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Indicates New Matter

AMENDED--NOT PRINTED IN THE HOUSE

May 6, 2021

**H. 3539**

Introduced by Reps. Davis and Martin

S. Printed 2/23/21--H.

Read the first time January 12, 2021.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑9‑55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50‑16‑25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD; AND TO REPEAL SECTION 50‑9‑655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

Amend Title To Conform

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

SECTION 1. A. Chapter 4, Title 47 of the 1976 Code is amended by adding:

“Section 47‑4‑65. (A) It is unlawful to transport live swine on a public road or waterway within the State unless the swine have an official form of identification approved by the State Veterinarian and are transported in such a way that the swine is visible. Live swine transported without identification are presumed to have been taken from the wild and in violation of Section 50‑16‑25.

(B) It is unlawful for a person to misuse or alter a permit, tag, or other form of identification or attempt to obtain a permit, tag, or form of identification by fraud or misrepresentation. A person is deemed to have misused identification by using the identification that was not assigned to them or assigned to another owner, knowingly providing identification to a person other than the owner of the swine, or by engaging in any other activity to circumvent the provisions of this section.

(C) Absent an official form of identification, it is unlawful to transport live swine on a public road or waterway within this state unless accompanied by a document that may be presented in lieu of an official form of identification including a dated bill of lading, invoice, receipt, bill of sale, or similar document showing the quantity of swine to be sold or transported and the name of the wholesale producer or dealer from whom the live swine were purchased or received.

(D) Live swine that do not leave the premises of the swine owner are not subject to the identification requirement.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to the penalty prescribed in Section 47‑4‑130. Each violation constitutes a separate offense.

(F) Notwithstanding Chapter 3, Title 22, magistrates court has jurisdiction over actions arising under this section.”

B. Section 50‑16‑25 of the 1976 Code is amended to read:

“Section 50‑16‑25. (A) ~~It is unlawful to possess, buy, sell, offer for sale, transfer, release, or transport for the purpose of release a member of the family Suidae (pig) into the wild. A person who holds a valid permit, issued by the Department of Natural Resources, for the taking, transporting, and releasing of a pig from a free roaming population or his agent may capture and release a free roaming pig so long as: (1) the permit holder has express permission from the landowner to capture and transport free roaming pigs from the tract on which the free roaming pig is to be captured, (2) the free roaming pig is captured, transported, and released pursuant to a permit issued by the Department of Natural Resources, and (3) the pig is released on the same tract on which the pig was captured or into a permitted pig enclosure utilized for hunting purposes. Under no circumstances may a free roaming pig be released in a county other than the county in which the pig was captured.~~

~~(B)~~ ~~All free roaming pigs captured pursuant to a permit must be tagged at the point of capture as prescribed by the department and the tags must remain affixed to the pigs. Pig hunting enclosures must be permitted by the department at a cost of fifty dollars annually.~~

~~(C)~~ ~~It is unlawful to transport a live pig captured in the wild except as permitted by this section~~ It is unlawful to:

(1) import, possess, buy, sell, offer for sale, transfer, or transport a live member of the family Suidae (pig) taken from the wild; or

(2) release a live member of the family Suidae (pig) into the wild.

(B) Each pig imported, bought, sold, offered for sale, possessed, transferred, transported, or released in violation of this section constitutes a separate offense.

(C) The department may seize and destroy any pig obtained pursuant to this section.”

C. Section 50‑9‑655 of the 1976 Code is repealed.

D. This SECTION takes effect upon approval by the Governor and is repealed on July 1, 2024.

SECTION 2. A. Title 47 of the 1976 Code is amended by adding:

“CHAPTER 8

Non‑native Venomous Reptiles

Section 47‑8‑10. (A) For purposes of this chapter, ‘non‑native venomous reptiles’ means all members of the class Reptilia including their taxonomic successors, subspecies, or any hybrid thereof, regardless of surgical alteration, determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison, and includes all venomous reptiles of the class Reptilia belonging to the families Elapidae, Crotalidae, Viperidae, and Hydrophiidae; all reptiles in the genus Heloderma; and all reptiles in the family Colubridae belonging to the genera: Rhabdophis, Boiga, Dispholidus, Thelatornis, and Atractapsis.

(B) Except as otherwise provided in this chapter, it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, reproduce, or sell within this State, by any means, a non‑native venomous reptile, including transactions conducted via the Internet.

(C) A possessor of a non‑native venomous reptile must be at least eighteen years of age.

