are minimum standards, which are generally exceeded by our accredited members. The standards are updated annually to keep up with newly identified or recognized animal keeping standards. Facilities are reaccredited every five years. We are the only zoological organization with published minimum caging standards.

ZAA's Conservation and Animal Management Programs are based on a different philosophy from AZA and are approved by the United States Fish and Wildlife Service. Our initial Animal Management Plans include breeding programs for endangered species such as cheetahs, and siamangs, as well as for more common species such as Schmidt's guenons and toucan sp., with others being formulated.

ZAA members hold a large reservoir of rare and endangered species in their collections, many of which will form the nucleus for future cooperative breeding programs. Species include: *Amur, clouded and snow leopards; fishing cats; Indian, black, and white rhino; many species of primates including colobus, guenons, mangabeys, gibbons, lemurs; a vast variety of hoof stock species, along with many species of birds and reptiles. Several of our members are cooperating with the International Rhino Foundation in the Southern Black Rhino Sustainability Program.* 

Accreditation is a two-step process. The first step is becoming a facility member (non-accredited). This requires sponsorship by two ZAA professional members and a site inspection. For facility membership, all standards relating to class I animal must be met. Following facility membership approval by the Board of Directors, the facility may move onto the second step of accreditation. Facilities must become accredited within five years from membership approval. Accreditation involves additional site inspections by a professional inspection team. Upon review by the inspection team, recommendations are made as to whether the applicant is qualified for accreditation and if not what standards must be met in order to comply. Several visits may be required over several months to ensure all standards are met prior to approval and in some instances the applicant will be denied. Where possible ZAA believes mentoring is in order to bring the levels of animal care and public safety to a higher standard.

# **OUR COMMENTS REGARDING AB 703**

We are growing steadily as an alternative to AZA and have recently been written into similar rules and regulations of several other states including Ohio, Nevada, Kansas, Nebraska and Connecticut with others pending including Arizona and California. ZAA is also recognized by USDA and the USFWS as a credible organization working to improve animal welfare standards in collections throughout the country and as a player in conservation issues through our education and animal management programs. ZAA is clearly a supporter of responsible animal management, and as such, we are confident you will agree that as an accrediting organization ZAA should be written into AB 703 just as the AZA has been included in the bill. Failing to include ZAA in the bill will result in unnecessary damage and hardship to our members in Wisconsin who practice sound animal management and play a vital role in public education and conservation throughout the state.

To be fair and equitable, please include ZAA in the final draft of AB 703.

Sincerely,

Peter J. Brewer, DVM

Chairman

ZAA

# Accreditation Policy Comparison

	Z A A  Zoological Association of America	AZA  American Zoological Association
Description	A membership driven non-profit trade organization promoting responsible and professional animal care standards that meet or exceed standards required under the USDA Animal Welfare Act.	A membership driven non-profit trade organization promoting responsible and professional animal care standards that meet or exceed standards required under the USDA Animal Welfare Act.
Facilities	Accredited facilities include those that are both open and not open to the public, public owned municipal zoos and privately owned zoos, wildlife parks, educational facilities, wildlife preserve ranches and private breeding facilities.	Accredited and certified facilities include those that are both open and not open to the public, wildlife parks, wildlife refuges, rehabilitation centers, research organizations, sanctuaries, survival centers, educational organizations and nature centers.
Accreditation	Accredited facilities are required to meet established professional standards of quality animal husbandry and welfare, safety, security and enrichment. Respect all Federal, State and local laws, acquire and follow all required permits that pertain to their animal collections. ZAA does not strive to dictate internal policy, which is the responsibility of each facility management structure or ownership authority.	Accredited facilities are required to meet established standards of quality of animal care and are responsible for meeting all Federal, State and local permitting requirements associated with their animal collection.
Inspection Process	Inspectors review maintenance, adherence to standards, permits, animal welfare and care, structural safety, staffing levels, food storage, record keeping and veterinary care. Each facility required to have a USDA license is inspected annually by USDA.	Inspectors review facility maintenance, permitting, animal care, staffing levels, guest services and finances. Each facility required to have a USDA license is inspected annually by USDA.
Animal Collection	Each facility determines their own animal collection. ZAA does not mandate any particular collection plan. Animals should be displayed within exhibits that meet ZAA structural and safety standards, replicate their wild habitat, and in sufficient numbers to meet their social and behavioral needs.	Facility must have an Institutional Collection Plan approved by AZA. This is re- evaluated and updated at least every five years. Animals should be displayed in exhibits replicating their wild habitat and in numbers sufficient to meet their social and behavioral needs.
Physical facility	Good housekeeping must be regularly practiced (rodent control, drainage, feed storage, etc). Critical life-support systems must be equipped with a warning mechanism and emergency backup systems must be available. Lighting and ventilation must be sufficient. All animal enclosures must be of a size and complexity sufficient to provide for the animal's physical, social, and psychological well-being.	Good housekeeping must be regularly practiced (rodent control, drainage, feed storage, etc). Critical life-support systems must be equipped with a warning mechanism and emergency backup systems must be available. Lighting and ventilation must be sufficient. All animal enclosures must be of a size and complexity sufficient to provide for the animal's physical, social, and psychological well-being.
Acquisition & Disposition Policy	Requires written acquisition/disposition policy. This includes policies regarding hunting ranches, animal auctions, research, pets, participation in breeding programs, and other issues involving the acquisition and disposition of wildlife. Records must be maintained for all transactions involving acquisition and disposition of animals to and from the collection and must include the terms of the transaction. Copies of all relevant permits, importation papers, declaration forms, titles, and other appropriate documents establishing a paper trail of legal acquisition must be maintained.	Requires written acquisition/disposition policy. This includes policies regarding hunting ranches, animal auctions, research, pets, participation in breeding programs, and other issues involving the acquisition and disposition of wildlife. Records must be maintained for all transactions involving acquisition and disposition of animals to and from the collection and must include the terms of the transaction. Copies of all relevant permits, importation papers, declaration forms, titles, and other appropriate documents establishing a paper trail of legal acquisition must be maintained.

