

Approved: 2-9-95
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on February 6, 1995 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Mike LaRue, Director, Topeka Zoological Park, Topeka Ks.
George Teagarden, Kansas Animal Health Department, Livestock Commissioner
Andrea Robison, Altamont, Kansas
Sherry Smith, Hutchinson, Ks.
Christopher McDonald, Peabody
Kenneth MacNickle, Cherryvale, Ks
Mike Records, Wichita
John Shirey

Others attending: See attached list

Chairperson Corbin called for action on the minutes of the February 1 meeting. Senator Sallee moved that the minutes be adopted. Senator Clark seconded the motion. The motion carried.

Chairperson Corbin continued the hearing on **SB - 47** relating to exotic wildlife, exotic livestock and inherently dangerous animals.

Mike LaRue testified that the legislation is important to protect exotic wildlife from improper care and handling as well as protect the citizens of Kansas from the harmful consequences of dealing with exotic wildlife. He offered the expertise and counsel of their zoo to assist with the legislation (Attachment 1).

George Teagarden said their agency did not have a position on the legislation. If it were enacted their agency believed that some amendments for clarification purposes would be necessary (Attachment 2)

Testimony was continued for opponents of **SB 47**.

Andrea Robison testified in opposition to **SB 47**. She suggested that the exotic owners police themselves. Each county could form a committee composed of exotic owners and breeders and they would be responsible for inspecting facilities and prospective owners facilities to make sure they are in compliance with state laws and that the animals are healthy and housed safely (Attachment 3).

Sheri Smith opposed the bill. She said they already supply Kansas State Department of Wildlife and Parks with the information mentioned. They have no problem with fees other than the non-refundable part and the amounts (Attachment 4).

Christopher McDonald read Gina Jacques testimony opposing **SB 47**. She was scheduled to testify and due to a family crisis she was unable to attend (Attachment 5). Mr. McDonald also submitted letters from the following people opposing **SB 47**:

Eugene Neufield (Attachment 6)
Ray O. Smith (Attachment 7)
Donia McDonald (Attachment 8)
Jeanie Zortman (Attachment 9)
Julie Leiker, Nicole Ratzloff, Rachel Foley, and Jon Bramwell (Attachment 10)
Harvey F. Holladay (Attachment 11)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 10:00 a.m. on February 6, 1995.

Also, Mr. McDonald submitted petitions signed by 121 person opposing excessive government fees and taxes against exotic animal owners and breeders (Attachment 12).

Kenneth McNickle testified in opposition to **SB 47**. He thought he was being discriminated against for raising and caring for the animals he enjoyed (Attachment 13).

Mike Records presented a petition with 257 names opposing **SB 47** (Attachment 14)

John E. Shirey testified in opposition to **SB 47**. He said he is already regulated by the U.S.D.A. and he submitted a copy of those regulations with his testimony (Attachment 15).

Handouts were distributed in opposition to **SB 47** from:

Linda I. McCall (Attachment 16)
Steve P. Anderson and Nancy E. Carpenter (Attachment 17)
J. Cooper (Attachment 18).

A pamphlet advertising Mid America Exotic Auction, Inc. was submitted for review. A copy is on file in the Committee Chairperson's Office.

Letters from Senator Reynold's constitutions opposing **SB 47** were distributed. Their letters are attachments to these minutes:

Gerri Peters (Attachment 19),
Harry P. Holladay (Attachment 20),
Lara Clevenger (Attachment 21),
Richard Armstrong (Attachment 22),
Darwin Dean (Attachment 23),
K Schefp (Attachment 24),
Richard Armstrong (Attachment 25),
Wayne Cook (Attachment 26),
Ken Powers (Attachment 27),
Mary Derr (Attachment 28),
Larry F. Smith (Attachment 29),
Bary Henry (Attachment 30),
Jeremy Elling (Attachment 31),
Albert and Delite Rumsey (Attachment 32),
and Don and Janis Ferguson (Attachment 33).

Catharine A. Deever's written testimony was distributed (Attachment 34). Her testimony responses to questions raised on **SB 47**, during the hearing on Monday, January 30.

A petition signed by 65 people supporting the passage of **SB 47** was faxed from Dr. William C. Skaer, DVM from Wichita (Attachment 35).

Virginia Skinner, DVM, presented information on the state of California legislation concerning wild animals (Attachment 36), and the state of Oregon exotic animal's statutes (Attachment 37).

The meeting adjourned at 11:03 a.m.

The next meeting is scheduled for February 7, 1995.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 6 Feb 95

NAME	REPRESENTING
Mark C Reed	Lodgepole Co. Zoo
David P Taylor	Emporia Zoo
Virginia Skinner, DVM	Zoo + private practice veterinarian
Kevin R Smith	Self
Jerry Hight	KDWP
Mark [unclear]	Jurassic Pets
Mike [unclear]	Jurassic Pets
Dan Passan	Exotic Animals
Clark Mace	Exotic Animals
LARRY D. WOODSON	Ks DEPT OF Ag.
Galen Wierband	Stat Ref.
Ken Wilke	Ks Dept of Agriculture
Catherine A. Dever	KVMA
Mike LaRue	Topeka Zoo
Susan Lukert DVM	KVMA
John E Shiny	Exotic Breeders
Gary Allen	Mid America Auction
Phyllis Allen	" " "
Ladonna Lickteig	Lickteig Exotic Ranch

Andrea Polun self - Lorette Co Ks

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-6-95

NAME	REPRESENTING
Wm. E. Moore	Circle C Potatoes Ranch
Harold Watson	Kans Vet. Med. Assoc.
Carl Marsh	Sundowner Wildlife Farm
Kenneth & Connie McFieble	K & C Deer
John Gunn	H O B G B A
Jack Graves	H O B G B A
W. Cooper	
Steve & Linda McCall	Heart of Gold Equine
Catrache Spind	Patsy Habitat
Jerry News	Self
Keno White	S.R.E.
John McConall	McDonald's Farm
Shirley M. Smith	Self
Tammy Britton	Self
Debra Duncan	Animal Health
George Teagarden	Animal Health
Butt Hahn	Self
Mindy SACORS	SELF (CAT BREEDER)
E. J. BURDICK	BURDICK RATITES.

Remarks on Senate Bill 47
6 Feb 1995 - Michael D. LaRue

My name is Mike LaRue. I am director of the Topeka Zoological Park, Topeka, Kansas. I am a proponent of legislation that will regulate the trade in exotic wildlife and the keeping of exotic wildlife as pets.

Several of my colleagues used the acronyms AAZPA and AZA to mean the same organization. Both refer to the American Zoo and Aquarium Association which is the professional organization of Zoos and their staff members. Zoos and Aquariums are accredited by AZA for proper care and handling of wildlife and application of appropriate programs.

The two main federal agencies that regulate exotic wildlife are the US Department of Interior (USDI) and the US Department of Agriculture (USDA). The Endangered Species Act under USDI prohibits commerce involving endangered species and their parts without a permit. This prohibition concerns interstate commerce not the keeping and selling of endangered animals within the state. A Captive Bred Wildlife Permit can be obtained which is a blanket permit allowing endangered species to be purchased and sold. This permit can be obtained by anyone with the required documentation. USDI officials tell me they do not have the resources to properly enforce the regulations for captive wildlife since their emphasis is on wild born endangered wildlife. Most of the exotic wildlife sold at auctions is captive born. They also told me their opinion is that endangered species should not be kept as pets nor sold at auctions.

USDA regulates the care and handling of mammals under the Animal Welfare Act of 1973. These regulations set standards for researchers, dealers and exhibitors. They do not cover anyone having the covered mammals who are not researchers, dealers or exhibitors. In other words, individuals keeping these animals as pets are not covered. USDA has limited resources to inspect all those who should be licensed. Recently, USDA requested that AZA write minimum standards of care and handling for many types of mammals. You should have copies of some of that work. Those standards are under review by USDA at this time and may be included in future revisions of the regulations.

Because federal rules do not cover many situations, several states have enacted their own regulations. This year about eight additional states are considering regulations related to exotic animals. In addition, some cities and counties in Kansas have laws concerning exotic animals. Many, like the City of Topeka and Shawnee County, prohibit the keeping of exotic wildlife as pets.

Although a few areas in the state prohibit exotic animals, most do not. Our Zoo is constantly called upon to house animals acquired without proper knowledge of the laws or confiscated as the result of drug raids or for humane reasons. Unfortunately, not only do we not have the room but some of these animals pose a health threat to our collections. Remember, there are no approved vaccinations for exotic animals that protect against such diseases as rabies.

The AZA has long discouraged exotic wildlife as pets. In a brochure entitled "Wild Animals Do

*Senate Ag Co
2-6-95
attachment 1*

Not Make Good Pets" the AZA states: "It is virtually impossible for a wild animal to adapt to traditional household living." "Captive wild animals should be managed in a zoological park or aquarium by professional biologists and other specially trained persons."

While there are responsible individuals who are conscientious caretakers of exotic wildlife, there are others who are not. While there are responsible marketers of exotic livestock, there are others who are not. Thanks to the work done by Dr. Skaer, we know some of the negative impacts on the people of Kansas and the agricultural interests of the State by those who are neither conscientious nor responsible.

Exotic animals are one of nature's most precious resources. Their exploitation is well documented around the world and most people abhor that exploitation. Kansas should not be a party to this problem and I hope we can be responsible in applying appropriate legislation that will help protect these precious resources. One would think this issue could be avoided by common sense. But common sense is often very uncommon.

As a precious resource, exotic animals deserve our respect, understanding and humane consideration. The video you recently viewed of exotic animals at an auction in Kansas showed these auctions have none of these elements. I was embarrassed that the young people who viewed that video with us saw how badly these beautiful animals can be treated. The care of nature will be entrusted to those young people. We must show them it can be done with respect and caring.

