



NEW YORK  
CITY BAR

**REPORT ON LEGISLATION  
BY THE ANIMAL LAW COMMITTEE**

**H.R. 263  
S. 1210**

**Rep. Quigley  
Sen. Blumenthal**

AN ACT To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

**The Big Cat Public Safety Act**

**THIS LEGISLATION IS SUPPORTED**

**I. SUMMARY OF THE PROPOSED LEGISLATION**

The bill would prohibit private ownership of tigers, lions, leopards, cheetahs, jaguars, cougars (a group popularly referred to as “big cats”) or any hybrid of these species.<sup>1</sup> Current owners are grandfathered in and required to register their animals with the government. The proposed legislation includes exemptions for universities, sanctuaries, and entities with a Class C USDA license (public exhibition license). The bill also restricts direct contact between the public and big cats (currently provided by roadside and petting zoos).

A prior version of the bill was originally introduced as H.R. 1380 by Rep. Quigley in 2017 and later reintroduced in 2019.<sup>2</sup> H.R. 1380 passed in the House by a vote of 272 to 114 in December 2020.<sup>3</sup> The Senate failed to pass the reciprocal legislation to H.R. 1380, S. 2561 (which was introduced in the Senate by Sen. Blumenthal) before the 116th legislative session ended.<sup>4</sup> As such, Rep. Quigley introduced the bill in the House as H.R. 263 in January 2021.<sup>5</sup> A bipartisan group of senators, consisting of Senators Blumenthal (D-Conn.), Burr (R-N.C.), Carper (D-Del.) and Collins (R-Me), introduced the bill in the Senate as S.1210 on April 19, 2021.<sup>6</sup> The Big Cat Public Safety Act would amend the Lacey Act Amendments of 1981<sup>7</sup> to clarify provisions enacted by the Captive Wildlife Safety Act.<sup>8</sup>

To date, there are 195 lawmakers in the House of Representatives, both Democrats and Republicans, who are cosponsoring the bill.<sup>9</sup> There are 23 cosponsors in the Senate.<sup>10</sup>

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

## **II. ARGUMENT SUMMARY**

The current regulation of big cats in the United States is a patchwork of state laws; it requires a federal solution in order to safeguard public safety, promote animal welfare and wildlife conservation, and combat illegal wildlife trafficking. Conservative assessments gauge that there are 5,000-7,000 privately held tigers in the United States. These privately held big cats are primarily either kept as pets by private individuals or reside at roadside and petting zoos. Privately owned big cats typically spend their entire lives in cages and receive inadequate care. They suffer from high mortality rates, long term health problems, deformities, and congenital defects. Facilities offering direct contact between the public and big cats often employ abusive practices, which result in significant physical and psychological harm to cubs.

Once cubs outgrow their usefulness, they face precarious fates including sales to another disreputable facility, euthanasia, abandonment or entry into the black market. Facilities profiting from big cat interaction opportunities fuel the rampant cycle of breeding and dumping of big cats. In addition, private ownership of big cats presents a significant threat to public safety. Between 1990-2012, there have been more than 300 reports of dangerous incidents involving privately held big cats; the real number of incidents is likely to be higher. Big cats are wild animals that cannot be domesticated. Further, private ownership of big cats does not contribute to conservation goals. On the contrary, private possession and breeding of big cats promotes illegal international wildlife trafficking and threatens to drive many wild big cat populations into extinction.

## **III. BACKGROUND**

The vast majority of privately held big cats in the United States are kept either as pets by private individuals or as live entertainment at roadside and petting zoos.<sup>11</sup> Due to a diffuse and deficient regulatory framework and irresponsible breeding practices, it is virtually impossible to precisely determine the number and location of captive big cats in the United States.<sup>12</sup> A majority of big cats in captivity are tigers.<sup>13</sup> While there is no official count, conservative assessments gauge that there are 5,000-7,000 privately held tigers in the United States,<sup>14</sup> while other sources claim that there may be as many as 10,000-20,000 captive tigers in the United States.<sup>15</sup> This far exceeds the number of wild tigers, of which there are approximately 3,200 worldwide.<sup>16</sup>

## **IV. REASONS FOR SUPPORT**

### **a. The Current Regulatory Framework Is Inadequate.**

The current regulatory framework is inadequate to protect public safety and animal welfare, necessitating a comprehensive federal solution.

There is no federal law that regulates the ownership of exotic animals. The Lacey Act prohibits import or export of wildlife in contravention of federal, state or local law.<sup>17</sup> The Captive Wildlife Safety Act subsequently amended the Lacey Act to ban import, export, purchase, sales and acquisition of big cats in interstate or foreign commerce.<sup>18</sup> However, the Lacey Act provides an exception that significantly weakens the strength of this rule.<sup>19</sup> In particular, it allows parties to privately own big cats as long as they are licensed by the USDA for commercial activities like

breeding or exhibition.<sup>20</sup> The exception incentivizes individuals to engage in such commercial activities and profit from exploiting big cats. This issue is exacerbated by the ease and low cost of obtaining a USDA Exhibitor's license (Class C), which allows private individuals to legally own tigers.<sup>21</sup>

The federal government also does not protect privately owned tigers through the Endangered Species Act.<sup>22</sup> Nearly all of the tigers kept in private hands in the United States are known as generic tigers, because they have unknown genetic backgrounds or are hybrids of various tiger subspecies rather than animals with clearly defined lineages. Since they are viewed as unimportant to wild tiger conservation, their sale and purchase across state lines have not been subject to federal oversight.<sup>23</sup>

The weakness, variance, and under-enforcement of state big cat laws make them inadequate to protect public safety or animal welfare. In many states, it is easier to purchase a tiger cub than to go to a local humane society and adopt a puppy.<sup>24</sup> In September 2018, a reporter for an online newspaper accumulated seven offers for tigers within a few hours of Googling “Buy Live Tiger.”<sup>25</sup> There are significant variations among state big cat ownership laws, with some states banning private ownership of big cats and other states imposing partial or no restriction on such ownership. Four states — Alabama, Nevada, North Carolina, and Wisconsin — do not have a statutory framework that directly addresses the private ownership of big cats.<sup>26</sup> Currently, twenty states have enacted “comprehensive bans.”<sup>27</sup> These bans typically classify wild cats, large non-domesticated carnivores, reptiles, and non-human primates as “dangerous animals” or otherwise prohibit private ownership of these species.<sup>28</sup> Thirteen states have partial bans on exotic pets, which ban specific animals by statute.<sup>29</sup> Fourteen states permit private ownership of exotic animals under a licensure or permit scheme.<sup>30</sup> These states often leave enforcement of the law as well as standards of care to counties.<sup>31</sup>

Even the state big cat laws that exist are generally ineffective. State bans often have loopholes or are easy to circumvent.<sup>32</sup> Furthermore, state governments regularly fail to meet tracking requirements and underenforce big cat regulations.<sup>33</sup> For example, Florida has a partial ban, which prohibits the keeping of big cats as pets and requires commercially licensed wildlife owners to register their animals and submit annual counts.<sup>34</sup> However, an investigation revealed that state wildlife officials did not have a current inventory.<sup>35</sup> Texas has approximately 2,000-5,000 tigers.<sup>36</sup> Although Texas passed a law in 2001 requiring the registration of exotic pets, enforcement of that law is left up to the state's 254 counties, and fewer than 1% of tigers were registered as of 2018.<sup>37</sup>

Alabama and Georgia, two neighboring states, exemplify the disparity regarding big cat and exotic animal regulations. The former is one of four states with no laws regulating big cat ownership, while the latter bans big cat private ownership.<sup>38</sup> Since cub breeding and sales are interstate activities, inconsistent restrictions cannot adequately address public safety or animal welfare concerns and necessitate a uniform federal framework.