	ZAA  Zoological Association of America	AZA  American Zoological Association
Records	Animal inventory, acquisition/disposition data, animals on loan to and from other facilities, animal husbandry and medical records must be maintained and kept current. These records must be duplicated and stored in a separate location. Must have a record-keeping system that provides sufficient detail to allow husbandry, breeding, conservation, and medical heather advancements to move critical species knowledge forward through permanent, retrievable documentation. Animals must be identifiable with I.D. #'s whenever practical.	Animal inventory, acquisition/disposition data, animals on loan to and from other facilities, animal husbandry and medical records must be maintained and kept current. These records must be duplicated and stored in a separate location. Must have a record-keeping system that provides sufficient detail to allow husbandry, breeding, conservation, and medical heather advancements to move critical species knowledge forward through permanent, retrievable documentation. Animals must be identifiable with I.D. #'s whenever practical.
Animal Care & Enrichment	Enrichment is required for some species but all wildlife benefit. Methods of presentation and documentation are a facility management decision. ZAA does not dictate the assigning of personnel within a facility. Keepers are to be trained to recognize abnormal behavior and clinical symptoms of illness, have knowledge of diets, husbandry, enrichment items and strategies, and restraint procedures. Facilities are responsible for animal diets. Diets must be of a quality and quantity for each animal's nutritional and psychological needs.	Requires formal written enrichment program and the facility must have a specific staff member(s) or committee assigned for enrichment program oversight, implementation, training, and interdepartmental coordination of enrichment efforts. Keepers should be trained to recognize abnormal behavior and clinical symptoms of illness and have knowledge of the diets, husbandry (including enrichment items and strategies), and restraint procedures required for the animals under their care. Keepers should not evaluate illnesses nor prescribe treatment. Nutrition programs should be developed using the recommendations of appropriate AZA TAGs or SAGs, and the AZA Nutritional Advisory Group. Diets must be of a quality and quantity for each animal's nutritional and psychological needs.
Veterinary care	animal collection. Certain collections may require different considerations because of their size and/or nature. Veterinary care program must emphasize disease	Full-time staff veterinarian recommended. If not practical, a consulting/part-time veterinarian must be under contract to make at least twice monthly inspections of the animal collection. Certain collections may require different considerations because of their size and/or nature. Veterinary care program must emphasize disease prevention. Veterinary coverage must be available to the animal collection 24 hours a day, 7 days a week. Capture equipment must be in good working order and available to authorized, trained personnel at all times. Requires holding facilities or procedures for quarantine and isolation facilities.
Governing Authority	Governing authority must be supportive of the facility abiding by Accreditation Standards, Code of Professional Ethics, and Bylaws and must recognize and support the facility's goals and objectives.	Governing authority must be supportive of the facility abiding by Accreditation Standards, Code of Professional Ethics, and Bylaws and must recognize and support the facility's goals and objectives.
Finance	Requires proper husbandry and animal welfare, but does not dictate financial arrangements within the facility.	Requires disclosure of finances, including sources of income, expenses, breakdown of salaries, and funding for capital improvements and maintenance programs.
Conservation	Recognizes importance of conservation, but does not dictate internal governance, participation in particular programs, nor mission statements. ZAA's programs and participation are voluntary.	Conservation must be a key element in the mission of the facility and requires a written conservation plan/strategy. Facility must participate in every SSP that pertains to an animal contained in its collection and participate in AZA wildlife conservation programs.