I realize this legislation creates much work for overworked agencies. I will offer the expertise and counsel of our Zoo to assist with this legislation. I am sure the other institutions and individuals supporting this bill will also assist. This legislation is important to protect exotic wildlife from improper care and handling as well as protect the citizens of Kansas from the harmful consequences of dealing with exotic wildlife. I appreciate the opportunity to speak on this legislation.

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner
712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808
Phone 913/296-2326 FAX 913/296-1765

TO: Senator David R Corbin, Chairman
Senate Agriculture Committee
FROM: George Teagarden, Livestock Commissioner
RE: Senate Bill 47
DATE: January 30, 1995

The Kansas Animal Health Department (KAHD) supports the concept behind Senate Bill 47 but believes that the bill needs some amendments to be workable.

As presented, the bill requires Wildlife and Parks to license and inspect exotic livestock markets. Currently the KAHD has the authority to regulate exotic animals since fiscal year 1994. We have a preliminary draft of rules and regulations but believe our scope of authority is limited to regulation of disease control programs. We do not mind the shift of responsibility but believe that the bill goes too far in some cases and not far enough in others.

The definition of exotic wildlife appears to not include bears, cougars and other wildlife that have historically ranged in Kansas.

We believe that ratites, which we have statutory authority for, fall under the definition of exotic livestock since they are not indigenous to the United States.

The definition of inherently dangerous animals probably includes some breeds of dogs that are presently regulated to some extent under our companion animal statutes. Breeders of wolf hybrids are included in the companion animal statutes.

The bill requires the operator of an exotic livestock market to provide inspection and collect fees but the fees are to be deposited in our veterinary inspection fee fund. We appreciate the revenue but would believe that the agency providing the services probably should receive the fees.

Senate Ag. Co
2-6-95
Attachment 2

Senator David R Corbin, Chairman
Senate Agriculture Committee
January 30, 1995
Page Two

The bill also eliminates our ability to set health requirements for exotic animals. We believe that the KAHD is the only state agency that has the capabilities to control health problems that might be a threat to humans and other animals.

We would ask that you consider an amendment to the domesticated deer statutes that give the KAHD the authority to require notice of escaped deer and give the department the authority to destroy any escaped deer that might be a disease threat to other livestock or wildlife.

It is the opinion of the KAHD that some exotic auctions as we know them today could come under two agencies and require three licenses under this bill. An auction that sells livestock (pot-bellied pigs, miniature horses, goats and sheep) would need a livestock market license, an auction that sells birds probably needs a pet shop license and exotic animals and wildlife would need an exotic livestock market license. Confusing and perhaps overboard on regulations.

Thank you. Are there any questions?

legis/SB47

Regarding Senate Bill #47

This letter is addressed to those persons wishing to pass a bill that regulates the sale and ownership of exotic animals. To start with, let us remember that not all inherently dangerous animals are exotics. There are more people attacked, maimed, and killed each year by dogs than injured or killed by exotics, but inherently dangerous dogs are not included in the bill. Ostriches, although considered livestock, are extremely dangerous and can disembowel a person with one kick, not to mention the damage they can do with their beaks.

Senator David Corbin does not seem to realize that the State Department of Wildlife and Parks does have the authority to regulate the sale and ownership of exotic animals. A breeder must have a Kansas Gamebreeder's license, and a purchaser must get a possession permit. Facilities are supposed to be inspected periodically on a random basis. There are state standards which the pens or cages must meet. The bill that he is supporting would require a state license costing \$500 initially and \$250 to renew each year "just for the privilege of owning and caring for an exotic or inherently dangerous animal." Senator Corbin says the fees would pay for the cost of enforcing this bill, but it will end up in the same mess as the laws regulating dog kennels and puppy mills. There are two inspectors for the whole state of Kansas, and they are not getting the job done.

Now, let's get down to brass tacks. Most of the people supporting this bill know nothing about exotic animals, in particular the care and ownership thereof. They read an occasional article about an exotic related injury, the poor condition of sales facilities, or the condition of an animal being sold.

Zoo officials, some veterinarians, and the rest seem to be of a mind that individual citizens of this so called "free country" have no right to own an exotic or "inherently dangerous" (dogs excluded) animal. They feel that these animals belong in a zoo or in the wild. Well, most of these animals had no choice about being born in captivity, and for some species, captivity is the last place on this earth they stand a chance of surviving. Just like when the white man forced the Native Americans off their land, killing them, putting them onto reservations, or forcing them to become "civilized" so they could integrate into mainstream society, we have taken the natural habitats of these animals away from them, killing them, forcing them into wildlife refuges, or into captivity.

I totally agree with the idea that something needs to be done to revise the system, but not what is being proposed. Instead of politicians and heretics deciding what is appropriate regarding the

Senate Ag Co
2-6-95
Attachment 3

ownership and care of such animals, let all the exotic animal owners and breeders elect from amongst themselves and nonbiased medical professionals a committee to draft a bill that would provide the best environment possible for exotic animals. No one knows better than a responsible, knowledgeable exotic owner what is best for their particular breed. I myself have given this matter a lot of serious thought and, being the owner of an exotic animal, or rather by Senate Bill #47's definition, the owner of an inherently dangerous animal, I feel I have a better understanding than most exactly what this bill will mean if it is passed as is.

I have some suggestions that are viable, feasible, and are what we need to protect both the animals and ourselves.

First, let's start where the problem starts - Gamebreeders. Require Health Certificates from a veterinarian to be part of the Gamebreeders sales receipt. The certificate would include the veterinarians name, address, phone number, the date of examination, and the veterinarian's signature. Make it against the law to sell an exotic without a certificate of health.

Secondly - Purchasers. Require a person who wishes to purchase an exotic or inherently dangerous animal to speak with either a game warden, zoo veterinarian, local veterinarian who treats animals of the breed to be purchased, or someone from the Biology Department of a university and have certificates, available from the Kansas Department of Wildlife and Parks, that have to be filled out and signed by at least two of the above mentioned professionals confirming that the person has spoken at length with them about a particular breed and state the breed, professional's name, address, and phone number. Also require that the purchaser speak with at least two responsible, knowledgeable owners of the breed to be purchased and have them also sign the certificate including all the above mentioned information. This certificate would then have to be presented to the breeder before the prospective buyer could purchase the animal. All information on the certificate would have to be verified by the seller before selling the animal. This takes care of someone purchasing an animal on the spur of the moment without giving it a lot of thought or having an idea of what they are getting into.

Thirdly - Facility specifications. The state of Kansas does not have adequate rules governing the facilities in which exotics or inherently dangerous animals are kept. Adopt the federal standards for exotic animal cages, pens, and facilities. If this is done, a lot of the problems with human injuries would be solved. Require barrier fencing around all facilities and locks on all gates and doors.

Next, instead of politicians and bureaucrats riding shotgun on exotic owners, let them police themselves. Require that in each county a committee be formed by exotic owners and breeders and that this committee would then be responsible for inspecting existing facilities and

prospective owners' facilities to make sure that they are in compliance with the laws and that the animals are healthy and housed safely. Names and phone numbers of committee members would be available through the Department of Wildlife and Parks and local game wardens. This would take a great burden off of the state by letting the committees do all of the leg work, and if a violation was found or a questionable situation was thought to exist, then the committee could call in the local game warden.

Lastly, regarding gamebreeders licenses and possession permits. Require health certificates to be part of the licensing process, when first licensed and yearly when renewed. Require possession permits to be renewed yearly by original acquisition date and a health certificate from a veterinarian accompany the renewal application. This would insure the health of all exotics and inherently dangerous animals that are being kept in captivity. Set a reasonable fee for licenses and permits.

Instead of punishing the responsible owners and breeders by charging outrageous licensing fees, encourage the upgrading of facilities and better veterinarian care for the animals owned by less than responsible people. Punish the violators by fining them when in noncompliance with the above mentioned rules or reasonable equivalent. Don't punish those people who do take good care of their animals by making them spend money on a useless license, money that would be better spent on the care and housing of their animals.

A lot of health problems with exotics, in particular the carnivores, is the diet that they are fed. Raw chicken, turkey, and beef do not provide an adequate supply of vitamins, minerals and taurine. In the wild, the first thing a cougar eats is the internal organs and intestines, and then if it is still hungry, it will eat the muscle tissue. (More information on this can be received by phoning 913-273-9700 right here in Topeka.) Require an adequate diet be provided for the species owned. This in itself will limit the number of exotic owners to very responsible people because of the cost involved. I myself spend over \$100 a month to feed my seven month old cougar. I feed him a canned zoo diet. No raw meat. A raw meat diet would be sufficient as long as proper supplements were added to provide balanced amounts of vitamins, minerals, and taurine. I strongly oppose the license fee that has been proposed because I have better things to spend the money on where my cat is concerned. If the bill is passed as is, how many people currently owning these animals can afford to pay the exorbitant licensing fees? If they cannot pay, what happens to the animals? There is no market for adult carnivores in which these people can recover their lost investments. How many lawsuits does the state want filed against it for damages. I know that I am not the only person who has spoken to a lawyer regarding this situation. If you want us to pay this outlandish amount just to own and care for an animal that could hurt someone, how about making owners of vicious dogs pay \$500 a year for a license for the privilege of owning and caring for it. There are more people attacked, hurt, or killed by dogs

than exotics.

After having had the opportunity to review Senate Bill #47, I am still of a mind that the issue of private ownership (addressing specifically new Section #15) of exotics and inherently dangerous animals is being slid through the law making process by hiding it in the middle of thirty-one other points in the bill. Private ownership is a completely separate issue and should be treated as such.

