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AB-892 Captive wild animals: direct contact: prohibition. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 01, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 892

Introduced by Assembly Member Schultz

February 19, 2025

An act to add Section 2129 to the Fish and Game Code, relating to wild animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 892, as amended, Schultz. Captive wild animals: direct contact: prohibition.

Existing law prohibits the importation, transportation, or possession of specified wild animals into this state, except under a revocable, nontransferable permit, known as a restricted species permit, issued by the Department of Fish and Wildlife, in cooperation with the Department of Food and Agriculture, and only if certain requirements are met. Existing law exempts specified entities from this permit requirement under certain circumstances. Existing law requires the Fish and Game Commission, in cooperation with the Department of Food and Agriculture, to adopt regulations governing, among other things, the confinement of a wild animal possessed under a restricted species permit and the possession of all other wild animals. Existing law requires those regulations to be designed to, among other things, provide for the welfare of wild animals and the safety of the public.

This bill would prohibit a person from allowing any member of the public to come into direct contact with specified animals held in captivity. The bill would provide that this prohibition does not apply to direct contact between those animals and certain ~~individuals~~ *individuals or direct contact at specified facilities*. A person who violates this prohibition would not be subject to criminal penalty but would be subject to certain civil penalties and any restricted species permit for the animal would be subject to immediate suspension or revocation by the Department of Fish and Wildlife. The bill would authorize a person whose permit is suspended or revoked to appeal the suspension or revocation to the commission by filing a written request for an appeal within 30 days of the suspension or revocation.

This bill would provide that the provisions of this bill are severable.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2129 is added to the Fish and Game Code, to read:

2129. (a) For purposes of this section, the following definitions apply:

(1) "Covered animal" means any live member of any of the following animals held in captivity:

- (A) Bear.
- (B) Caracal.
- (C) Elephant.
- (D) Kangaroo, or any hybrid of a kangaroo.
- (E) ~~Non-human~~ *Nonhuman* primate.
- (F) Otter.
- (G) Serval.
- (H) Sloth.
- (I) Wallaby, or any hybrid of a wallaby.

(2) "Direct contact" means physical contact or proximity where physical contact is possible, including, but not limited to, any proximity without a permanent physical barrier designed to prevent physical contact between the public and a covered animal.

(3) "Professional production crew" means a cast or crew member of a television or motion picture production team that has obtained *all* permits as required by law, and includes a professional photographer, videographer, or cinematographer.

(b) Notwithstanding any other law, a person shall not allow any member of the public to come into direct contact with a covered animal.

(c) This section shall not apply to direct contact between a covered animal and any of the following:

- (1) The owner of the covered animal.
- (2) The owner of the facility in which the covered animal is kept.
- (3) A trained, paid, professional employee or contractor of the owner of the covered animal or facility, or an accompanying paid employee receiving professional training, while acting in the course and scope of official duty.
- (4) A licensed veterinarian, a veterinary student accompanying that veterinarian, ~~or~~ a registered veterinary technician under the direct supervision of a licensed ~~veterinarian~~, *veterinarian, or any licensed medical professional assisting the veterinary team and under the direct supervision of a licensed veterinarian*, while acting in the course and scope of official duty.
- (5) A law enforcement officer or animal control authority acting in the course and scope of official duty.
- (6) An employee of a federal, state, or local agency, while acting in the course and scope of official duty.
- (7) A board member of the facility where the animal is ~~kept, or professional production crew, kept~~ *who is listed on the facility's statement of information, or a trainee*, who meets all of the following conditions:
 - (A) The person is accompanied by the facility's owner or trained employee.
 - (B) The person is performing work with the covered animal away from public view.
 - (C) The person is under a contract or other engagement with the facility's owner.
- (8) *A professional production crew who is acting in the course and scope of a television or motion picture production.*

(d) This section shall not apply to direct contact that occurs at a facility that is accredited by the Association of Zoos and Aquariums.

~~(d)~~

(e) Any person who violates this section is subject to the civil penalty set forth in Section 2125 for each violation, and any restricted species permit for the covered animal is subject to immediate suspension or revocation by the department. A person whose restricted species permit is suspended or revoked pursuant to this section may appeal the suspension or revocation to the commission by filing a written request for an appeal with the commission within 30 days of the suspension or revocation. A person who violates this section is not subject to the criminal penalties set forth in this code.

(f) This section shall not be construed to limit or prevent the Fish and Game Commission from enacting rules or regulations that prohibit the direct contact with an animal that is not defined as a "covered animal" in this section.

~~(e)~~

(g) The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section shall not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.