

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 97

As Amended by Senate Committee of the Whole

Brief*

SB 97, as amended, would allow members of the public specified physical contact with dangerous regulated animals (excluding bears and non-native venomous snakes) as detailed below:

- For dangerous regulated animals weighing 10 pounds or less, members of the public would be permitted to come into “full contact” with the animal. The bill would define “full contact” as a situation in which an exhibitor or handler would maintain control and supervision of the animal while temporarily surrendering physical possession or custody of the animal to another person; and
- For dangerous regulated animals weighing 40 pounds or less, members of the public would be permitted “incidental contact” with the animal. The bill would define “incidental contact” as a situation in which an exhibitor or handler maintains control, possession, and supervision of an animal while permitting the public to come into contact with it.

The bill would define “control” as keeping an animal in a harness and connected to a leash.

A dangerous regulated animal could only be used for contact with the public if the exhibitor:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Evaluates the animal and ensures it is compatible with the intended uses of the animal;
- Takes reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of members of the public or wildlife; and
- Exhibits the animal in a manner that prevents injuries to members of the public or wildlife.

The bill would require all dangerous regulated animals to be maintained under strict supervision and control in order to prevent injuries to members of the public. Additionally, dangerous regulated animals removed from confinement would not be allowed to run at large or be tethered outside.

Before a member of the public comes into physical contact with a dangerous regulated animal weighing between 10 and 40 pounds, he or she would be required to read and sign a statement that contains the following, “the handling or petting a dangerous regulated animal is inherently dangerous and may result in scratches, bites, or other injuries.”

The bill also would remove clouded leopards from the definition of “dangerous regulated animal.”

Finally, institutions accredited by the Association of Zoos and Aquariums or the Zoological Association of America would be exempted from reporting and license compliance that is required of local animal control authorities.

Background

The bill was introduced by the Senate Committee on Natural Resources.

At the Senate Committee hearing, the Director of Tanganyika Wildlife Park, located in Goddard, Kansas,

presented testimony in favor of the bill. The Director stated Tanganyika is one of the largest attractions in Kansas, having more than 104,000 visitors in 2014. Additionally, many of Tanganyika animals are used for live interactive demonstrations on Jack Hanna's various television appearances, along with other appearances on various daily and late night talk shows. The Director of Tanganyika stated the current law restricts accredited Kansas zoos from using small cats for educational interactive experiences. By passing the bill, Tanganyika would be able to offer visitors a supervised, up close, and personal experience with the cats while they are small. Additionally, the Director stated, the bill would remove cheetahs and clouded leopards from the dangerous animal list, as they have been unfairly grouped with all the big cats that also are listed on the dangerous animal list.

Columbus Zoo and Aquarium Director Emeritus Jack Hanna and representatives of the Zoological Association of America, Dallas Zoo, and Nashville Zoo provided written testimony in favor of the bill.

Opponents to the bill included a private citizen and a representative of the Humane Society of the United States (HSUS). The private citizen related the story of his wife, whose arm was severed by a tiger at a private zoo in Kansas during a visit with a Boy Scout troop. The HSUS representative provided background to the committee on the reason for current law, which was passed in 2006 after the 2005 death of a Kansas high school student who was posing for her senior pictures with a tiger at a U.S. Department of Agriculture-licensed wildlife facility in Kansas. The opponents stated wild animals retain their basic instincts, even if born in captivity and hand-raised and the accreditation process through the Association of Zoos and Aquariums of the Zoological Association of America, as stated in the bill, needs to be closely vetted.

Former Kansas Senator Dwayne Umbarger and two private citizens (the parents of the Kansas high school

student that was killed) also provided written testimony opposing the bill.

The Senate Committee amended the bill to clarify dangerous regulated animals removed from confinement would not be allowed to run at large or be tethered outdoors. In addition, three technical amendments were adopted by the Senate Committee.

The Senate Committee of the Whole amended the bill to restore “cheetahs” to the list of dangerous regulated animals, which is current law, and added the definition of “control.” The Committee decreased the weight of a dangerous regulated animal that members of the public would be permitted to come into “full contact” with, from 25 to 10 pounds. The Committee also added language requiring members of the public to read and sign a statement regarding handling or petting dangerous regulated animals and that doing so may result in injury of some kind.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the League of Kansas Municipalities is unable to determine what fiscal effect the enactment of the bill would have on Kansas cities.