Any person or persons who would like to see first hand proper care and facilities, for cougars in particular, are invited to visit myself and the breeder from which I purchased my animal at any time they would like to drop by. My cat is part of my family, and if I have to sell my farm and move out of state to keep him, I will because I will not be railroaded into throwing my money away on something that will never work. I have been a lifelong resident of Kansas and have been the victim of excessive taxes and ridiculous laws, but this is the final straw.

Sincerely,

Andrea Robison
Labette County Kansas

UNIVERSITY OF KANSAS
MUSEUM OF NATURAL HISTORY

PUBLIC EDUCATION SERIES No. 7

December 31, 1981

MAMMALS IN KANSAS

By James W. Bee

*Assistant Curator of Mammals, Emeritus
Museum of Natural History
University of Kansas*

Gregory E. Glass

*State Biological Survey of Kansas
and Museum of Natural History
University of Kansas*

Robert S. Hoffmann

*Curator of Mammals
Museum of Natural History
University of Kansas*

Robert R. Patterson

*Vertebrate Zoologist
Museum of Natural History
University of Kansas*

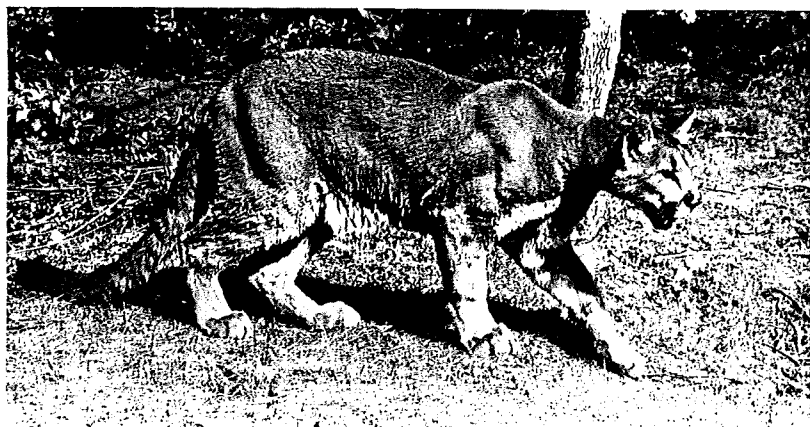
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3-5



An adult mountain lion (*Felis concolor*). Photograph by Robert R. Taylor.

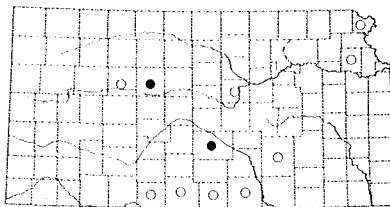
CATS (FAMILY FELIDAE)
Mountain Lion
Felis concolor Linnaeus

Description: The mountain lion is presently extinct in Kansas. It can be distinguished by: 1) large size, 2) relatively small, rounded head, 3) short, round, black ears which have occasional gray or red patches on the back, 4) sides of muzzle black, 5) long, well-furred tail colored like the upper body except for the dark brown or black tip, and 6) dorsal color slate gray to buff or reddish brown, lighter on the shoulders and fading to buff or nearly white on the belly, chin, throat and upper lips. Juveniles are distinguished from adults by their yellowish brown coat covered with large black spots. The tail is banded by dark rings. Juvenile markings fade and adult colors are reached when the animal is about half grown.

Size: Adults may attain the following dimensions: total length 1844-2105 mm; tail 690-803 mm; hind foot 230-292 mm; ear 52-105 mm; weight 36-91 kilograms.

Range and Habitat: Originally, mountain lions probably ranged throughout Kansas. They seem to have reached their greatest abundance in southern Kansas along timbered streams, and the adjacent hills and grasslands.

They were reported to be uncommon on shortgrass prairie where shelter was absent. In other areas, mountain lions use both rocky, forested areas and the tall grass prairie and savannah. There were two subspecies of the mountain lion in Kansas: *Felis concolor*



hippolestes Merriam in the western quarter of the state, and *Felis concolor schorgeri* Jackson throughout the rest of the state.

Reproduction: The mountain lion breeds throughout the year, but a peak occurs in April and May. Most females breed once every two years. After a gestation period of about 96 days, one to six (usually two or three) kittens are born with their eyes and ears closed. They are 200 to 300 mm long and weigh 230 to 450 (average 340) grams. Their eyes are fully open after two weeks. The kittens begin eating meat at six weeks of age, but continue to suckle for about twelve weeks. The female brings food to the den for several weeks, and then brings the kittens to eat at her kills. After about two months the den is abandoned and kittens follow the female, using temporary shelters while she hunts. When they are half-grown (about six months), they follow the female while she hunts. Most young mountain lions remain with the female for more than a year, dispersing by the time they are two years old.

Habits: Individual mountain lions maintain territories of various sizes, ranging from eight to forty square kilometers. The size depends upon food abundance, habitat and reproductive condition (females with kittens have larger territories than nonreproductive females). Dens are made in shallow, open caves, under uprooted trees or in dense thickets. No bedding materials are gathered. Population densities have been estimated at one mountain lion per 18 square kilometers. Individuals of the same sex have non-overlapping territories, but males and females may share the same areas. Territories are often established by scratch and scent marks. The marks permit individuals to avoid close contact with one another. Many mountain lions in a population do not possess territories and are transients.

Food: Deer comprise 65 to 80 per cent of the diet of the mountain lion. Porcupines also make up a conspicuous portion (20 per cent) of its food, and rabbits, hares, squirrels, rats, mice and beavers usually form the remainder of the diet.

Remarks: The last confirmed mountain lion in Kansas was taken in 1904 in Ellis County. Early records show it was common in Harper, Barber, Comanche, Saline, Butler and Sumner counties. The mountain lion once ranged across southern Canada, the contiguous United States, and Central and South America. Presently, it is restricted in North America to portions of the western United States, with isolated populations in Florida, eastern Canada, and other parts of the eastern and southern United States. Recent reports have confirmed the presence of the mountain lion in Missouri and Oklahoma. It may also be present in western Nebraska. Mountain lions, in the wild, may live a maximum of 15 to 18 years.

In regards to Senate Bill No. 47,

New Section 1.

Paragraph (f) "Inherently dangerous animal" means an animal, due to such animal's nature, which poses a significant threat to human safety.

This needs to be changed. Exotic cats by nature avoid all contact with humans they aren't familiar with.

My horses, by my definition, are more of an "Inherently dangerous animal" than my pet cougar.

Five months ago I layed in a hospital bed for over a week not knowing whether I would ever have a face again. Thanks mostly in part to my plastic surgeon and the titanium plates that hold my entire face together. This is the result of a "Domestic Rex horse."

To keep things as brief as possible.

New Section 15.

Paragraphs (a thru e) (a) Except as otherwise provided by law or rules and regulations of the secretary, any person in the state of Kansas who owns, maintains or has caged an inherently dangerous animal shall be required to license such animal with the secretary.

(b) Any person making such application for an inherently dangerous animal license shall do so to the secretary in writing, verified by the applicant, in the form as prescribed by the secretary showing the following:

(1) The name and address of the applicant;

(2) the species of such animal; and

(3) the address at which such animal will be maintained.

(c) Such application shall be accompanied by an application fee in an amount set by the secretary of not more than \$500, which shall not be refundable if the application is denied or withdrawn.

(d) Each such animal license shall be renewed annually, on or before June 30, by paying a renewal license fee of not more than \$250 to the secretary for each such animal license, which payment shall constitute a renewal until June 30 of the following year.

(e) The secretary shall adopt rules and regulations for the caging and maintenance standards of such inherently dangerous animals.

We already supply Kansas State Department of Wildlife and Parks with the information mentioned.

As for the fees, I have no problem with this idea other than the non-refundability and the amounts:

As far as I'm concerned the Department of Wildlife and Parks has done a very good job. They have been out to my house to inspect my pen, it obviously met their requirements or they wouldn't have issued me a possession permit for my cougar.

Thank You,

Sheri M. Smith

Sheri M. Smith
Hutchinson, Ks.

Senate Ag Co.
2-6-95
Attachment 4

attn: Senate Agriculture Committee

I am writing this letter to you only because I can not be with you in person, to speak of my feelings on this issue due to family crisis.

I am greatly opposed to senate bill #47. My husband and I are owners of exotic animals and we feel strongly that the current regulations are enough. I myself am not against regulations but most of all I do not feel that everyone has the mentality of owning exotic animals. Those of us who are responsible owners should not have to pay for the ignorance of those unqualified to own these beautiful animals.

If anyone should be opposing the ownership of exotics, it should be my husband and I. We at least realize that it is the responsibility of the owner and not the animals fault if something happens.

Two years ago we went to look at a cougar that the owner had told me was good with children ^{Senate Ag} and one that had been in the 2-6-95 attachment 5

house. Those were lies as far as I am concerned. When we got there we were concerned. The owner was drunk as was his buddy. The cats were not caged but on chains out in the yard. While I was talking to the so called "owner", my husband turned to make a comment to the man next to him. As our 2 yr. old daughter stepped backward. The cat knew she had stepped too far, and due to the playful nature of the cat (how it had been raised; to play rough) he lunged at her grabbing her leg and taking her to the ground and then biting her in the neck. We were able to fend off the cat and drove to Wesley Med. Center in Wichita. On the way to the hospital she repeated over and over "That Kitty bit me." Due to us not making a big deal out of it as far as panicking, our daughter was not traumatized and only a few days later was saying she wanted a cougar but we better start with a baby.

Our family has now grown to 4 children, ages $5\frac{1}{2}$, $4\frac{1}{2}$, 3 and $1\frac{1}{2}$.

We also now own a pair of cougars. The children love them but we have instilled in them that all animals can be dangerous. When we have people over, they are overcome by the beauty of the animals yet we are owners who stress perimeter fences and distance, and we abide by that with all visitors.