#### **b. Privately Owned Big Cats Face Neglect And Abuse.**

Privately owned big cats are subjected to neglect and abuse and face high mortality rates and significant long term health problems, as well as high prospects for abandonment and euthanasia.

*i. Neglect and abuse of adult big cats kept as pets*

By the time they are fully grown, big cats are often too difficult for private owners to manage, resulting in substantial neglect and mistreatment. Owners are largely incognizant of the resources needed to care for a big cat. Feeding and providing basic medical care for one adult tiger costs a minimum of \$10,000 per year.<sup>39</sup> That cost does not account for the expenses necessary to build a sufficiently secure enclosure for housing the tiger.<sup>40</sup> The considerable costs associated with maintaining an adult tiger is one key reason big cats are regularly abandoned or killed.<sup>41</sup>

Big cats kept as pets are often held in very small spaces such as kennels/cages that are inconsistent with their natural behaviors.<sup>42</sup> Most big cat pets are left to languish in grossly substandard conditions including deprivation of adequate space, exercise, socialization, veterinary care, nutritious diet, and enrichment.<sup>43</sup>

Privately owned tigers have a high mortality rate, with experts estimating that up to 90% die within the first two years.<sup>44</sup> Most private owners are simply unable to provide sufficient care to tigers due to the cost and complex significant physical and psychological needs of these animals. Accordingly, private ownership of tigers is opposed by the Association of Zoos and Aquariums.<sup>45</sup> When cubs and tigers can no longer be managed by their private owners, a lucky very few might make it into bona-fide sanctuaries, where they will be able to live their lives out with adequate care.<sup>46</sup> Others become breeders, are put on display at poor quality roadside zoos, or are dumped or killed.<sup>47</sup>

*ii. Neglect and abuse of cubs at roadside zoos*

Only a small minority of privately held tigers in zoos (approximately 350) live in facilities accredited by the Association of Zoos & Aquariums, with accompanying standards of care set forth by animal care professionals.<sup>48</sup> Instead, most tigers live in sub-standard conditions in roadside and petting zoos offering visitor interaction with cubs. Venues that offer interactions with cubs are enormously profitable, with tax records for one Indiana venue showing annual revenues of \$1 million to \$1.27 million in recent years.<sup>49</sup> These venues are harmful and unsafe for cubs; cubs at such venues face poor long term health outcomes and precarious fates once they outgrow their usefulness for public interaction. This bill would serve to shut down the unscrupulous facilities that profit from cub interaction opportunities.

Cubs in roadside zoos are regularly deprived of appropriate nutrition, shelter, medical care, socialization, and exercise.<sup>50</sup> In 2016, researchers at New York University identified 77 facilities offering public contact with baby animals, typically big cat cubs at roadside zoos.<sup>51</sup> Big cats at roadside zoos are typically confined to small, dirty cages.<sup>52</sup> Although facilities open to the public are required to obtain licenses and undergo periodic inspections by the USDA, standards are nominal and enforcement is poor.<sup>53</sup> Additionally, already poor USDA enforcement has further

declined during the current administration.<sup>54</sup> Low standards and poor enforcement result in roadside zoo operators' inhumane practices going unchecked.

Cubs are often also subjected to inhumane practices and physically abused in an attempt to control or condition them to tolerate direct physical contact with humans. Handlers commonly use extreme physical coercion that results in trauma, physical injury and in certain circumstances, death.<sup>55</sup> Moreover, cubs in roadside zoos are regularly subject to inhumane body modification such as defanging and amputation of cubs' toes, which can leave cubs with lifelong lameness, pain, and psychological distress.<sup>56</sup>

Abuse also stems from the excessive handling of big cat cubs at roadside zoos. Current regulations prohibit exhibitors from allowing "rough or "excessive" public handling of cubs.<sup>57</sup> These public handling standards are vague since exhibitors are left to make subjective determinations regarding "rough" or "excessive."<sup>58</sup> Moreover, this standard does not account for the fact that even minimal handling of cubs is detrimental to their health and disrupts their sleep cycle and immune development.<sup>59</sup> Furthermore, enforcement of existing minimal standards is poor.<sup>60</sup> Cubs are regularly forced to sit still for a parade of customers even if they are tired or sick.<sup>61</sup> And transport required for travelling exhibitions offered by some petting zoos is particularly arduous and perilous for cubs and represents a leading cause of premature death.<sup>62</sup>

Another widely employed injurious practice by roadside zoos is separation of mother cats from cubs in order to use cubs for public exhibits and maximize docility to humans.<sup>63</sup> This practice, condemned by animal care experts, disrupts the mother-cub bonding process and taxes cubs' underdeveloped immune systems.<sup>64</sup> It causes long-term physical and psychological harm including malnutrition, increased vulnerability to disease, and premature mortality.<sup>65</sup> The separation also adversely impacts big cat mothers, who have been documented emitting mournful calls for weeks after being forcibly separated from their offspring.<sup>66</sup>

In 2016, the USDA announced new regulations for newborn tigers 28 days or younger, which would require preventive and responsive veterinary care as well as adequate housing and nutrition.<sup>67</sup> To comply with the new regulations, neonatal cats under 28 days may not be exposed to any form of public contact, including public feeding and handling.<sup>68</sup> The new rule, while a step in the right direction, remains a bare minimum, and is still far behind the care neonatal cats would receive in AZA accredited zoos. It is also inconsistent with previous interpretations of existing laws. The commonly understood APHIS regulatory framework holds that the public may not interact with cubs below 8 weeks of age or over 12 weeks of age— the "8 to 12 week policy."<sup>69</sup> And although the eight week floor is regularly evaded by exhibitors, the new USDA rule jeopardizes further lowering the floor for public contact with cubs.<sup>70</sup>

Not surprisingly, given the profitability of cub-petting venues, such venues have proliferated and generated tiger mills.<sup>71</sup> Cub-petting attractions drive the vicious cycle of breeding, trading, and dumping of tigers.<sup>72</sup> Commercial breeders must provide a constant supply of tiger cubs, because by the time cubs are only three months they have become too big and dangerous to pet. The resulting tiger surplus is too large to be absorbed by AZA accredited zoos or bona-fide sanctuaries.<sup>73</sup> Some tigers become breeders or are sold to another disreputable facility.<sup>74</sup> Some are killed for their skins and bones, while others are killed simply to reduce inventory.<sup>75</sup> By banning

public contact with big cats, the proposed legislation would serve to shut down roadside and petting zoos, which generate the systemic breeding and dumping of big cats.