	Z A A  Zoological Association of America	AZA  American Zoological Association
Education & Offsite Programs	programs should be on file. Education program animals, temporary, seasonal and traveling live animal exhibits must be maintained at the same accreditation standards as the regular permanent collection, including care by trained staff, housing conditions, shelter, exercise, social and environmental enrichment, access to veterinary care, nutrition, etc. Recommends adequate protocols for animals used in offsite programs and educational purposes to protect the rest of the collection from exposure to infectious agents. Recommends education be a key element, but does	Requires an educational/conservation message be an integral component, if animal demonstrations are part of the facilities programs. Policy on the use of live animals in programs should be on file. Education program animals, temporary, seasonal and traveling live animal exhibits must be maintained at the same accreditation standards as the regular permanent collection, including care by trained staff, housing conditions, shelter, exercise, social and environmental enrichment, access to veterinary care, nutrition, etc. Requires adequate protocols for animals used in offsite programs and educational purposes to protect the rest of the collection from exposure to infectious agents. Education must be a key element in the mission of the facility. Requires a written education plan. Requires the education department be under the direction of a paid staff person who is trained or has experience in educational programming. Facilities are encouraged to share educational and interpretive programming, materials, and evaluation techniques with other AZA facilities.
Research	Encourages facilities to engage in non-invasive research programs promoting the advancement of species husbandry and care but recognizes this as an internal management decision.	Research activities must be under the direction of a person qualified to make informed decisions regarding research. Must have a written policy.
Safety & Security	procedures must be in place to prevent attacks and injuries by potentially dangerous	All emergency procedures must be written and provided to the staff. A written protocol should be developed involving local police or other emergency agencies. All animal areas must be secured to prevent unintentional animal egress. A written risk management policy must be developed and implemented. Facility is responsible to ensure that appropriate antivenins are available locally for all venomous species maintained at their facility. All areas housing venomous animals or animals that pose a serious threat of injury and/or death, must have protocols and procedures in place in the event of a bite injury, attack, or escape from the enclosure. Safety procedures must be in place to prevent attacks and injuries by potentially dangerous animals. Perimeter fencing, which is at least 8" in height or by other viable barrier, must be separate from all exhibit fencing.
Public Contact	A written policy regarding protection and safety for the animals and the visiting public should be developed and implemented. These areas should be supervised by a trained zoo representative at all times when the public is present with the animals.	Contact areas should develop a written policy regarding protection for the animals and safety for the visiting public. These areas should always be supervised by a trained zoo representative.



# TESTIMONY OF UNITING A POLITICALLY PROACTIVE EXOTIC ANIMAL LEAGUE

In Opposition of AB 703

Consumer Protection

February 4, 2014

Mr. Chairman and members of the Consumer Protection Committee, thank you for the opportunity to present testimony today. My name is Amy Flory, and I am the State Legislation Director of Uniting A Politically Proactive Exotic Animal League or UAPPEAL. I am writing to you on behalf of our member constituents in Wisconsin in opposition to Assembly Bill 703 the way it is written. Here are the reasons that justify our opposition to this bill.

Proponents claim that a ban or strict regulations is the best way to address the exotic animal issue. However, based on extensive research on incidents in the United States, the evidence shows that the safest states are those with minimal regulations, such as Indiana. Their cheap permit fees and ease of applying encourage owners to willingly comply with the requirements. Compare this to a ban state like California, which had the only incident where a member of the public was killed by a big cat, referring to the fatal tiger attack on a teen at the Los Angeles Zoo, an AZA accredited zoo. Which would you rather Wisconsin be compared to?

The supporters of this bill want you to think that the public is in extreme danger by allowing the private ownership of these exotic animals, but the evidence does not back up that scenario. The fact is that there were only 4 human injuries from these animals in the last 24 years, and 2 of them were handlers of the animal. A third was a minor bite that barely broke the skin. The only escape in the last 24 years was at an AZA zoo.

AB 703 would also impact wildlife sanctuaries and educational programs. Wildlife sanctuaries would be prohibited from using their animals in commercial activities, which includes exhibiting and being open to the public. Wildlife sanctuaries exhibit to get money to go towards the care of the animals and use their animals in educational programs when speaking to community groups, schools and other groups. These sanctuaries are federally regulated under their USDA Class C Exhibitors License. As AB 703 is written, only those wildlife sanctuaries that are not federally regulated would be allowed to stay in operation.

Instead of a ban, UAPPEAL would like to propose amending this bill so that it just requires the county or municipal registration for all current and future owners of these animals.

The exotic animal owners in Wisconsin are depending on you to do the right thing for them. Please vote NO on any ban and instead support fair regulations.

Amy Flory State Legislation Director Uniting A Politically Proactive Exotic Animal League 419-636-8530