



QUESTIONS AND ANSWERS (Q&A)
BIG CAT PUBLIC SAFETY ACT
(Pub. L. 117-243, December 20, 2022, 136 Stat 2336)

U.S. Fish and Wildlife Service



This document is for informational purposes only and should not be relied on as definitive guidance about legal requirements or liability.

What is the most important thing I need to know?

The BCPSA prohibits possession of prohibited wildlife species (otherwise referred to as “big cats”), unless a BCPSA exception applies. To qualify to continue to possess live specimens of big cats under the pre-BCPSA exception, 16 U.S.C. § 3372(e)(2)(E), you must register all live big cats in your possession with the U.S. Fish and Wildlife Service no later than June 18, 2023. The Service has no discretion under the BCPSA to vary the amount of time available to register. Additional information on the requirements for registration are described below.

What is the Big Cat Public Safety Act and when did the prohibitions and exceptions of the BCPSA go into effect?

The Big Cat Public Safety Act (BCPSA) was signed into law on December 20, 2022. [Pub. L. 117-243, December 20, 2022, 136 Stat 2336 (amending the Captive Wildlife Safety Act (CWSA), and Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371-3374, 3376, and 7 U.S.C. § 1997)].

The BCPSA places new restrictions on commerce in, possession, breeding, and use (including public contact) of certain big cat species (referred to in the BCPSA as “prohibited wildlife species”). The prohibitions and exceptions of the BCPSA entered into effect when the BCPSA was signed into law on December 20, 2022 (also referred to as the date of enactment). The U.S. Fish and Wildlife Service is currently working to update the regulations in 50 CFR part 14 subpart K to conform to current law. Please be advised, notwithstanding 50 CFR part 14 subpart K any act prohibited by the BCPSA is currently unlawful, unless a relevant exception under the BCPSA applies. To the extent of a conflict or inconsistency with the regulations implementing the CWSA at 50 CFR part 14 subpart K, the BCPSA statute is controlling.

How are big cats defined?

“Prohibited wildlife species” (also referred to as “big cats”) is defined as “any live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such species.” [16 U.S.C. § 3371(h)]. This includes any of the following species, or hybrids of any of these species: lion (*Panthera leo*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), clouded leopard (*Neofelis nebulosa*), jaguar (*Panthera onca*), cheetah (*Acinonyx jubatus*), cougar (*Puma concolor*). [50 CFR 14.252].

What specifically is prohibited by the BCPSA?

The BCPSA makes it unlawful for any person to:

- A. Import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce [16 U.S.C. § 3372(e)(1)(A)]; or
- B. Breed or possess; any live prohibited wildlife species [16 U.S.C. § 3372(e)(1)(B)]. The BCPSA also makes it unlawful for any person to attempt to commit any of these acts with prohibited wildlife species [16 U.S.C. § 3372(a)(4)].

Violators of the BCPSA are subject to civil and criminal penalties, and big cats bred, possessed, imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of the BCPSA are subject to forfeiture to the United States. [16 U.S.C. §§ 3373-3374].

How is breeding defined?

“Breed” means “to facilitate propagation or reproduction (whether intentionally or negligently), or to fail to prevent propagation or reproduction.” [16 U.S.C. § 3371(a)].

How is “direct contact” defined?

“Direct contact” means “any situation in which any individual other than an authorized keeper or caregiver may potentially touch or otherwise come into physical contact with any live specimen of the prohibited wildlife species.” [50 CFR 14.252].

Why do pre-BCPSA owners of pre-BCPSA big cats need to register their big cats with the U.S. Fish and Wildlife Service?

To qualify to continue to possess live specimens of prohibited wildlife species (big cats) under the pre-BCPSA exception, 16 U.S.C. § 3372(e)(2)(E), you must register all live big cats in your possession with the U.S. Fish and Wildlife Service no later than June 18, 2023. The Service has no discretion under the BCPSA to vary the amount of time available to register.

The BCPSA authorizes a limited exception from the prohibition on possession for a person or entity to register live specimens of prohibited wildlife species if certain requirements are met and continue to be met. [16 U.S.C. § 3372(e)(2)(E)]. The exception is intended to allow current owners of big cats at the time of enactment of the BCPSA to keep their big cats, but they must register with the United States Fish and Wildlife Service, are not allowed to breed, acquire, or sell big cats, and cannot allow direct contact between the public and their big cats. [H. Rept. No. 117-428, p. 17 (July 22, 2022)]. By registering their big cats by no later than the statutory deadline (June 18, 2023), the person or entity (registrant) may continue to possess registered big cats that were born before the date of enactment, December 20, 2022, and legally in their possession on or before the date of enactment, as long as the registrant meets and continues to meet all requirements of 16 U.S.C. § 3372(e)(2)(E).

When may I lawfully keep my big cat under the BCPSA?