### *iii. Deformities and congenital defects*

Many privately-owned tigers are genetically inbred — the result of mating between closely-related animals — and hence are far more likely to suffer from genetic defects.<sup>76</sup> Inbreeding programs employed to produce certain characteristics in tigers have horrific results.<sup>77</sup> Only one in thirty cubs is likely to be healthy.<sup>78</sup> The vast majority of cubs suffer from significant deformities, vision problems, long term health issues, and high mortality rates.<sup>79</sup> Similarly, offspring of inbred tigers suffer from various defects such as lower reproductive rates, hip dysplasia, cleft palates, and severe mental health problems.<sup>80</sup> In a recent Washington Post report on captive tigers, a veterinary ophthalmologist was documented operating on a sedated tiger in a small garage.<sup>81</sup> The tiger was suffering from a congenital eye defect, a likely result of inbreeding.<sup>82</sup>

White tigers are a prime example of deformities stemming from human breeding. The white tiger is so rarely seen in the wild that only twelve white tigers have been confirmed in the wild in the past 100 years.<sup>83</sup> White tigers are artificially selected through an inbreeding process created purely for human enjoyment.<sup>84</sup> Numerous exhibitors in the United States have purposefully bred white tigers, with some holding dozens of white tigers in their inventories.<sup>85</sup> All white tigers in captivity in the United States today are descendants of a single, anomalous Bengal named Mohan, captured in 1951 and bred with his daughter. The inbreeding of their descendants continues today “to disabling effect... one frequent defect is severe strabismus or crossed eyes, which hampers vision and coordination.”<sup>86</sup> White tigers in captivity have significant vision and depth perception problems as well as kidney disorders, club feet, and tendon ailments.<sup>87</sup> Because of resulting genetic defects from inbreeding the American Zoological Association (AZA) barred member zoos from breeding white tigers (and select other inbred Big Cats) in 2011.<sup>88</sup> Unfortunately the vast majority of tigers and other big cats live outside of AZA accredited zoos.<sup>89</sup>

### **c. Public Safety**

The private ownership of big cats presents a serious risk to the safety of the public and law enforcement agents.<sup>90</sup> No amount of training or discipline can make big cats safe as human companions.<sup>91</sup>

Big cats are wild animals and retain their natural instincts to hunt and attack, regardless of how they are raised. Unlike companion animals, who have been domesticated over centuries, big cats always maintain their natural instincts to hunt and attack.<sup>92</sup> Big cats cannot be domesticated due to their unremitting prey-drive and territorial instincts. “An exotic cat is an evolutionary marvel of reactions and instincts, together with a strong will. They can never be tamed in the sense we normally associate with that word.”<sup>93</sup> Big cats respond strongly to any source of stimulation and it takes only a fraction of a second for them to revert to instinctual behavior.<sup>94</sup> They are extremely attuned to their environments and may turn aggressive and violent in response to even minute changes in their surroundings imperceptible to humans.<sup>95</sup>

According to the Humane Society for the United States (HSUS), there have been more than 300 dangerous incidents involving big cats in 44 states between 1990 and 2012.<sup>96</sup> Four children were killed and dozens of others lost limbs or suffered other traumatic injuries.<sup>97</sup> Sixteen adults were killed during that time period, and scores have been mauled.<sup>98</sup> The full death and injury tally showed a total of 306 incidents in 44 states, resulting in 20 human deaths, 244 human injuries and 125 animal deaths.<sup>99</sup>

The information in the HSUS report only includes attacks reported in the media or by animal welfare organizations. The actual figure is likely to be higher since no government agency tracks big cat attacks and injuries often go unreported.<sup>100</sup> For example, eight former roadside zoo employees who had been bitten or clawed reported that they had been discouraged from seeking medical assistance to conceal the incidents from the public.<sup>101</sup> They also reported receiving little to no training in handling big cats, amplifying their risk of injury.<sup>102</sup>

The media has documented some of the more news-worthy tiger attacks. In late December 2018, a 22-year-old intern cleaning an enclosure was attacked and killed by a lion.<sup>103</sup> The attack took place at a privately-run wild-animal menagerie in North Carolina, which purports to rescue animals but has no credentials as a sanctuary. Law enforcement shot and killed the lion in order to retrieve the young woman's body. In 2008, seven underfed tigers under the care of James Garretson tore off the arm of a 35-year-old volunteer who subsequently bled to death.<sup>104</sup> In 2005, Haley Hilderbrand was attacked and killed by a 550 pound Siberian tiger. The tiger was restrained only by a leash during a school photo shoot at a roadside zoo in southeast Kansas. Law enforcement subsequently fired upon the tiger several times in order to kill it.<sup>105</sup> And in December 2003, ten-year-old C.J. Eller was attacked by relatives' pet Bengal tiger in North Carolina. The boy's uncle shot the tiger but C.J. died before reaching the hospital.<sup>106</sup>

Even an owner who lives with a seemingly docile big cat for many years remains in danger. A case in point is Antoine Yates, who kept his pet tiger in a fifth-floor apartment in Harlem.<sup>107</sup> Yates suffered no serious injuries from the tiger until he brought home a stray domestic kitten. Yates was seriously injured when he shielded the kitten from the tiger's attack.<sup>108</sup>

**d. Private Ownership Does Not Contribute To Conservation Goals And In Fact Undermines Them.**

***i. Private ownership does not contribute to conservation.***

The captive predator breeding industry operates on the pretext that captive breeding contributes to conservation. However, this assumption is false, since captive big cats have never been successfully released back into the wild.<sup>109</sup> Most large captive-bred carnivores die if returned to their natural habitat, as they lack the natural behaviors critical for success in the wild.<sup>110</sup> Captive-born carnivores are more likely than their wild-bred counterparts to starve to death and succumb to viruses and diseases.<sup>111</sup> When raised in captivity, animals face changes in various environmental conditions, such as diet, nutrition and cognitive stimulation. These changes lead to modification of external, morphological traits.<sup>112</sup> Captivity can also cause changes in soft tissues and organs, with research revealing variances in the size and shape of the brain and digestive system.<sup>113</sup> These

changes lead to decreased survival prospects for confiscated big cats, requiring that they be placed in other captive environments.