This morning our kids said it wouldn't be fair to take away being able to own animals I agree, after all, can't dogs be dangerous? After all, I've been bitten by a hamster. So where are you going to draw the line?

Why not just leave it to the responsible owners and breeders along with wildlife and parks to keep track of these animals?

I appreciate your time and I ask that you consider the fact that we who are "For" exotic animals are not asking for a NO RULES ownership but rules that are acceptable to everyone. The animals are not to blame it is the owners who need to be responsible.

Thank you. 5-3
Gina Giacques
"Big Paw Exotics"

2-5-95

Hello, my name is Eugene Newfield, it has come to my attention that my place was mentioned last week at your meeting. I hope that these pictures will correct any misleading impressions you may have. I bought my conger in 1985 as a pet. Later he turned into a hobby because of my interest in animals, so I spend time and money improving my place which seems to be a neverending process, and time on the phone to Zoo's, Vets, and reading the few books which are available. Daily interaction with my animals plus 10 yrs has give me very much joy and an education that money cannot buy. I also know that these animals are a life long commitment and have agreed to that and I tell people that these are a major responsibility. I have raised many types of animals including orphans to return to the wild. This does not make me immune to danger though I carry a gun, have stun battion, and a cattle prod which I haven't had to use, I keep a tranquilizing gun which is registered with this state which I have used both for medicating and to bring an animal down to work on him. I also have a jab pole for the same purpose. I did not start this lightly and the money I've spent over the years is evidence of that. This bill would destoy every thing I worked for as it is written. You must realize that with less than 300 Siberian Tigers left that a money value cannot be made here and if they survive it's because of dedecated breeders. ^{Sunday 6} 2-6-95
Attachment 6

Longford Ks
Feb 2, 1995

Kansas Senate Agriculture Committee,
Topeka, Kans,

Dear Sirs:

I'm writing in regard to Senate bill 47 concerning exotic animals. The exotic animal business is the brightest spot in agriculture. It is big business, let's not destroy it.

We are adequately regulated by U.S.D.A. We do not need more rules & regulations. All we need is to enforce what we have. Zoos do not breed enough to ensure future survival of our animals. Our grandchildren will benefit, or suffer the loss, depending on our decisions now. I am opposed to the bill as proposed.

I have had exotics since 1962. They are my livelihood. Don't put me on welfare.

Sincerely Ray O. Smith ^{Senate ag} (attachment 1)

Circle B Buffalo Ranch 2-6-95

Donia McDonald
McDonald's Farm
R.R. 1 Box 61
Peabody, Ks 66866
(316) 983-2332

Senate Agriculture Committee
Topeka, Kansas

Senators:

I've heard a rumor that Senate Bill # 47 is about to be killed. Please, go back to the drawing board. We need reasonable regulations to protect the animals & the people. The state needs to be empowered to prevent 'lions on chains' & other abuses & neglect. Let us, breeders & owners, help you construct a fair & equitable law that will make Kansas an example with a healthy & safe exotic animal population.

Thank you

Donia McDonald

2-5-95

Senate Ag
2-6-95

attachment 8

January 24, 1995

Sen. Marian K. Reynolds
State Capitol
Topeka, Kansas 66612

RE: SENATE BILL NO. 47

Dear Senator Reynolds:

Senate Bill No. 47 is at best too vague for consideration. The vagueness and confusion in this Bill is readily found throughout the entire bill.

It clearly does not address the issue of protecting exotic animals from humans who are too greedy or just stupid. The bill does not specify what is exotic livestock.


Not all exotic animals fall into the premise of game farming or ranching or inherently dangerous animal.

The bill sets out applications and fees that penalize those humans who can own and produce an exotic animal for their own personal enjoyment or as a business venture without greed or stupidity.

If this bill passes as written the exotic market will be flooded with animals that are no longer economically feasible to some or no longer affordable to another. Unfortunately some will be turned loose or dumped, similar to unwanted puppies and kittens.

Senate Bill No. 47 has the right idea that exotic animals should be registered and special criteria should be met by the owners, markets and producers to protect the animals and humans. The authors of this bill should also take into consideration that we are dealing with humans and as hard as it is to accept you cannot legislate or enforce moral character or common sense.

Sincerely;


Jeanie Zortman
11322 Middle Road
Dodge City, Kansas 67801

Senate Ag Co
2-6-95
attachment 9

SENATE COMMITTEE ON AGRICULTURE
TOPEKA, KANSAS

I am requesting that you VOTE NO!; ^{c N} ~~OS~~ Senate Bill #47 in regards to inherently dangerous animals. This section should be revised to state, the rules and regulations to apply to these animals; that a reasonable application fee be set. Further, this section does not specify the powers or the policy or destruction of there animals if application is denied.

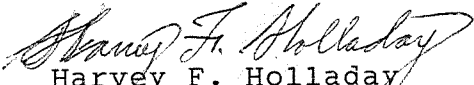
If we are going to discuss dangers that are taken by people, then let us discuss all dangers; not just animals. Driving down the street or road, you never know when you could have an accident. Farming is a very high accident risk, drive by shooting, air, bus, train travel, racing, boating, hunting, and rodeo's, life is full of danger.

Brent Thurman, bull rider of Las Vegas was killed riding Dec. 11, 1995. Lane Frost, world champion was gored to death at Cheyenne Frontiers Days Rodeo. This was the way they wanted to live, this was there choice, even though they knew it was dangerous. I think everyone should have the same equal rights to make his own choice .

Just how many people have been hurt or killed by these inherently dangerous animals??

So again, I am asking you to VOTE NO!; on this Senate Bill#47.

Thank you for your time,


Harvey F. Holladay
11332 Middle Road
Dodge City, Kansas 67801

Senate Ag
2-6-95
Attachment 11

SENATE COMMITTEE ON AGRICULTURE
TOPEKA, KANSAS

WE, the under signed have signed this petition requesting that you to VOTE NO!; on Senate Bill Number 47. We oppose the bill as written, specifically New Section #15, in regards to inherently dangerous animals. This section should be revised to state, the rules and regulations to apply to these animals; that a reasonable application fee be set.

As written, this section penalizes responsible owners, producers and markets with an unjustified non-refundable application fee. Further, this section does not specify the powers or the policy criteria of the secretary as to the disbursal or destruction of these animals.

(NAME)	(ADDRESS)
<u>Teresa Komade</u>	<u>Box 101 Spearville Ks 67876</u>
<u>Lori Huff</u>	<u>2945 E. Main Lot 104 Dodge City, Ks 67801</u>
<u>BC Champlin (Gum)</u>	<u>1920 E. Trail, Dodge City, 159</u>
<u>Mark E. Champlin</u>	<u>P.O. Box 607, Dodge city,</u>
<u>Deanna Derr</u>	<u>RT #3 11330 Middle Rd D.C. Ks</u>
<u>Cindy Derr</u>	<u>1330 Middle Rd D.C. 150</u>
<u>Sam Chenevix</u>	<u>1136 1/2 Middle Rd D.C. Ks</u>

(additional sheets attached)

Senate Ag. Co
2-6-95
Attachment 12
12-1

SENATE COMMITTEE ON AGRICULTURE
TOPEKA, KANSAS

WE, the under signed have signed this petition requesting that you to VOTE NO!; on Senate Bill Number 47. We oppose the bill as written, specifically New Section #15, in regards to inherently dangerous animals. This section should be revised to state, the rules and regulations to apply to these animals; that a reasonable application fee be set.

As written, this section penalizes responsible owners, producers and markets with an unjustified non-refundable application fee. Further, this section does not specify the powers or the policy criteria of the secretary as to the disbursal or destruction of these animals.

(NAME)	(ADDRESS)
<u>Ernest Carmore</u>	<u>1002 Avenue C</u>
<u>Norma Beebe</u>	<u>607 Locust Peabody Ks</u>
<u>Sandra Mendosh</u>	<u>311 Plum Peabody</u>
<u>Robin Frederick</u>	<u>204 Pine Peabody</u>
<u>Janice Owens</u>	<u>903 N. Blue Walnut Peabody</u>
<u>Jimmie B. Owens</u>	<u>903 N. Walnut</u>
<u>Shane M O'Neill</u>	<u>112 Box 146 Peabody Ks</u>

(additional sheets attached)

(Name)

(Address)

Dear Owners
 3001 East
 John C. Frederick
 Ken J. Frederick
 Clement Erickson
 Paul D. By.

903 N Walnut Peabody KS 66866
 509 E 2nd St. Peabody, KS
 509 E 2nd Peabody, Mo.
 509 E 2nd Peabody KS.
 509 E 2nd Peabody KS
 P.O. Bx 6 Peabody KS

SENATE COMMITTEE ON AGRICULTURE
TOPEKA, KANSAS

WE, the under signed have signed this petition requesting that you to VOTE NO!; on Senate Bill Number 47. We oppose the bill as written, specifically New Section #15, in regards to inherently dangerous animals. This section should be revised to state, the rules and regulations to apply to these animals; that a reasonable application fee be set.

As written, this section penalizes responsible owners, producers and markets with an unjustified non-refundable application fee. Further, this section does not specify the powers or the policy criteria of the secretary as to the disbursal or destruction of these animals.