The BCPSA has four exceptions, other than the pre-BCPSA exception. They apply only to qualifying entities exhibiting animals to the public under a Class C license from the Department of Agriculture, or a Federal facility registered with the Department of Agriculture that exhibits animals; State colleges, State universities, State agencies, or State-licensed veterinarians; qualifying wildlife sanctuaries; or qualifying transporters only when in custody of any big cat solely for the purpose of expeditiously transporting the big cat to a person who qualifies for an exception under the BCPSA [16 U.S.C. 3372(e)(2)(A)-(D)].

The BCPSA also allows entities that do not meet one of these four exceptions to keep their big cats under the pre-BCPSA exception, 16 U.S.C. § 3372(e)(2)(E), if they register them with the U.S. Fish and Wildlife Service and meet the other requirements stated below.

I am not licensed with the USDA and do not qualify for any of the other exceptions. What requirements are needed for me to meet the pre-BCPSA exception?

- A. To meet the requirements for the pre-BCPSA exception, 16 U.S.C. § 3372(e)(2)(E), from the prohibition on possession under the BCPSA, you (the pre-BCPSA owner) must:
 1. Register each individual big cat in your possession with the U.S. Fish and Wildlife Service by no later than June 18, 2023 [16 U.S.C. § 3372(e)(2)(E)(i)];
 2. Not breed, acquire, or sell any big cat after the date of the enactment of the BCPSA, December 20, 2022. [16 U.S.C. § 3372(e)(2)(E)(ii); NOTE: The requirement that the registrant not breed, acquire, or sell any prohibited wildlife species after December 20, 2022, applies regardless of whether the activity is intrastate, interstate, or international]; and
 3. Not allow direct contact between the public and any big cat after the date of the enactment of the BCPSA, December 20, 2022. [16 U.S.C. § 3372(e)(2)(E)(iii)].
- B. To meet the requirements under the pre-BCPSA exception, 16 U.S.C. § 3372(e)(2)(E), the pre-BCPSA big cat in your possession must:
 1. Have been born before the date of enactment of the BCPSA, December 20, 2022, except as described below for a big cat born on or after December 20, 2022, from breeding that occurred before December 20, 2022 [16 U.S.C. § 3372(e)(2)(E)];

2. Not have been acquired by you after the date of enactment, December 20, 2022, (i.e., legally in your possession on or before December 20, 2022, and have remained continually in your possession) [16 U.S.C. § 3372(e)(2)(E)(ii)]; and
3. Have been registered by you with the U.S. Fish and Wildlife Service by no later than June 18, 2023) [16 U.S.C. § 3372(e)(2)(E)(i)].

I have a big cat born on or after December 20, 2022, and I have documentation to prove the breeding occurred before December 20, 2022. The big cat was born within the normal gestation period for big cats, and substantially before the June 18, 2023 registration deadline. I meet all of the other requirements to register. Can I register my big cat under the pre-BCPSA exception?

The U.S. Fish and Wildlife Service recognizes that there may have been big cats bred before the effective date of the BCPSA, that were subsequently born on or after the effective date of the BCPSA. The text of the BCPSA only allows big cats born before the effective date of the BCPSA to be registered under 16 U.S.C. § 3372(e)(2)(E). If a big cat is not registered, then it may not be possessed by its owner under the limited exception of 16 U.S.C. § 3372(e)(2)(E); and, if each big cat owned by a registrant is not registered by the statutory deadline (i.e., no later than June 18, 2023), then the registrant does not qualify to possess any of their big cats under 16 U.S.C. § 3372(e)(2)(E). However, the BCPSA does not specifically address big cats born on or after the effective date of the BCPSA from breeding that occurred before the effective date of the BCPSA. As noted above, the exception is intended to allow current owners of big cats to keep big cats that were legally in their possession at the time of enactment of the BCPSA, if they register their big cats and comply with the BCPSA, including by not breeding any big cats on or after the effective date of the BCPSA. [H. Rept. No. 117-428, p. 17 (July 22, 2022)]. The BCPSA was not intended to retroactively prohibit breeding that occurred before the enactment of the BCPSA. Under the requirements of 16 U.S.C. § 3372(e)(2)(E)(ii)-(iii), after December 20, 2022 the registrant is prohibited from breeding, acquiring, or selling big cats, and from allowing direct contact between the public and big cats. However, the BCPSA requires that to keep and possess the parent under the limited exception of 16 U.S.C. § 3372(e)(2)(E), the owner must register not only the parent, but each big cat legally in the owner's possession, 16 U.S.C. § 3372(e)(2)(E)(i), which includes the cub legally bred before but born to the parent after the enactment of the BCPSA. Recognizing these intentions, and to avoid a reading of the BCPSA that would lead to an impossibility for some current owners of big cats both to comply with the law and possess big cats that are born on or after the effective date of the BCPSA from breeding that occurred before the effective date of the BCPSA, such big cats will be considered eligible for registration. In addition to meeting all the other requirements above, such big cats may be registered, if the registrant includes documentation demonstrating that the breeding of the big cat occurred before December 20, 2022 (the effective date of the BCPSA). The gestation period for all big cats is substantially less than the 180-day registration period provided in the BCPSA, meaning that any owners of big cats that are affected still must meet the statutory deadline to register (June 18, 2023). Accordingly, except as provided by the BCPSA [16 U.S.C. § 3372(e)(2)(A)-(D)], possession of any big cat born on or after December 20, 2022, is possessed in violation of the BCPSA, unless: documentation is provided by the pre-BCPSA owner to prove the big cat was born on or after December 20, 2022, from breeding that occurred before December 20, 2022, and all other registration requirements of 16 U.S.C. § 3372(e)(2)(E) are met as described above.