***ii. Unmonitored breeding and private possession of big cats stimulates their illegal trafficking amid high demand.***

Large volumes of unmonitored and untracked captive tigers in the United States become easy targets for black market sales.<sup>114</sup> The United States' lack of federal tracking of big cats and fragmented, lax, and inconsistent state regulatory system means that there is no way to ascertain how many privately owned big cats exist, let alone their location or their method of death.<sup>115</sup> State efforts to ascertain the number of tigers in their jurisdiction are further hampered by the unknown number of tigers abandoned or killed by owners once they outgrow their usefulness for public display or become too financially burdensome to maintain.<sup>116</sup>

And there is evidence that lion and tiger parts have been illegally exported from the United States to Asian markets.<sup>117</sup> There is currently no way to know how many US-born big cats are exploited and killed for the black market trade.<sup>118</sup> A report by TRAFFIC, the wildlife trade monitoring network, found that at least 30% of the tiger-related customs seizures between 2012 and 2015 were reported to have come from captive breeding facilities, up from just 2% between 2000 and 2003.<sup>119</sup>

There are large markets for illegal big cats (particularly tiger) products in Asia as well the United States, Europe, and other parts of the world.<sup>120</sup> While tiger cubs can be found for as little as \$200, adult tiger parts can be sold for upwards of ten times that amount.<sup>121</sup> South Africa has almost doubled its export of lion bones, from 800 to 1,500 skeletons per year.<sup>122</sup> Tiger skins, bones and whiskers are in high demand for traditional Asian and Chinese medicine.<sup>123</sup> Tiger and leopard skins are used to create luxury carpets or sold as finished skins for home decoration.<sup>124</sup> In China tiger meat has become a fashionable delicacy, despite being illegal to consume.<sup>125</sup>

***iii. The trade in parts of captive tigers threatens wild tigers.***

The trade in parts from captive tigers has significant implications for the conservation of wild tigers.<sup>126</sup> The illegal trade in products derived from captive tigers stimulates demand, especially for tigers in the wild, which are cheaper for poachers to kill than to buy captive animals from breeders.<sup>127</sup> The greater the demand for captive-bred tigers, the more wild tigers will be poached.<sup>128</sup> Chinese tiger farming is thought to be the main factor driving the massive increase in illegal wild tiger poaching in Asia.<sup>129</sup> According to one prominent international wildlife investigator and tiger conservation advocate, selling products from farmed and captive tigers will pave the road for the wild tiger's extinction.<sup>130</sup>

The need for conservation of wild-living big cats is a matter of the utmost urgency. In the past century, the wild population of tigers decreased by 97 percent.<sup>131</sup> Three out of the nine tiger subspecies that existed during the 20th century are now totally extinct, and one of the six remaining subspecies exists only in captivity.<sup>132</sup> The wild population, once as high as 100,000 in the early 20th century, has declined dramatically since the late 1990s, when the estimated number of wild tigers was approximately 7,000.<sup>133</sup> Tiger conservation experts currently estimate that only 2,500-



4,000 tigers remain in the wild.<sup>134</sup> The proposed legislation enhances efforts to prevent extinction of big cats in the wild, an increasingly pressing concern.

*iv. There is a strong link between wildlife trafficking and human trafficking, and drugs and weapons trade.*

Curbing activity that generates wildlife trafficking also benefits humans. There is a strong link between wildlife trafficking and human trafficking and drugs and weapons trade.<sup>135</sup> According to the State Department, the same criminals that traffic wildlife also traffic drugs, guns, and people.<sup>136</sup> In 2019 leaders from 80 countries signed a declaration identifying this link and recognizing wildlife trafficking as organized crime and an imperative matter that must be tackled collaboratively.<sup>137</sup> Wildlife trafficking generates tens of billions of dollars a year for transnational organized criminal networks.<sup>138</sup> Based upon the connection between wildlife trafficking and other proscribed activities, in addition to protecting big cats the proposed legislation would have cascading social benefits.

*v. The federal regulation of captive big cats would enhance US credibility abroad.*

The Big Cat Public Safety Act would help the United States establish credibility needed to help reform management of captive big cats around the world. State Department efforts to end cruel tiger farming are impeded by the existence of a big cat crisis in our own backyards. Wildlife trafficking experts contend that the United States' thousands of privately owned tigers undermine its stance against tiger farming in China.<sup>139</sup> By taking a stand, the United States can positively impact the conservation policies and practices in other countries. Shortly after the United States banned the sale of African elephant ivory, China, Hong Kong, Singapore, and the United Kingdom revised their nation's ivory policies.<sup>140</sup> Similarly, after the United States destroyed six tons of confiscated elephant ivory in November 2013, China followed suit in January 2014.<sup>141</sup> The proposed legislation would help the United States lead by example.

## **V. CONCLUSION**

For the reasons above, the New York City Bar Association's Animal Law Committee supports the proposed legislation.

Animal Law Committee  
Christopher Wlach, Chair

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<sup>1</sup> Big Cat Public Safety Act, H.R.263, 117th Cong. (2021), <https://www.congress.gov/bill/117th-congress/house-bill/263/cosponsors?r=3&s=1&searchResultViewType=expanded>. The particular big cats covered by the legislation are named in 16 U.S.C. § 3371(g) which states as follows: “The term ‘prohibited wildlife species’ means any live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such species.” Lacey Act Amendments of 1981, 16 U.S.C. § 3371 (1981). (All sites last visited on July 8, 2021).

<sup>2</sup> Big Cat Public Safety Act, H.R.1380, 116th Cong. (2019), <https://www.congress.gov/bill/116th-congress/house-bill/1380/text>.

<sup>3</sup> Big Cat Public Safety Act, Above Note 2, <https://www.congress.gov/bill/116th-congress/senate-bill/2561/cosponsors?>; <https://www.congress.gov/bill/116th-congress/house-bill/1380/all-info>.

<sup>4</sup> Big Cat Public Safety Act, Above Note 2, <https://www.congress.gov/bill/116th-congress/senate-bill/2561/cosponsors?>; ; <https://www.congress.gov/bill/116th-congress/house-bill/1380/all-info>

<sup>5</sup> Big Cat Public Safety Act, Above Note 1, <https://www.congress.gov/bill/117th-congress/house-bill/263/cosponsors?r=3&s=1&searchResultViewType=expanded>.

<sup>6</sup> Text of Bill available on Sen. Blumenthal’s website at: <https://www.blumenthal.senate.gov/imo/media/doc/Big%20Cat%20Public%20Safety%20Act.pdf>); Maria Kramer, *One Year After ‘Tiger King,’ Bill Aims to Protect Big Cats* NY Times, (<https://www.nytimes.com/2021/04/20/us/politics/tiger-king-bill.html>); Mychael Schnell, *Bipartisan Senate group announces support for ban on big cat ownership*, The Hill, <https://thehill.com/homenews/senate/549452-bipartisan-group-of-senators-announce-support-for-ban-on-ownership-of-big?r=1>

<sup>7</sup> Passed by Congress in 1900, the Lacey Act was the first federal law to address wildlife protection nationwide and was further amended in 1981 to expand protection to rare plant species. The Lacey Act Amendments of 1981 prohibited individuals from attempting to, assisting with, or actively participating in the import, export, transport, purchase or sale of fish, wildlife or plants taken or possessed in violation of federal, state, or tribal law. Lacey Act Amendments of 1981, 16 U.S.C. § 337 (1981).

<sup>8</sup> The Captive Wildlife Safety Act, which was signed into law in 2003, expanded the Lacey Act Amendments to include big game cats, such as lions and tigers. Captive Wildlife Safety Act, Public Law 108-191 (2003). The Captive Wildlife Safety Act represented an important step but did not prohibit ownership of big cats as pets as well as public contact with cubs.

<sup>9</sup> Big Cat Public Safety Act, Above Note 1, <https://www.congress.gov/bill/117th-congress/house-bill/263/cosponsors?r=3&s=1&searchResultViewType=expanded>.

<sup>10</sup> See <https://www.congress.gov/bill/117th-congress/senate-bill/1210/cosponsors?q={%22search%22:%5B%22S.+1210%22%5D}&r=1&s=1&searchResultViewType=expanded>.