(NAME)	(ADDRESS)
<u>Denise A. Pfoungers</u>	<u>309 Fireside. Dodge City, KS</u>
<u>Leslie Swefford</u>	<u>110546 Plum Rd- Dodge KS</u>
<u>Tammy Newfield</u>	<u>125 E. 9th</u>
<u>Eugene Newfield</u>	<u>125 E. 9th</u>
_____	_____
_____	_____
_____	_____

(additional sheets attached)

Petition Against Senate Bill #47

(protect your right to own exotic animals by signing this petition against over excessive government fees & taxes against exotic animal owners & breeders)

	<u>name</u>	<u>address</u>	<u>city</u>
1.	Nicole Patzdoff	605 W Plum	Hutchinson
2.	Rachel Foley	424 N Carey	Hutchinson ⁶⁷⁵⁰¹
3.	Steve Brown Steve Brown	20315 #2	Hutchinson
4.	Julie Seiker	626 E 9	Hutchinson
5.	Christi Coors	1111 Idlewild	"
6.	Brynn Daniel	313 E 8th	Hutchinson, KS
7.	Daniel Hernandez	700 EB	Hutchinson, Ks.
8.	Melody Casner	301 Hendricks	Hutchinson KS
9.	Susan Updegrave	605 W. 14 th	Hutchinson KS
10.	Deborah Smith	106 Sunset	Haven K1
11.	Debra DePenthal	229 Osborne	Hutch. KS
12.	Yvette Hornum	601 W 14 th	Hutch P.S.
13.	Jessette	505 E Bigger	Hutch KS.
14.	Baris Ahlgrim	2715 Malloy	Hutchinson, KS
15.	Juanita Adams	425 W. Ave A	Hutchinson, Ks.
16.	Julie Meko	504 East 14	Hutchinson, Kansas
17.	Sonya Sees	5608 E. Vada Dr.	Hutchinson, KS
18.	Salilappz	1710 N. Madison	Hutch, KS
19.	Wendy Magyar	615 32 nd Terrace	Hutch, KS
20.	Kenneth Huff	424 N Carey	Hutch, KS
21.	Ursula Glover	926 E. 10 th	Hutch, KS
22.	Christi Patzdoff Christi Patzdoff	208 S. Ford	Hutch, KS
23.	Shawn Cox	2606 West Minister	Hutch
24.	Rose Jorkell	3501 "A" Redgewood	Hutchinson ¹²⁻⁶

	<u>Name</u>	<u>address</u>	<u>City</u>
25.	Lynnda Miller		
26	Dale Miller		
27	John Egan	1201 E. 9 TH	HUTCHINSON
28	Jonathan Bramwell	131 E. Sherman TH	Hutchinson
29	Brook Peden	#594 Sterling College	
30	Doug Dunt	3101 Northwestern	Hutchinson
31	Naim Powers	1116 E. 9 th	Hutchinson
32	TERRY POWERS	1116 E. 9 TH	HUTCHINSON
33	Justin Loskoil	916 W. Red Rock Rd.	Hutchinson
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Petition Against Senate Bill #47

(protect your right to own exotic animals by signing this petition against over excessive government fees & taxes against exotic animal owners & breeders):

	<u>name</u>	<u>address</u>	<u>city</u>
1.	_____	_____	Hutchinson
2.	Maup Tibbits	124 E 10 th	Hutchinson
3.	Carla Bentona	912 W. Kansas	mperson
4.	Kara Schumm	Campus Apt. 8, 29	Concordia, Mo
5.	Ben Kersch	Rt. 2 Box 13	Concordia, KS
6.	Jason Reese	735 Albert Ave	Salina KS
7.	Jannys Flesher	103 E. 2 nd	Clifton, KS
8.	Derry M. Paersch	3224 James Ave	Manhattan, KS
9.	Ray Shink J.	6609 E 4 th	HUTCHINSON, KS 67502
10.	Robt Tibbits	124 E 10 th	Hutchinson, KS, 67501
11.	Kenneth Redd	328 E Ave. C	So. Hutchinson, KS. 67505
12.	Franci Koda	328 E. Ave C	So. Hutchinson KS 67505
13.	Maell. Vermeer	221 N. Reno	Haven KS 67543
14.	Allyn Wheeler	516 995 ^T commercial	Lyon's KS 67553
15.	Allen Hale	Box 100	Haven KS. 67543
16.	Tommy Kobusz	1415 Prairie	Hutchinson KS.
17.	_____	_____	Hutchinson, KS
18.	_____	209 W 23 rd	Hutchinson, KS
19.	L. Alan Kutz	1710 E. Ave B.	Hutchinson KS
20.	Jana Starks	825 Lee	Hutch KS
21.	Shannon E. Hart	611 W 11 th	Hutchinson KS.
22.	Vicki L. Moore	611 W. 11 th Ave.	Hutchinson, KS
23.	Renee Hrabe	308 n. ash	Stockton KS ¹²⁻⁸

	name	address	city
22	Mary Dodge	526 E 9th	Hutchinson, Ks.
23	Justie Wolfe	309 N 5th	Sweling KS
24	Kathy Payne	519 N. Jackson	Hutchinson, Ks.
25	Patricia Caswell	734 E. 6th	Hutchinson Ks.
26	Clad Hansen	512 Lake Bedell Dr.	Hutch, KS
27	Nikki Short	1617 Quail Ridge	Hutch KS.
28	Michelle Colbey	423 E 8th Apt A	Hutch KS
29	Ruby Hess	519 16th	Hutch Ks
30	Hannah	408 Osage	Hutch KS.
31	Randy Romeburg	Rt. 2, Box 26	Beverly, Ks.
32	Matt Palmer	110 W 9th Apt A	Hutch KS
33	Christy Gilbert	1003 Gregory	Hutch, KS
34	Robert E Gilbert	1003 Gregory	Hutch KS
35	Josephine A Floss	1300 S. Poplar	Hutch Ks
36	Kim Jarks	100 W 6 Lot 15	South Hutch KS
37	William Hattum	1707 E Blanchard Lot 152	Hutch, Ks
38	Candice Murtlo	1707 E Blanchard Lot 152	Hutch, Ks
39	Wade Werly	108 E 6th Apt #1	Hutchinson, Ks.
40	David Tucker	911 W. 18th	Hutchinson, Ks
41	Rhonda Zurek	1426 Orchard	Hutchinson, Ks.
42	Randy Zurek	1426 Orchard	Hutchinson, Ks
43	Angie Hays	105 E. 5th	Hutchinson, Ks
44	Mike Hoppers	2561 Arizona	Hutchinson, Ks
45	Justin James	R+2 Inman Ks	
46	Salveta Jowers	R+2 Inman, Ks.	
47	William S. Bopp Jr	2610 Country Club #21 E 10th	Ks 67042 322-0659
48	Robert Caswell	734 E. 6th	Hutch Ks 67501
49	Rebecca Clobes	911 W. 18th	Hutch Ks 67502
50	Tammie Kroeker	311 S Kent Rd	Hutch, Ks 67501

Page 2, (j)

"Inherently dangerous animal" - your definition is an animal which poses a significant threat to human safety due to such animal's nature.

This statement in my opinion is too broad and vague. An "Inherently dangerous animal" could be anything (pit bulls, dobermans, rotweilers) and the list could go on. Who will make the decision as to what animals will be considered "inherently dangerous" and what specific animals will be included?

Page 7, Section 15, (c and e)

This section states that an application fee of not more than \$500 will be required, a renewal license fee of \$250 for each such animal license annually and regulations for the caging and maintenance standards of such "inherently dangerous animals" will be adopted as necessary to carry out the provisions of this section.

I feel that the cage requirements and maintenance standards should be clearly stated in this bill so that we as animal owners will know what we are up against. We apply for a permit in writing, write you a check for \$500 (that is non-refundable) then you have the right to deny us a permit because we do not meet necessary standards and our \$500 is GONE!!!!

Also, will this \$250 annually be a blanket permit to cover all "inherently dangerous animals" or is it \$250 per animal per year.

If this bill is passed, what will happen to all of our animals? We as owners will not be able to afford to keep them, other individuals won't buy them because they won't be able to afford them, the zoos won't take them, so will the State of Kansas buy them?

Page 9, Section 21, (a)

Red Deer is hereby prohibited from the State of Kansas.

Red Deer is one of the top meat (venison) producers. If this bill becomes law and they are prohibited in Kansas, how are we to dispose of these animals? Will the State of Kansas be willing to buy them or provide a market for us to sell them at and get a fair price for them?

Senate Ag
2-6-95
Attachment 13
13-1 ~~13-1~~

Page 9, Section 22, (b)

"Livestock" means and includes cattle, swine, sheep, goats, horses, mules, domesticated deer, all creatures of the ratite family, etc.

On Page 13, Section 28 (a and b) it states that if you engage in the business of raising domesticated deer you will be required to obtain a permit for a fee of not more than \$100 annually.

Why have they singled out domesticated deer?

To sum it all up I feel I am being discriminated against for raising and caring for the animals I enjoy. The fees and permits required to keep these animals, should this bill pass, will be too high and cut into my profit-margin to the point that it will not be feasible for me to keep them. We not only enjoy raising these animals, but they are a business to us just like our cattle and farming operation.

If this law is passed as is, it is my understanding that I will be required to:

1. Pay up to \$500 application fee (non-refundable) for the "Inherently dangerous animals" permit and if accepted \$250 annually per animal license.
2. Up to \$100 fee for a permit annually to raise domesticated deer.
3. A USDA permit if I choose to breed and sell my cats. (Unknown amount).
4. A Game Breeder's permit - \$10.50 a year to keep my game birds.

All of the above is now covered under my Game Breeder's permit of \$10.50 a year.

I have several more unanswered questions, and hope that we are given the opportunity to have more meetings to discuss this matter before this bill becomes law.