I do not qualify for another BCPSA exception, do not qualify for the pre-BCPSA exception, do not want to register, or otherwise no longer wish to possess my big cat, what can I do to comply with the BCPSA?

The pre-BCPSA exception, 16 U.S.C. § 3372(e)(2)(E), does not allow pre-BCPSA owners to acquire additional big cats after December 20, 2022. They may only register their pre-BCPSA big cats to continue to possess their pre-BCPSA big cats. Therefore, you may decide to make arrangements to donate your big cat to another person or entity that qualifies to possess big cats under one of the other exceptions of the BCPSA outlined in 16 U.S.C. § 3372(e)(2)(A)-(C).

As noted above, these are qualifying entities exhibiting animals to the public under a Class C license from the Department of Agriculture, or a Federal facility registered with the Department of Agriculture that exhibits animals; State colleges, State universities, State agencies, or State-licensed veterinarians; or qualifying wildlife sanctuaries. [16 U.S.C. §§ 3372(e)(2)(A)-(C).].

What could happen if I don't register?

Big cats bred or possessed in violation of the BCPSA and any big cat that is not registered on or before June 18, 2023, shall be subject to forfeiture for violation of the BCPSA prohibition on possession, unless another limited exception

applies. You may also be subject to civil and criminal penalties [16 U.S.C. §§ 3372(e)(2)(A) - (D), 3373(a)(1), 3373(d)(4), 3374(a)].

How can I register my big cats?

You must mail in your complete registration form to: *Division of Management Authority, MS:IA, 5275 Leesburg Pike, Falls Church, Virginia, 22041-3803*. You must complete and attach a separate Section B for each individual big cat. Mailed registrations must be postmarked by June 18, 2023; registrations postmarked after that date will not be accepted. We are unable to provide electronic registration services within the statutory deadline.

What other laws relating to big cats do I need to follow?

It is your responsibility to follow all local, state, and federal laws and regulations for possession of and other activities with prohibited wildlife species, and registration under the BCPSA does not constitute authorization to engage in any activity prohibited by such laws and regulations. NOTE: For example, most big cats are listed as either endangered or threatened under the Endangered Species Act and take of such species and their offspring is prohibited, with limited exceptions for take authorized by statute, regulation, or permit. [16 U.S.C. § 1531 et seq.; 50 CFR part 17].

What is the background for this legislation?

The Captive Wildlife Safety Act (CWSA) amended the Lacey Act Amendments of 1981 and was signed into law on December 19, 2003 (Pub. L. 108-191). The CWSA was enacted in response to concerns that the Lacey Act Amendments of 1981 did not explicitly address the increasing trade in big cat species. The CWSA made it illegal to import, export, transport, sell, receive, acquire, or purchase, in interstate or foreign commerce, live specimens of prohibited wildlife species, unless certain exceptions applied. The CWSA, and now the BCPSA, applies to live specimens of the following big cat species, or hybrids of any of these species: lion, tiger, leopard, snow leopard, clouded leopard, jaguar, cheetah, cougar.

The BCPSA further amended the Lacey Act Amendments of 1981 to clarify and update provisions enacted by the CWSA with regard to prohibited activities with prohibited wildlife species to address threats to public safety posed by big cats, particularly those currently kept in private ownership in the United States, and to further the conservation of these wildlife species. The new provisions of the BCPSA include adding a new definition of "breed"; adding a new prohibition on breeding; adding a new prohibition on possession; adding new prohibitions on import, export, transport, sale, receipt, acquisition, or purchase in a manner substantially affecting interstate or foreign commerce; revising CWSA exceptions, primarily to prohibit otherwise excepted exhibitors, sanctuaries, and registered owners from allowing public contact with big cats with limited exceptions; and enacting a new pre-BCPSA exception allowing pre-BCPSA owners to register their pre-BCPSA big cats in order to continue to possess their pre-BCPSA big cats [16 U.S.C. §§ 3371(a), (h), 3372(a)(4), (e); H. Rept. No. 117-428, p. 3-4 (July 22, 2022)].