<sup>11</sup> Jeffery James, *Does the US Have a Pet Tiger Problem?*, BBC News (Jun. 11, 2018), <https://www.bbc.com/news/world-us-canada-44444016>.

<sup>12</sup> Carney Anne Nasser, *Welcome to The Jungle: How Loopholes in the Federal Endangered Species Act and Animal Welfare Act Are Feeding a Tiger Crisis in America*, 9 Alb. Gov’t L. Rev. 194, 213 (2016), <http://docplayer.net/61500102-Welcome-to-the-jungle-how-loopholes-in-the-federal-endangered-species-act-and-animal-welfare-act-are-feeding-a-tiger-crisis-in-america.html>.

<sup>13</sup> *More Tigers in American Backyards than in the Wild*, World Wildlife Fund (Jul. 29, 2014), <https://www.worldwildlife.org/stories/more-tigers-in-american-backyards-than-in-the-wild>.

<sup>14</sup> *2016 Wild Feline Census*, Feline Conservation Found., <https://www.felineconservation.org/2016-wild-feline-census/>; Karin Brulliard, *The Trouble with Tigers in America*, Wash. Post (Jul. 12, 2019), <https://www.washingtonpost.com/graphics/2019/investigations/captive-tigers-america/>; Sharon Guynup, *Captive Tigers in the U.S. Outnumber Those in the Wild. It’s a Problem*, Nat’l Geographic (Nov. 14, 2019), <https://www.nationalgeographic.com/animals/2019/11/tigers-in-the-united-states-outnumber-those-in-the-wild-feature/>; Julia Jacobo, *Tiger Found Caged in an Abandoned Home Gets Second Chance at Wildlife Sanctuary: ‘He Seems to Be Happy’*, ABC News (Feb. 17, 2019), <https://abcnews.go.com/US/tiger-found-caged-abandoned-home-chance-wildlife-sanctuary/story?id=61130943>.

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- <sup>15</sup> Nasser, Above Note 12, at 197; Angie Wagner, *Big Cats Big Problems as Pets*, L.A. Times (Mar. 6, 2005), <https://www.latimes.com/archives/la-xpm-2005-mar-06-adna-tigers6-story.html>; see also Rafi Letzter, *There Are More 'Pet' Tigers Than There Are in the Wild. How Did That Happen?*, LiveScience (Jun. 18, 2018), <https://www.livescience.com/62863-more-tigers-pets-than-wild-worldwide.html>; Rachel Nuwer, *The Case Against Big Cat Ownership*, N.Y. Times Green Blog (Nov. 9, 2012), <https://green.blogs.nytimes.com/2012/11/09/the-case-against-big-cat-ownership/>.
- <sup>16</sup> World Wildlife Fund, Above Note 13.
- <sup>17</sup> Lacey Act, 16 U.S.C. §§ 3371-3378 (2006).
- <sup>18</sup> Captive Wildlife Safety Act, Pub. L. No. 108–191, 117 Stat 2871 (2003).
- <sup>19</sup> Lacey Act, 16 U.S.C.A. § 3372(e)(2) (2006).
- <sup>20</sup> Lacey Act, 16 U.S.C.A. § 3372(e)(2)(A) (2006).
- <sup>21</sup> USDA, Licensing and Registration under the Animal Welfare Act (February 2019), [https://www.aphis.usda.gov/animal\\_welfare/downloads/aw/awlicreg\\_gray-book.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/aw/awlicreg_gray-book.pdf); Harmon Leon, *America Has a Tiger Problem*, The Observer (Sept. 11, 2018), <https://observer.com/2018/09/america-tiger-problem-buying-big-cats-legal/>.
- <sup>22</sup> Endangered Species Act, 50 C.F.R. § 17.21(g)(6).
- <sup>23</sup> Douglas F. Williamson & Leigh A. Henry, *Paper Tigers?: The Role of the U.S. Captive Tiger Population in the Trade in Tiger Parts* 24 (2008).
- <sup>24</sup> Erica Goode & Mark Derr, *A Combustible Combination: Exotic Cats in Private Hands*, N.Y. Times (Oct. 7, 2003), <https://www.nytimes.com/2003/10/07/us/a-combustible-combination-exotic-cats-in-private-hands.html>.
- <sup>25</sup> Leon, Above Note 21.
- <sup>26</sup> *Map of Private Exotic Pet Ownership Laws*, Animal Legal & Hist. Ctr. (Sept. 16, 2019), <https://www.animallaw.info/content/map-private-exotic-pet-ownership-laws>; James, Above Note 11. See Nev. Admin. Code § 503.110 (2011); see also Wis. Admin Code ATPC § 10.84 (2017); Ala. Admin Code r. 220-2-.26; State Laws Exotic Cats, Big Cat Rescue (Dec. 31, 2019), <https://bigcatrescue.org/state-laws-exotic-cats/>.
- <sup>27</sup> See Cal. Code Regs. tit. 14, § 671 (2017); 2 Colo. Code Regs., § 406-11-II-1104 (LexisNexis 2019); Vt. Stat. Ann. tit. 10, § 4709 (2017); Animal Legal & Hist. Ctr., Above Note 20.
- <sup>28</sup> Animal Legal & Hist. Ctr., Above Note 26.
- <sup>29</sup> Animal Legal & Hist. Ctr., Above Note 26; Adele Young, *Caged Cat: Private Ownership of Lions and Tigers*, 38 Wm. & Mary Envtl. L. & Pol’y Rev. 535, 544-545 (2014); see Conn. Gen. Stat. § 26-40a (2012); 4 VAC § 15-30-10; La. Admin. Code tit. 76, § 115 (2012).
- <sup>30</sup> Animal Legal & Hist. Ctr., Above Note 26; see Fla. Admin. Cod Ann. r. 68-6.0011 (2015); Idaho Admin. Code r. 2.04.27 (2014); Me. Rev. Stat. Ann. tit. 12, § 7235-A.
- <sup>31</sup> James, Above Note 11 (noting that Texas allows private tiger ownership with registration but leaves enforcement of the law, as well as additional standards of care and regulations on enclosures to the state’s over two hundred counties).
- <sup>32</sup> Young Above Note 29 at 545-546. Leon, Above Note 21, at 3; John R. Plat, *Ohio Animal Tragedy Calls Attention to Loopholes in Captive Wildlife Laws*, Scientific America (Oct. 20, 2011), <https://blogs.scientificamerican.com/extinction-countdown/ohio-animals-tragedy-calls-attention-to-loopholes-in-captive-wildlife-laws/>.
- <sup>33</sup> Leon, Above Note 21; *Current State Big Cat Laws*, Turpentine Creek Wild Refuge, <https://www.turpentinecreek.org/current-big-cat-laws/>; Young, Above Note 29, at 546-47.
- <sup>34</sup> Fla. Admin. Code r. 68A-6.001 – 68A-6.0072, <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=68A-6>.
- <sup>35</sup> Williamson & Henry, Above Note 23, at 22.

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<sup>36</sup> James, Above Note 11.