Thank You,

Kenneth McNickle
R. R. 2, Box 76
Cherryvale, KS 67335

0576

Petition Against Senate Bill ^{NO.} 47

Signature	D.O.B.	Printed Name
<i>Brent Hanks</i>	2-12-74	Brent Hanks
<i>Mack E. Records</i>	12-21-72	Mack E. Records
<i>Melanie Loper</i>	5-16-63	Melanie Loper
<i>Judy Van Rossun</i>	10-30-55	Judy Van Rossun
<i>Gary Coulson</i>	8-7-76	Gary Coulson
<i>Chuck Smith</i>	11-25-77	Chuck Smith
<i>Jamie Douglas</i>	04-11-77	Jamie Douglas
<i>Eric Shear</i>	10-12-78	Eric Shear
<i>Jeff Cott</i>	8-27-56	JEFF COTT
<i>Donny Evans</i>	130-72 7-1-95	Donny EVANS
<i>Kim Shelburn</i>	10-29-70	Kim Shelburn
<i>Pat Shelburn</i>	10- 2-7-71	Pat Shelburn
<i>Allison Records</i>	3-15-73	Allison Records
<i>Vincent Hullett</i>	4/9/61	VINCENT HULETT
<i>Kathy Sullivan</i>	10/13/56	KATHY SULLIVAN
<i>Mary York</i>	01/26/61	Mary York
<i>William J. Gifford</i>	12/28/40	WILLIAM J. GIFFORD
<i>Dax Wadley</i>	11/15/72	Dax Wadley
<i>Tiffany Smith</i>	1/25/77	Tiffany Smith
<i>Ron Esslinger</i>	1-30-50 7-1-95	Ron Esslinger

Senate Of Co

Original is on file in Senator Corbin's office

attachment 14
2-6-95

Signature	Address	County	Phone
Debra Perki	14301 University	Sedg	722-1418
Christina Berube	918 Honeybrook Ln	Sedg	
Christina Berube	3600 W Kellogg #213	Sedg	942-3329
Chris Pollard	2434 N Jennette	Sedg	
Janie Crauch	784 E 31	Sedg	
Damon Sanchez	621 W. Willow Dr	Sedg	788-5813
Tommy McEneaney	Rt #1 Burden, KS	Cowley	438-2874
Frank Wagoner	1602 Community Dr. Derby, KS.	Cowley	788-5637
John William	100 Rosewood	Sedg	788-9575
John Joseph	Rockborough #900	Sedg	681-3378
Robert Reid	4030 S. Cypress	Sedg	651-0722

The original is on file in Senator Corbin's office

Signature	Address	County	Phone
<i>[Signature]</i>	672 N Linden ^{Belle Plaine}	Sumner	487-3522
<i>M. Le Bury</i>	RT 3 BOX 87 Udall	Sumner	782-3705
Richard M. Lundblom	1207 Sunset Dr. Mulvans	Sedgwick	777-9205
<i>[Signature]</i>	208 Garnett, ^{Garden Plain}	Sedgwick	531-2304
<i>[Signature]</i>	22277 SW Meadballark	Butler	746-7674
Heidi King	Rt. 3 Box 70	Butler	321-0807
Josero Childers	RB 3 BOX 84 - u udall	SU	8782-3967
Wendy Weibert	7405 E 17th N ^{Wichita} 67206	SG	6528763
<i>[Signature]</i>	4959 ELMHURST ^{WICHITA} KS. 67216	SG	524-4037
Michael Rosten	4015 E. GILBERT	SEDGWICK	688-7273
<i>[Signature]</i>	333 W. 21 st #237, Wichita, KS	Sedgwick	265-1943
Christine Ogle	4922 Meadowview	Sedg	5294272
BRADLEY W. JAMPSON	1708 ROANOK ST.	SEDC.	687-1684
Janet Hamilton	211 S. Main, Eureka, KS	Greenwood	583-5524
Carla Anderson	5901 E. 60 th St. S, Derby	SEDGWICK	788-0340
Synetta Brown	419 Park Dr, Haysville	Sedgwick	524-3150
Carson Chatwell	726 E. 57 th St. S	Sedgwick	524-6746
<i>[Signature]</i>	1940 S. Santa Fe	Sedgwick	442-6437
<i>[Signature]</i>	701 17E101 ^{9th Ave} Sedgwick	Sedgwick	777-0476
Tryan J. Adams	P.O. BOX 304 El Dorado	Butler	321-1458
Kendra Zimmerman	7500 S. 103RD St. E	^{Sedgwick} Derby	788-1800
Charlotte Zimmerman	7550 S. 103 St E	Derby Sedgwick	788-1800
Kelly Zimmerman	7550 S. 103 St E	Derby, Sedgwick	788-1800
Walter Reynolds	Box 381 Belle Plaine, KS	Belle Plaine, KS	942-1271
<i>[Signature]</i>	704 S. Bluff Wichita, Sedg.	Wichita Sedg.	663-2761
<i>[Signature]</i>	14023 Taft Wichita, KS	Wichita, KS	722-4173
<i>[Signature]</i>	208 W. South Garden, KS	Sedg.	794-2059

Signature	Address	Country	Phone (optional)
Thomas Lancaster	1629 Tanglaxad	Butler	
Ed Bowlin	712 Wahoo Cr.	Sedgwick	
Refly	1410 W Woodlawn	Sedgwick	
D. C. Cady	8300 Hancock	Sedgwick	
MR	209 Willow	Sed.	
Hannah Simmons	1144 n. Buchner	Sed.	
Frank Thomas	6th Maining		
Chris Cyle	4972 Meadowview	Sedg.	316 529-4272
C. Lamb	10520 S. Oliver	Sedg.	
R. Lamb	10520 S. Oliver	Sedg	788 7353
J. Reese	215 Alexander DR	Sedg	554-0876
L. Roads	931 Beaver Trail	Sedgwick	788-3102
Jeri Hype	DERBY	SG	
Meco Budd	Ark City	Cowley	
Phil Polis	Burton ks	Harvey	835-3645
David Tell	Burton ks	Harvey	835-3645
Harold Bonnell	Winfield ks	Cowley	
David L. Lundy	Win. ks.	Cowley	
Kristy Bonnell	Winfield ks	Cowley	2213692
Melissa Jenins	4818 E. New Jersey #601 Wichita	Sedg	
Wendy Hatcher	761 meadowlark PL	Sedg	
Marilyn K. Darnell	212 W. Washington	Sedg	788-4571
Chris P. Darnell			
David Fleming	16326 F Lewis Lt 11	Sedg.	686 2342
Jeremy Nicholas	239 N. Knight	Sedg	943-7787
Edna Sanders	Derby	Sedg	14-4
Shela A. J. Allen	567 Spring Creek O..O		316-788-2283

27

Signature	address	County	Phone (Optional)
Roy Wyckoff	#466 1810 Warren Street	Cowley	(316) 221-8630
George Espinoza	#465 1820 Warren Street	Cowley	(316) 221-8630
Kath. Manz	1814 E 13 TH	Cowley	221-4386
Shannon Johnson	1820 Warren #498	Cowley	221-8618
David Hayes	1406 E 35 TH Hutchinson	Reno	665 7087
Erik Hoff	#3 Penfrew Rd Winfield	Cowley	
Quinn Wier	403 S Central	Sumner	777-4088
Irene Niles	403 S Central	Sumner	777-4088
April Niles	403 S Central	Sumner	777-4088
Stephanie Spence	315 S. Central	Sumner	777- 1132 1132
Edward Spence	315 S Central	Sumner	777-1132
Jeffery Spence	315 S Central	Sumner	777-1132
Jerry Spence	315 S. Central	Sumner	777-1132
Danny Niles	405 S Buckner	Sedgwick	
Lucas Niles	405 S Buckner	Sedgwick	
Jessica Wier	405 S. Buckner	Sedgwick	
Ryan Mahlandt	1616 E 89th So.	Wedgewick	788 3280
Judith Groene	Rt 2 Box 21 Udall, KS	Cowley	782-3582
Jennifer D. May	218 Alexander ^{Hausville} Sts	Sedgwick	554-0870
Pam Collins	107 N Cedarwood ¹⁸²⁰ Central	Butler	776 9323
Doug Puckett	216 S. H	Sumner	326-6622
Jessica Waters	316 W 47 th St S.	Sedgwick	522-5131
Jinn Waters	5640 S Meade	Sedgwick	524-4626
Shannon League	210 S. H St	Sumner	326-6622
Jennie Nicholson	118 Mary Etta	Sedgwick	788-7677
Sam Nicholson	118 Mary Etta	Sedgwick	788-7677

Signature	address	County	Phone (Optional)
Gerald Cecil	202 N ROCK RD #1005	SEDGWICK	685-3254
Jason Crupper	900 E HARRY # 602	SEDGWICK	684-6912
Amanda Melan	126 W. WATT	Bowler	776-2510
Dary Lunden	RR3 Box 51	Cowden	221-7778
John Mosack	1225 OAKWOOD CT.	Sedg.	788-5621
Brandon Simpson	5736 Broadway #20	Sedg.	522-2868
Tony Simpson	5736 S. Broadway	Sedg.	522 2868
Sean Robinson	1222 Briarwood ct	Sedg.	788-5316
Tamra Stobart	250 Marlen Haysville	Sedg.	529-8856
Greg Stobart	250 Marlen Haysville	Sedg.	529-8856
Juanita Hudson	Rt 2 Box 81 Mulvane	Sumner	777-4846
Carol Maddox	909 N. Colkomo	Derby	788-0439
J.P. Gonzos	2502 W. 11TH St	Peck Kc	524 1252
Al Newville	12017 E 95 St	Mulvane	777-4353
Alan Ward	367 W. 4th Haysville	Sedgewick	529-3657
Michael Williams	605 S Buckner Derby	Sedgewick	788-7829
Debbi Williams	" "	" "	" 4
Brett Boller	10126 E. Boston #1	Sedgewick	683-8742
Jack Hockewar	400 N. E ST 1000	ARIC CITY	442-8718
A. Huff	1412 Virginia	Derby Ks	7887785
Brandi Boller	1157 S. Webb Rd #1603	Sedgewick	682-9154
Christy McAlhara	1157 S Webb Rd #1003	Sedgewick	682-9154
Justin Boller	10126 E. Boston #1	Sedgewick	683-8742
Amia Nagari	10126 E. Boston #1	Wichita	683 8742

