

Introduced by

Representatives D. Johnson, Nicholas

1 A BILL for an Act to amend and reenact sections 36-01-08, 36-01-08.2, and 36-01-08.4 of the
2 North Dakota Century Code, relating to the duties of the board of animal health and ownership
3 of certain carnivorous animals and nonhuman primates.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 36-01-08 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **36-01-08. Duties - Rules - Fees.** The board shall protect the health of the domestic
8 animals and nontraditional livestock of this state, and, with the assistance of the state
9 department of health with respect to zoonotic disease or injury, protect the human inhabitants of
10 this state; shall determine and employ the most efficient and practical means for the prevention,
11 suppression, control, and eradication of dangerous, contagious, and infectious diseases among
12 the domestic animals and nontraditional livestock of this state, and with respect to zoonotic
13 disease or injury, the human inhabitants of this state; and shall prevent the escape and release
14 of an animal injurious to or competitive with agriculture, horticulture, forestry, wild animals, the
15 human inhabitants of this state, and other natural resource interests. Any matter relating to the
16 health and welfare of domestic animals and nontraditional livestock and not specifically
17 assigned by statute to another entity is deemed to be within the authority of the board. The
18 board may make rules to carry into effect the purposes of this chapter and other duties
19 prescribed in this title. The commissioner shall collect six cents for each brucellosis tag and
20 each identification tag and eight dollars for each health book the commissioner distributes. The
21 fees collected by the commissioner must be deposited in the state general fund.

22 **SECTION 2. AMENDMENT.** Section 36-01-08.2 of the 1997 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

1 **36-01-08.2. ~~Mountain lions, wolves, and wolf hybrids~~ Ownership of certain**
2 **carnivorous animals held in captivity - Identification required.** Any person who keeps a
3 mountain lion, wolf, or wolf hybrid, or any other animal described in section 36-01-08.4 in
4 captivity must obtain an identification number from the board. The number must be tattooed in
5 indelible ink inside the ear of the animal for permanent identification purposes. This section
6 does not apply during the natural life of any wolf hybrid or nonhuman primate that was lawfully
7 licensed and kept in this state before January 1, 1999, if the animal is spayed or neutered
8 before January 1, 2000.

9 **SECTION 3. AMENDMENT.** Section 36-01-08.4 of the 1997 Supplement to the North
10 Dakota Century Code is amended and reenacted as follows:

11 **36-01-08.4. Ownership of ~~skunks and raccoons~~ certain carnivorous animals and**
12 **nonhuman primates prohibited - Exception - Rules - Penalty.** ~~No~~ A person may not keep a
13 skunk ~~or~~, raccoon, wolf, wolf hybrid, mountain lion, lion, tiger, bear, wolverine, or any other
14 carnivorous animal of a species, other than a dog, in which the average weight of the adult
15 male is more than eighty pounds [36.3 kilograms], or any nonhuman primate in captivity. This
16 section does not apply to a zoo licensed by the regulatory enforcement and animal care
17 program of the animal and plant health inspection service of the United States department of
18 agriculture, or, except for a skunk or raccoon, to a licensed animal breeder or fur grower. The
19 state veterinarian, at the owner's expense, shall confiscate and dispose of any animal kept in
20 violation of this section. The board shall adopt rules governing the keeping of a primate, wolf,
21 ~~or~~ wolf hybrid, or other wild animal described in this section in captivity by a licensed animal
22 breeder or fur grower, and to implement this section. ~~As used in this section, "primate" does~~
23 ~~not include a human being; "wolf"~~ "Wolf" means any animal of the species canis lupus; and
24 "wolf hybrid" means any animal that is any part wolf. A person who willfully violates this section
25 is guilty of a class B misdemeanor.