<sup>37</sup> Only 50 pet tigers out of a possible 2,000 to 5,000 animals in private hands were registered as of June 2018. James, Above Note 11.

<sup>38</sup> Ga. Code Ann., § 27-5-1 to 12; *cf.* Ala. Admin. Code r. 220-2-.26.

<sup>39</sup> Leon, Above Note 21; *see also* Williamson & Henry, Above Note 21, at 22 (estimating that a tiger costs a “minimum” of \$5,000–7,500 annually to feed and for basic medical care).

<sup>40</sup> Williamson & Henry, Above Note 23, at 22 (The cost of building a secure enclosure for an adult tiger to the standards of the animal-sanctuary accrediting organization, the American Sanctuary Association, could be as much as \$45,000.); Ken Belson, *Tiger on the Loose: Can It Happen Here?*, N.Y. Times (Dec. 27, 2007) (As an example of a proper enclosure, tigers at the Bronx Zoo are contained in a habit that “is surrounded by a 20-foot-high chain-link fence with a 5-foot overhang that curls inward at the top. An electrified ‘hot wire’ runs along the inside of the fence ...[and] carries enough electricity to stun the tigers, so they have learned to steer clear of it, zookeepers say.”), <https://www.nytimes.com/2007/12/27/nyregion/27bigcats.html>.

<sup>41</sup> Williamson & Henry, Above Note 23, at 24; J.A. Mills, *Blood of the Tiger* 176 (2015) (recounting two cases of owners abandoning multiple animals: an elderly woman in Texas who died and left behind more than 20 orphaned tigers and cougars; and a Mississippi contractor who, when his construction business failed, simply moved 70 miles away and opened a bar, leaving his more than 30 tigers, cougars, and tiger-lion crosses behind to starve); Nicole Hensley, *Ex-Tiger Owner Arrested after Cat Found Caged with Feces, Rotting Meat and Maggots*, Chron (May 15, 2019), <https://www.chron.com/news/houston-texas/houston/article/Former-owner-of-tiger-found-in-Houston-home-13848817.php>; *see also* Susan Saulny, *From Tiger Man to Sharp-Dressed Man for His Day in Court*, N.Y. Times (Dec. 19, 2003), <https://www.nytimes.com/2003/12/19/nyregion/from-tiger-man-to-sharp-dressed-man-for-his-day-in-court.html>.

<sup>42</sup> House Natural Resources Subcommittee on Water, Oceans and Wildlife Hearing, Congressional Documents and Publications (Mar. 26, 2019).

<sup>43</sup> *Animal Welfare and Public Safety Advocates Applaud Senate Action to Restrict Possession of Dangerous Big Cats*, Animal Welfare Institute (June 6, 2018), <https://awionline.org/press-releases/animal-welfare-and-public-safety-advocates-applaud-senate-action-restrict-possession>; *see also* Wagner, Above Note 9.

<sup>44</sup> Nasser, Above Note 12, at 205.

<sup>45</sup> Press Release, Association of Zoos and Aquariums, Statement on Michigan’s Revised Large Carnivore Act (May 22, 2018), <https://www.aza.org/aza-news-releases/posts/association-of-zoos-and-aquariums-statement-on-michigans-revised-large-carnivore-act>.

<sup>46</sup> Williamson & Henry, Above Note 23, at 24 (There are more unwanted tigers in the United States than there is space or resources available.); Nuwer, Above Note 13 (There are not enough sanctuaries to solve the problem of abandoned adult tigers.); Young, Above Note 27, at 539; Young, Above Note 29, at 539.

<sup>47</sup> Williamson & Henry, *Paper Tigers*, Above Note 23, at 25; Guynup, *The Tigers Next Door*, Above Note 12, at 91.

<sup>48</sup> Max Kutner, *America Has a Tiger Problem And No One’s Sure How to Solve It*, The Smithsonian (Feb. 2015), <https://www.smithsonianmag.com/science-nature/america-has-tiger-problem-and-no-ones-sure-how-solve-it-180953974/>; *see also* The Humane Institute for Science and Policy, *Roadside Zoos are not Zoos* (1980), [https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1027&context=cu\\_reps](https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1027&context=cu_reps).

<sup>49</sup> Guynup, Above Note 14; *see also* Kutner, Above Note 48.

<sup>50</sup> Humane Society of the U.S., et. al., Petition for Rulemaking to Prohibit Public Contact with Big Cats, Bears, And Nonhuman Primates (Jan. 7, 2013), <https://bigcatrescue.org/wp-content/uploads/2016/11/2013-01-07-Public-contact-petition-amended-with-comments.pdf>; James, Above Note 911; House Natural Resources Subcommittee on Water, Oceans and Wildlife Hearing, Congressional Documents and Publications (Mar. 26, 2019); Karen Lambertson, *Undercover Investigation Reveals Alleged Abuse of Tiger Cubs at Natural Bridge Zoo*, WSLs News (Jan. 22, 2015, 4:44 PM), <https://www.wsls.com/news/2015/01/22/undercover-investigation-reveals-alleged-abuse-of-tiger-cubs-at-natural-bridge-zoo/>; Brulliard, Above Note 14; Bobby Riahi, *Write Team: Roadside Zoos are Cruel*, The Times (Aug. 8, 2018), <https://www.shawlocal.com/2018/08/01/write-team-roadside-zoos-are-cruel/ac5zxbj/>;

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<sup>51</sup> Brulliard, Above Note 14.

<sup>52</sup> Sharon Guynup, Above Note 14 (Guynup conducted “a two-year investigation into why there are likely more tigers living in cages in the U.S. than remain in the wild... [and] who owned them, what their living conditions are, how lax regulation has allowed them to proliferate, and how they’re traded around the country”); Monica Sarkar, *Ban America’s Pet Tigers, Activists Say, as Wild Tiger Numbers Drop to Record Low*, CNN (July 29, 2015), <https://www.cnn.com/2015/07/28/world/tigers-us-pets/index.html>; Tracy McManus, *Is Cuddling Tigers Conservation? Experts Warn It Leads to Too Many Tigers Languishing in Cages*, Tampa Bay Times (July 27, 2017), <https://www.tampabay.com/news/environment/wildlife/dade-citys-wild-things-touts-cub-encounters-as-conservation-but-experts/2331659/>; Alan Green, *Six Degrees of Exploitation 2* The Animals’ Agenda 30 (2000).

<sup>53</sup> Brulliard, Above Note 14; Young, Above Note 29, at 54; Humane Society of the US, *Petition*, Above Note 50. See also United States Department of Agriculture, *Controls over APHIS Licensing of Animal Exhibitors*, <https://www.usda.gov/sites/default/files/33601-10-CH.pdf>; Delcianna Winders, *Animal Welfare Act Could Protect Animals and Taxpayers — If It’s Enforced*, USA Today (Dec. 26, 2017), <https://www.usatoday.com/story/opinion/2017/12/26/enforce-animal-welfare-act-protect-animals-humans-taxpayers-delcianna-winders-column/953069001/>; see also Lydia Wheeler, *PETA Sues over USDA Roadside Zoo Licensing*, The Hill (May 15, 2018), <https://thehill.com/regulation/administration/387740-peta-sues-usda-over-roadside-zoo-licensing>.