(14)

Sigatose	address	County	Phone (optional)
Mike	26 N S Santa Fe	Sedge	265-9758
Johnny falling	1109 North B	Cowley	
Sheila falling	1109 North B	Cowley	
James E. Ensey	525 Elizabeth	Mulvane	
Michael Bendish	1233 N. Derby Ave.	Derby	None
Patrick T. Brooks	RR1 Box 011	Jefferson	
Jimmy B Gray	RR1 Box 111	Jefferson	None
Tracy D. Dyer	109 S. 1st	Sumner	777-4217
Al L. M. H. H.	RI Box 505A	Sumner	777-9721
Susan Strode	1315 Buckboard Ct.	Derby	
Jane Boy	1716 N. Vassar Wichita	Sedge	689-8522
Randy Jones	9400 E. 47th South #84	Derby	788-9087
Michelle	604 N. Plum wellington	Sumner	
Shanda Wood	604 N. Plum wellington	Sumner	
Anne Coffey	1928 E 47th St so Lot 54#	SE 5g	524-3911
Clara Hoff	11500 S Broadway	SE 6b	524 1031
Chris E. Carr	101 S. Buckner	Sedge	
Sinda Weaver	RT1 Box 13 Atlanta Kansas	Cowley	
Marlene Kitterman	605 S. Buckner lot 55	Sed	788-5669
Manon Mohler	301 S. Rock Rd	Sed	
John Boman	6148 Ida	Sed	524 0077
Jack Boman	6148 Ida	Sedg	" "
Lois Slack	1210 Century Mulvane	SE 6G	777-1957
Brenda Duff	#3 Remfrew Rd	Cowley	221-6284
Mike Hester	2932 S. SAN ME	Sug	
John	239 Stewart	Sedge	529-0105

(26)

Signature	address	County	Phone (optional)
Kevin O'Malley	934 W. 47 th St Wichita	Sedg.	316-524-9019
Carolee Smith	934 W. 47 th St Wichita	Sedg.	316 524-9019
John Wadson	7400 Lawrence Derby	Sedg	788-1025
Nawn King	924 N. Westview Derby	Sedg	
PEX NOEL	RR#1 Mulvane KS	Summer	316 777 4956
Paul Mabe	3155 Osage	Sedg.	316-263-2224
Paul Bellman	9600 E 47 th S. #81	Sedg.	316 7885647
Reese Bellman	9600 E 47 th S. #81	Sedg.	316 7885647
Don Holt	315 Sunset Haysville	Sedg	(316) 724-4914
D. Jann	7047 S. Volusia	Sedg.	316-554-0485
Roy Leonard	4148 Lesswa Wichita KS	Sedg	316-697-9152
Bill Childers	Rt 3 Box 84A UDAU	Summer	782-3567
Jeanne Childers	Rt 3 Box 84A Udall	Summer	782-3567
Jerry A. Vaughn	771 RIVERVIEW DERBY	SEDEGWICK	788-7409
Mike James	7403 S 127 th ST EAST	Sedgwick	774-2504
Kiri Roberts	" " " "	"	"
Jim Roberts	" " " "	"	"
Gavin Gerwig	706 Trail Dr / Mulvane	Sedgwick	777-4953
Tom Elong	9600 E 47 th S #70	Sedg	788 2269
Tom	2330 N Woodlawn	Sedgwick	788-6008
Robert Gledhill	142 Ballard Haysville	Sedgwick	524-7877
Greg Covert	810 W Maywood ^{wichita}	Sedg	524-9437
Rebecca Howell	212 Maynard Haysville KS	Sedg.	524 2261
Mike Schmidt	543 N James Haysville KS	Sedg	524-7837
Karen Walker	300 S. Woodlawn #323 Derby	Sedg	788-7689

25

Signature	Address	Country	Phone (optional)
Jim Sora	4907 E 73 S DERBY KS	SG	
Edy Madorski	531 N Westview Derbyks	SC	
Frederick Kelly			
Meghan Kelly	4907 E 73 S + S Derbyks	SG	
Kay Bryan	12017 S. 95 th E. Mulvane	SU	
Bruce Lewis	509 E MULVANE	SG	
Diana Lagerman	1200 Willard Rd. Derby MULVANE	SG	788-1220
John E Thompson	531 E MULVANE KS	SG	UNLISTED
Robert Reynolds	715 W 45th Wichita	SG	
Margie Lynn	115 Rockwood Mulvane	SG	
Lupe O'Connell	115 Rockwood MULVANE	SG	
Duff	54w N Young	SG	
Daniel Belden	1036 N. Jackson	SG	
Ann A. Debra	220 W MACARTHUR	SG	
Sy Walker	RR3 Box 334	SU	488-3222
Janet Anderson	735 W. 55 th So.	SG	524-9634
Debra & Friends	Rt. 1, Box 259 Mulvane	SU	777-4505
John Riggs	14548 SW 210th ST	BU	
Linda Zeiser	PO Box 125 Belleplaine		488-3435
Michael L Stamer	PO Box 264 Valley Center	SG	755-1010
Jeremy Krueger	7801 W 73 rd N	SG	755-0859
Chris Yaster	7801 W 73 rd N.	SG	755-0859
Wally Hoyt	520 S. RIVERVIEW ^{DOUGLASS} KS.	BUTLER	747-2647
Steve Johnson	1007 E. 6 th DOUGLASS 67039	BU	742-2701
Robt J. Cook	1920 S. Lexington wichita ks	SC	689-8389
Melissa York	4912 E. Gilbert Wichita ks	SG	N/A
Sandy Lowell	Rt. 2, Box 327 Udell KS	CL	782-3377
Jason B. Hamod	4912 E. Gilbert	SG	N/A
Kelvin D. White	2525 Chestnut WICH.	SG	
Allen Telley			
Allen Telley	830 S market	SG	N/A
Brentwood	121 S. Elizabeth	SG	NA
Tina Telley	830 S. Market	SG	N/A

NAME	ADDRESS	COUNTY	Phone (Optional)
Rhonda Percival	136 Cedar	Sedgwick	
Lizy Christ	212 S. Broadway UOAH KS	Cowley	782-3364
Teris Rince	1238 N. Westview	Sedgwick	788-6617
Sheryl Eddy	214 E. Main	Sedgwick	777-0746
Sandy Suddeth	9901 Laura	Sedgwick	
Marvaine M. Sweet	500 E. 8th Ave. Belle Plaine P.O. Box 553	Sumner	488-2994
Karen Terry	322 S. Central Mulvane	Sumner	777-46
Rosemarie Bowen	4128 Wildflower Ct	Sedgwick	524-3611
Michele Williams	1621 N. Main Roset Hill	Butler	776-288
Carol L. Horney	1418 N. Baitman	Sedg.	788-1952
James J. Jolin Jr	208 CAVE SPRINGS AVE EL DORADO KS	BUTLER	321-7263
Jean Harrington	110 Williams, Derby	Sedg.	
Josie Gray	1001 E. MacArthur	Sedg.	522-0902
Kathy Cramme	400 S. Woodlawn	Sedg.	788-8985
Marilyn J. Bleisel	2237 E. Lockwood	Sedg.	524-9642
Bonnie Curtis	2531 E. Ellis	Sedg.	267-9163
Suesie Gonzalez	1138 N Derby	Sedg.	
Wen J. Repho	209 Williams	Sedg.	788-0825
Joan Bailey	605 S. Buckner	Sedg.	
2nd McKimber	119 April Dr	Sedg.	777-0710
Wanda L. Williams	2030 N Woodlawn	Sedg.	
Denna Baldwin	6000 Jackson Derby,	Sedg.	
Sandra Patterson	204 N Maple St Douglas	Butler	
Kayla Cain	213 E North Point Derby	Sedg.	788-6306
Fred W. Hong	900 MORRISON DR., Derby	Sedgwick	788-6251
Bonnie Embick Harshett	113 Rhonda #130 Andover, Ks.	Butler	unlisted
Jan Bowers	16421 Wilkayle Colton	Sedgwick	794-8600
Janet Osborn	100 S. Ridge Rd 202 Westview KS	Sedgwick	943-4801
2nd Stiller	10327 Wilmer, Mulvane	Sedgwick	777-7014
Louis Tackis	909 N Westview	"	788-3377
Sharon L. Johnson	7801 Miller	Derby	
Janice Powell	1427 Mended in Mulvane	Sedgwick	
Doug Robertson	9411 S. Hydraulic	Sedgwick	788-7000
Barbara Millone	5550 S. WPEKA CIR. KS	Sedg.	34-14-10

John E. Shirey
RR #1 Box 265
Osage city KS.
66523

IN OPPOSITION to Bill #47
6 Feb. 1995

GOOD MORNING

MY NAME IS JOHN SHIREY, I AM A BREEDER OF COUGARS AND LEPOARDS. I AM A VIET NAM VETERAN, SERVED IN THE AIR GUARD DURING DESERT STORM AND AM NOW SERVING IN THE AIR GUARD. I SERVED THIS COUNTRY BECAUSE I BELIEVE IN THE RIGHTS AND FREEDOM OF THE PEOPLE.

AS A CITIZEN I HAVE THE RIGHT TO OWN SUCH ANIMALS WITHOUT THE UNFAIR OVER REGULATING IMPOSED UPON US BY THE GOVERNMENT.

I HAVE LISTENED TO THE PEOPLE THAT ARE FOR BILL #47. I HEAR ZOOLOGIST AND PARK OWNERS THAT SAY WE NEED THIS BILL TO REGULATE AND STOP SUCH INSODENTS AS THE LION THAT BIT THE TWO KIDS, AND THE UNWANTED NOVALTY PET, BUT THEY ALSO WANT TO BE EXEMPTED FROM SUCH REGULATIONS. WHY? BECAUSE THEY KNOW THIS BILL #47 IS UNFAIR TO ALL THE OTHER GAME BREEDERS.