(D) A person in legal possession of a non‑native venomous reptile prior to July 1, 2021, and who is the legal possessor of the animal, may keep possession of the animal for the remainder of the animal’s life, subject to the following conditions:

(1) on the effective date of this chapter, the possessor of a non‑native venomous reptile immediately shall register with the Department of Natural Resources. The registration must shall include the person’s name, address, telephone number, a complete inventory of each non‑native venomous reptile that the person possesses, a photograph for each animal, the address for the site at which each animal is located, and an annual fee of one hundred dollars per non‑native venomous reptile to cover the costs of enforcement of this chapter. The permits are valid for three years and must be renewed with the department. A possessor shall have a continuing obligation to promptly notify the department of material changes to the information required for registration. No new permits will be issued after the effective date of this chapter, except for research purposes to licensed medical facilities or institutions of higher learning;

(2) the possessor shall prepare and submit to the department at the time of payment of the fee required by item (1) a contingency plan to protect first responders by providing for the quick and safe recapture of the non‑native venomous reptile in the event of an escape;

(3) the possessor shall maintain acquisition papers for the animal, or other documents or records that establish that the person possessed the animal prior to July 1, 2021;

(4) the possessor shall present paperwork described in item (3) to any law enforcement authority upon request;

(5) the venomous reptile must be housed in a sturdy and secure enclosure. Enclosures must be designed to be escape‑proof, bite‑proof, and have an operable lock. Each enclosure must be clearly and visibly labeled ‘Venomous Reptile Inside’ with scientific name, common name, appropriate antivenin, and owner’s identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenin, first aid procedures, and treatment guidelines, as well as an escape recovery plan, must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile;

(6) venomous reptiles may only be possessed in houses, buildings, facilities, owned by the possessor or with written permission from the owner or landlord;

(7) venomous reptiles and enclosures must be kept in secure, lockable, escape proof rooms. Rooms must be posted with a sign stating venomous reptiles inside;

(8) in the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement and the department;

(9) the possessor shall notify the department and local law enforcement immediately upon discovery that the non‑native venomous reptile has escaped. The possessor of the animal is liable for any and all costs associated with the escape, capture, and disposition of a registered animal; and

(10) the possessor shall comply with any and all applicable federal, state, or local laws, rules, regulations, ordinances, permits, or other permissions regarding ownership of non‑native venomous reptile. Failure to comply with any law, rule, regulation, ordinance, permit, or other permission constitutes a violation of this chapter.

(E) No person convicted of a state or federal fish or wildlife crime is eligible for a permit pursuant to the provisions of this chapter.

(F)(1) A law enforcement officer may confiscate a non‑native venomous reptile when:

(a) the animal control authority or other person designated under this chapter has probable cause to believe that the non‑native venomous reptile was acquired or is being held in contravention of this chapter; or

(b) the non‑native venomous reptile poses an immediate, imminent danger to the health and safety of the public.

(2) A non‑native venomous reptile that is confiscated under this section may be returned to the possessor if the animal control authority or law enforcement officer establishes that the possessor had legal possession of the animal pursuant to this chapter, and the return does not pose a public safety or health risk. However, the Department of Natural Resources, animal control authority, or other person designated under this chapter to confiscate a non‑native venomous reptile may immediately, or at any time thereafter, euthanize the non‑native venomous reptile in their discretion as such non‑native venomous reptile may be considered as contraband per se to possess.

(G) Notwithstanding the provisions of this chapter, the department may issue a permit to any business for public exhibition purposes. The exhibition must be a non‑traveling, fixed facility that is open to the public for a time no less than thirty hours per week for at least six months each year. The department is authorized to issue such permits in accordance with this chapter requiring adequate facilities for humane handling, care, and confinement of non‑venomous reptiles and ensuring public safety. An Association of Zoos and Aquariums accredited facility is exempt from all permitting requirements of this chapter.

(H) A city or county may adopt an ordinance governing non‑native venomous reptile that is more restrictive than this chapter. However, nothing in this chapter requires a city or county to adopt an ordinance to be in compliance with this chapter. The provisions of this section control over Section 50‑16‑60.

(I) The animal control authority and its staff and agents, local law enforcement agents, state law enforcement agents, and county sheriffs and state law enforcement are authorized and empowered to enforce the provisions of this chapter.

(J) The possessor or owner of a non‑native venomous reptile, at all reasonable times, shall allow the department or other persons designated by this chapter to enter the premises and inspect the enclosure where the animal is being kept to ensure compliance with this chapter.

(K) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years.”

B. This SECTION takes effect upon approval by the Governor.

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