<sup>54</sup> Karin Brulliard, *The USDA Is Issuing Far Fewer Citations to Zoos, Labs, and Breeders for Animal Welfare Violations*, Wash. Post (Feb. 26, 2019), <https://www.washingtonpost.com/science/2019/02/26/usda-is-issuing-far-fewer-citations-zoos-labs-breeders-animal-welfare-violations/>; Karin Brulliard, *USDA’s Enforcement of Animal Welfare Laws Plummeted in 2018, Agency Figures Show*, Wash. Post (Oct. 18, 2018), <https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?/>.

<sup>55</sup> Christine L. Mott, New York City Bar Association, *Letter to ABA: Re: Resolution Concerning Private Possession of Wild Animals* (2015), [https://www2.nycbar.org/pdf/report/uploads/4\\_20072859-SupportforABAResolution105RegardingthePrivatePossessionofWildAnimals.pdf](https://www2.nycbar.org/pdf/report/uploads/4_20072859-SupportforABAResolution105RegardingthePrivatePossessionofWildAnimals.pdf).

<sup>56</sup> *Victory: Roadside Zoo Ordered to Stop Declawing, Exhibiting Lion and Tiger Cubs*, PETA (Feb. 13, 2018), <https://www.peta.org/media/news-releases/victory-roadside-zoo-ordered-stop-declawing-exhibiting-lion-tiger-cubs/>.

<sup>57</sup> 9 C.F.R. § 2.131(c)(3). See APHIS, *Handling and Husbandry of Neonatal Cats* (Mar. 2016), [https://www.aphis.usda.gov/publications/animal\\_welfare/2016/tech-neonatal-nondomestic-cats.pdf](https://www.aphis.usda.gov/publications/animal_welfare/2016/tech-neonatal-nondomestic-cats.pdf).

<sup>58</sup> Humane Society of the US, *Petition*, Above Note 50, at 34.

<sup>59</sup> Humane Society of the US, *Petition*, Above Note 50, at 34.

<sup>60</sup> Humane Society of the US, *Petition*, Above Note 50, at 20 (discussing poor enforcement of current handling regulations); Jennifer Jacquet, Above Note 48.

<sup>61</sup> Humane Society of the US, *Petition*, Above Note 50.

<sup>62</sup> James, Above Note 9; Humane Society of the US, *Petition*, Above Note 50, at 34.

<sup>63</sup> Mott, Above Note 55; Riahi, Above Note 50 Humane Society of the US, *Petition*, Above Note 50, at 30.

<sup>64</sup> *Big Cat Public Safety Act*, Animal Welfare Inst. (Aug. 26, 2017), <https://awionline.org/legislation/big-cat-public-safety-act>; *Animal Welfare Advocates Applaud Congressional Action to Restrict Possession of Dangerous Big Cats*, Humane Soc’y Legislative Fund (Feb. 26, 2019), <https://hslf.org/press-release/2019/02/animal-welfare-advocates-applaud-congressional-action-restrict-possession>.



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<sup>65</sup> Humane Society of the US, *Petition*, Above Note 50, at 20; *Big Cat Public Safety Act*, Animal Welfare Inst. (Aug. 26, 2017), <https://awionline.org/legislation/big-cat-public-safety-act>; *Animal Welfare Advocates Applaud Congressional Action to Restrict Possession of Dangerous Big Cats*, Humane Soc’y Legislative Fund (Feb. 26, 2019), <https://www.humanesociety.org/news/animal-welfare-advocates-applaud-congressional-action-restrict-possession-dangerous-big-cats>.

<sup>66</sup> Humane Society of the US, *Petition*, Above Note 50, at 33.

<sup>67</sup> USDA APHIS, Tech Note: Handling and Husbandry of Neonatal Nondomestic Cats (Mar. 2016), [https://www.aphis.usda.gov/publications/animal\\_welfare/2016/tech-neonatal-nondomestic-cats.pdf](https://www.aphis.usda.gov/publications/animal_welfare/2016/tech-neonatal-nondomestic-cats.pdf). See also APHIS, Animal Care Inspection Guide (2019) at 3-7, [https://www.aphis.usda.gov/animal\\_welfare/downloads/Animal-Care-Inspection-Guide.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/Animal-Care-Inspection-Guide.pdf).

<sup>68</sup> USDA APHIS, Above Note 67.

<sup>69</sup> Humane Society of the US, *Petition*, Above Note 50, at 16 (Several agency documents suggest that APHIS generally interprets this performance standard as being violated when the public handles a big cat under the age of 8 weeks or over the age of 12 weeks.); USDA APHIS, Big Cat Question and Answer Commonly Asked Big Cat Questions, (Oct. 1, 2019), [https://www.aphis.usda.gov/animal\\_welfare/downloads/big\\_cat/big\\_cat\\_q&a.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/big_cat/big_cat_q&a.pdf). See also APHIS, Animal Care Inspection Guide (2019) at 3-7 and 3-8, [https://www.aphis.usda.gov/animal\\_welfare/downloads/Animal-Care-Inspection-Guide.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/Animal-Care-Inspection-Guide.pdf).

<sup>70</sup> Nasser, Above Note 12, at 229-30.

<sup>71</sup> Brulliard, Above Note 14 (“An analysis by New York University researchers identified 77 facilities offering public contact with baby animals in late 2015 and early 2016, mostly big cat cubs.”); Guynup, Above Note 14, at 91.

<sup>72</sup> Guynup, Above Not 14; James, Above Note 11.

<sup>73</sup> Williamson & Henry, Above Note 23; Nuwer, Above Note 15; Young, Above Note 27, at 539. Some cubs are sold to private owners who are usually unable to care for them once they become 500- pound tigers. Mills, Above Note 41, at 175.

<sup>74</sup> Williamson & Henry, Above Note 23, at 25. Guynup, Above Note 14, at 91.

<sup>75</sup> David Lee, *Trial Reveals Seamy Side of Tiger Park*, Courthouse News Service (Apr. 3, 2019) (Featured in a Netflix series released in March 2020, “Joe Exotic” [aka Joe Maldonado-Passage, the operator of a petting zoo and tiger breeding facility was convicted by an Oklahoma federal jury of trying to hire a hitman to murder animal sanctuary operator Carole Baskin of Big Cat Rescue in Florida and for killing five tigers under his care. He was convicted of two counts of murder-for-hire, eight counts of violating the Lacey Act and nine counts of violating the Endangered Species Act), available at <https://www.courthousenews.com/%ef%bb%bftrial-reveals-seamy-side-of-tiger-park/>; Brulliard, Above Note 14 (during his trial in March 2019, it was revealed that Maldonado-Passage had killed five of his own healthy tigers in order to make room for tigers a circus was willing to pay the exhibitor \$5,000 to board with him for the winter); Guynup, Above Note 14, at 91, 98-99, 104 (summarizing facts revealed during Joe Exotic’s trial and explaining he faces up to 69 years in prison); Sharon Guynup, *Tiger King’ stars’ legal woes could transform cub-petting industry*, National Geo. Wildlife Watch Apr. 15, 2021 (“another zoo owner featured in Tiger King—Bhagavan “Doc” Antle, owner of Myrtle Beach Safari in South Carolina—was indicted last October on charges that include felony wildlife trafficking and misdemeanor animal cruelty”) (<https://www.nationalgeographic.com/animals/article/tiger-king-stars-legal-cases-change-industry>); Leif Reigstad, *Joe Exotic: A Dark Journey Into the World of a Man Gone Wild*, Texas Monthly, May 13, 2019 (June 2019 issue) (detailed discussion of Joe Exotic’s trial and stating his birth name was Joseph Allen Schrieboegel), available at <https://www.texasmonthly.com/articles/joe-exotic-a-dark-journey-into-the-world-of-a-man-gone-wild/>. On January 23, 2020, Joe Exotic was sentenced to 22 years in prison. Rachel Bale, *What’s the Price for Mistreating Captive Tigers?* National Geographic Newsletter (Jan. 23, 2020), available at <http://www.nationalgeographic.com/newsletters/animals/2020/01/what-price-mistreating-captive-tiger-january-23/>; Guynup, Above Note 14, at 104 (“In 2003 Illinois corrections officer William Kapp was convicted for his role in shooting 18 tigers and leopards in their cages and brokering the sale of their meat and skins to buyers. The same year, California Department of Fish and Wildlife investigators found 90-some dead animals—mostly tigers, including 58 cubs—in a freezer.”).

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- <sup>76</sup> Philip J. Nyhus & Ronald Tilson, *The Conservation Value of Tigers: Separating Science from Fiction*, 1 J. Wildcat Conservation Legal Aid Soc’y 29, 33 (2009), [https://digitalcommons.colby.edu/cgi/viewcontent.cgi?article=1050&context=faculty\\_scholarship](https://digitalcommons.colby.edu/cgi/viewcontent.cgi?article=1050&context=faculty_scholarship).
- <sup>77</sup> Association of Zoos and Aquariums, *White Tigers, Lions, and King Cheetahs: Welfare and Conservation Implications of Intentional Breeding for the Expression of Rare Recessive Alleles* (January 2012), [https://assets.speakcdn.com/assets/2332/aza\\_white\\_paper\\_inbreeding\\_for\\_rare\\_alleles\\_18\\_jan\\_2012.pdf](https://assets.speakcdn.com/assets/2332/aza_white_paper_inbreeding_for_rare_alleles_18_jan_2012.pdf); Big Cat Alliance, *Display of Wild Cats in Zoos* (July 2019), [https://www.bigcatalliance.org/wp-content/uploads/2019/07/Zoo-display-of-wild-cats\\_edit\\_FINAL.pdf](https://www.bigcatalliance.org/wp-content/uploads/2019/07/Zoo-display-of-wild-cats_edit_FINAL.pdf).
- <sup>78</sup> Hannah Perry, *The World’s Ugliest Tiger: How Generations of Inbreeding to Create White Tigers Cause Horrific Deformities*, Daily Mail (Feb. 23, 2016), <https://www.dailymail.co.uk/news/article-3460552/The-world-s-ugliest-tiger-generations-inbreeding-create-white-tigers-caused-horrific-deformities.html>.
- <sup>79</sup> Sabina Rouse & Alison Maloney, *White Tiger Named Kenny Bred for \$50G Allowed to Live Because Owner’s Son Kenny ‘Thought Kenny Was Cute’*, Fox News (Jan. 11, 2019), <https://www.foxnews.com/science/white-tiger-named-kenny-bred-for-50g-allowed-to-live-because-owners-son-thought-kenny-was-cute>.
- <sup>80</sup> Humane Society of the US, *Petition*, Above Note 50.
- <sup>81</sup> Brulliard Above Note 14.
- <sup>82</sup> Brulliard, Above Note 14.
- <sup>83</sup> Nasser, Above Note 12, at 201; Nyhus & Tilson, Above Note 76, at 37.
- <sup>84</sup> Jackson Landers, *Why White Tigers Should Go Extinct*, Slate (Dec. 13, 2012), <https://slate.com/technology/2012/12/white-tiger-controversy-zoos-shouldnt-raise-these-inbred-ecologically-irrelevant-animals.html>.
- <sup>85</sup> Nasser, Above Note 12, at 201.
- <sup>86</sup> Kutner, Above Note 48.
- <sup>87</sup> Landers, Above Note 84. *See also* Brulliard, Above Note 14 (“Indeed, this disproportionate number of captive white tigers in the U.S. is the result of inbreeding for a recessive allele that also carries increased risk for an abnormally high neonatal mortality rate and high incidence of other serious conditions. These include: crossed eyes, cleft palate, clubbed feet, kidney abnormalities, scoliosis, strabismus, blindness, vascular anomalies that inhibit the ability to feed and swallow, congenital defects in cranial and skull development, and diminished life expectancy.”).
- <sup>88</sup> Landers, Above Note 84; *Today at Big Cat Rescue AZA Says No More White Tigers or White Lions*, Big Cat Rescue (Apr. 2, 2012), <https://bigcatrescue.org/today-at-big-cat-rescue-aza-says-no-more-white-tigers-or-white-lions/>.
- <sup>89</sup> Kutner, Above Note 48.
- <sup>90</sup> Suzanne M. Shephard et al., *Human Attacks by Large Felid Animals in Captivity and in the Wild*, 25 Wilderness & Env’tl. Medicine 220 (2014); *Law Enforcement*, Big Cat Rescue (June 16, 2019) (“Private owners are not able to control and manage dangerous big cats. The cats are frequently housed in dilapidated cages that are unlikely to hold them during natural disasters such as hurricanes, earthquakes and tornadoes. Law enforcement officers and the public would unnecessarily be put at risk when such disasters strike.”), <https://bigcatrescue.org/lawenforcement/>.
- <sup>91</sup> Nyhus & Tilson, Above Note 76, at 30.
- <sup>92</sup> Suzanne M. Shephard et al., Above Note 84.
- <sup>93</sup> Louis Dorfman (big cat animal behaviorist), *White Exotic Cats Don’t Make Pets* [http://www.louisdorfman.com/articles/exotic\\_cats.html](http://www.louisdorfman.com/articles/exotic_cats.html); *Wild Animals Are Not Pets*, The Smithsonian (Mar. 10, 2010), <https://www.smithsonianmag.com/science-nature/wild-animals-are-not-pets-25051705/>.
- <sup>94</sup> Sarah Zielinski, *Wild Animals Are Not Pets*, The Smithsonian (Mar. 10, 2010), <https://www.smithsonianmag.com/science-nature/wild-animals-are-not-pets-25051705/>.
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- <sup>96</sup> Humane Society of the US, Big Cat Incidents, <https://www.humanesociety.org/sites/default/files/docs/captive-big-cat-incident.pdf>.
- <sup>97</sup> Humane Society of the US, *Incidents*, Above Note 96.
- <sup>98</sup> Humane Society of the US, *Incidents*, Above Note 96.
- <sup>99</sup> Humane Society of the US, *Incidents*, Above Note 96.
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- <sup>131</sup> Nasser, Above Note 12, at 194-195.
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