SOMEONE ON THE BOARD HERE, LAST MEETING, ASKED IF THEIR WAS ANY LEGAL ACTION TAKEN IN REGUARDS TO THE LION THAT BIT THESE KIDS. ONE OF THE PARTYS INVOLVED WITH THIS, THE MOTHER OF THE FIRST CHILD THAT WAS BITTEN, WAS PRESENT AT THAT MEETING, BUT; THEIR WAS NO RESPONSE. I CAN ONLY ASSUME THIS WAS A NO ANSWER. THIS WOULD SEEM THAT THE INSODENT WAS NOT MEANINGFUL ENOUGH FOR A LIABLITY SUIT, IF SO THEN WHY SHOULD IT GAIN SO MUCH MERIT AS TO EMPOSE SUCH UNFAIR REGULATION AS BILL #47.

IN REGUARDS TO THE UNWANTED, MISREPRESENTATED, AND NOVALTY PETS, I KNOW THAT MOST VETS. AND ZOOLOGIST DON'T AGREE WITH MOST OF THE GAME BREEDERS ON A LOT OF THINGS THAT HAS TO DO WITH THE PROPER DIETS, HANDELING, AND WAYS OF RAISING OF ANIMALS, HOWEVER IF WE CAN WORK TOGEATHER AND PUT OUR DIFFERENCES ASSIDE THEN WE CAN FIND, WITH THE HELP OF THE KANSAS GAME BREEDERS ASS., GOOD HOMES FOR THESE ANIMALS.

THE U.S.D.A. HAS ALREADY SET UP REGULATIONS THAT WE AS BREEDERS HAVE TO FOLLOW. HERE IS A COPY OF THE REGULATION. THE U.S.D.A. REGULATES MICE, RATS, HAMPSTERS AND ALL OTHERS UP TO THE BIGGEST OF THE ANIMALS. THEY DO INFACHT HAVE ALL THESE REGULATIONS, THEN WHY SHOULD THEIR BE MORE REGULATIONS UPON WHAT IS ALREADY ESTABLISHED, AFTER ALL, THESE SAME PEOPLE WHO ARE COMPLAINING ABOUT OUTLANDISH GOVERNMENT SPENDING AND OVER RUNNING REGULATIONS ARE THE SAME PEOPLE WHO WANT TO EMPOSE THESE UNWANTED, OVER RUNNING, OVER COSTING AND UNFAIR REGULATIONS UPON THE ALREADY OVER REGULATED GAME BREEDERS IN KANSAS.

AS FOR THE MISREPRESENTATION OF THESE ANIMALS, THESE PEOPLE DIDN'T ASK ME ABOUT MY CATS, IF THEY HAD I WOULD HAVE TOLD THEM ABOUT THE PERMITS AND INVITED THEM OVER TO MY HOUSE TO SEE ALL ABOUT CAGEING, FEEDING, HANDELING AND REGULATIONS OF THESE ANIMALS BEFORE THEY PURCHASE THEM. WHILE TALKING TO THESE PEOPLE WOULD DECIDE, IN MY OWN MIND, IF THEY ARE WORTHY OR STABLE ENOUGH TO TAKE PROPER CARE OF ONE OF MY ANIMALS.

I AM GOING TO END BY ASKING JUST THIS ONE QUESTION.

JUST WHAT COUNTRY DO WE LIVE IN?

THANKYOU

Senate Ag. Co
2-6-95

Attachment 15

ANIMAL WELFARE ACT
as amended
(7 U.S.C. §§ 2131 - 2156)

Section 1. (a) This Act may be cited as the "Animal Welfare Act".

(b) The Congress finds that animals and activities which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of animals and activities as provided in this Act is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce, in order—

(1) to insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;

(2) to assure the humane treatment of animals during transportation in commerce; and

(3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this Act, the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use.

(7 U.S.C. § 2131.) (P.L. 89-544, § 1, Aug. 24, 1966, 80 Stat. 350; P.L. 91-579, § 2, Dec. 24, 1970, 84 Stat. 1560; P.L. 94-279, § 2, Apr. 22, 1976, 90 Stat. 417.)

Section 2. When used in this Act—

(a) The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(b) The term "Secretary" means the Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture;

(c) The term "commerce" means trade, traffic, transportation, or other commerce—

(1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia;

(2) which affects trade, traffic, transportation, or other commerce described in paragraph (1).

(d) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States;

(e) The term "research facility" means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or

experiments: Provided, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) or live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act:

(f) The term "dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes, except that this term does not include—

(i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer; or

(ii) any person who does not sell, or negotiate the purchase or sale of any wild animal, dog, or cat and who derives no more than \$500 gross income from the sale of other animals during any calendar year;

(g) The term "animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for improving animal nutrition, breeding, management or production efficiency, or for improving the quality of food or fiber. With respect to a dog the term means all dogs including those used for hunting, security, or breeding purposes;

(h) The term "exhibitor" means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary;

(i) The term "intermediate handler" means any person including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he

(If microfilm of these regulations is unreadable, copy submitted on file in hard copy of minutes and in Legislative Research Dept.)

receives custody of animals in connection with their transportation in commerce and

(1) The term "carrier" means an operator of any airplane, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire.

(7 U.S.C. § 2132.) (P.L. 89-544, § 2, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 3, Dec. 24, 1970, 84 Stat. 1561; P.L. 94-279, § 3, Apr. 22, 1976, 90 Stat. 417.)

Section 3. The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act. Provided, That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 12 of this Act. Provided, however, That any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer or exhibitor under this Act. The Secretary is further authorized to license, as dealers or exhibitors persons who do not qualify as dealers or exhibitors within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

(7 U.S.C. § 2133.) (P.L. 89-544, § 3, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 4, Dec. 24, 1970, 84 Stat. 1561.)

Section 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

(7 U.S.C. § 2134.) (P.L. 89-544, § 4, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 5, Dec. 24, 1970, 84 Stat. 1561; P.L. 94-279, § 5, Apr. 22, 1976, 90 Stat. 418.)

Section 5. No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary. Provided, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section.

(7 U.S.C. § 2135.) (P.L. 89-544, § 5, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 6, Dec. 24, 1970, 84 Stat. 1561.)

Section 6. Every research facility, every intermediate handler, every carrier, and every exhibitor not licensed under section 3 of this Act shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

(7 U.S.C. § 2136.) (P.L. 89-544, § 6, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 7, Dec. 24, 1970, 84 Stat. 1561; P.L. 94-279, § 6, Apr. 22, 1976, 90 Stat. 418.)

Section 7. It shall be unlawful for any research facility to purchase any dog or cat from any person except an operator of an auction sale subject to section 12 of this Act or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

(7 U.S.C. § 2137.) (P.L. 89-544, § 7, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 8, Dec. 24, 1970, 84 Stat. 1561.)

Section 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation or exhibition shall purchase or otherwise acquire any dog or cat for such purposes from any person except an operator of an auction sale subject to section 12 of this Act or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

(7 U.S.C. § 2138.) (P.L. 89-544, § 8, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 9, Dec. 24, 1970, 84 Stat. 1561.)

Section 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, or an intermediate handler or a carrier, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, operator of an auction sale, intermediate handler, or carrier, as well as of such person.

(7 U.S.C. § 2139.) (P.L. 89-544, § 9, Aug. 26, 1966, 80 Stat. 351; P.L. 91-579, § 10, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, § 7, Apr. 22, 1976, 90 Stat. 418.)

Section 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. At the request of the Secretary, any regulatory agency of the Federal Government which requires records to be maintained by intermediate handlers

and carriers with respect to the transportation, receiving, handling, and delivery of animals on forms prescribed by the Secretary, shall require there to be included in such forms, and intermediate handlers and carriers shall include in such forms, such information as the Secretary may require for the effective administration of this Act. Such information shall be retained for such reasonable period of time as the Secretary may prescribe. If regulatory agencies of the Federal Government do not prescribe requirements for any such forms, intermediate handlers and carriers shall make and retain for such reasonable period as the Secretary may prescribe such records with respect to the transportation, receiving, handling, and delivery of animals as the Secretary may prescribe. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

(7 U.S.C. § 2140.) (P.L. 89-544, § 10, Aug. 24, 1966, 80 Stat. 351; P.L. 91-579, § 11, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, § 8, Apr. 22, 1976, 90 Stat. 418.)

Section 11. All animals delivered for transportation, transported, purchased, or sold, in commerce, by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe: Provided, That only live dogs and cats need be so marked or identified by a research facility.

(7 U.S.C. § 2141.) (P.L. 89-544, § 11, Aug. 24, 1966, 80 Stat. 351; P.L. 91-579, § 12, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, § 5, Apr. 22, 1976, 90 Stat. 418.)

Section 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, in commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, in commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act.

(7 U.S.C. § 2142.) (P.L. 89-544, § 12, Aug. 24, 1966, 80 Stat. 351; P.L. 91-579, § 13, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, § 5, Apr. 22, 1976, 90 Stat. 418.)

Section 13. (a) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. The Secretary shall also promulgate standards to

govern the transportation in commerce, and the handling, care and treatment in connection therewith, by intermediate handlers, air carriers, or other carriers, of animals consigned by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government, for transportation in commerce. The Secretary shall have authority to promulgate such rules and regulations as he determines necessary to assure humane treatment of animals in the course of their transportation in commerce including requirements such as those with respect to containers, feed, water, rest, ventilation, temperature, and handling. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines or performance of actual research or experimentation by a research facility as determined by such research facility: Provided, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation.

(b) No dogs or cats, or additional kinds or classes of animals designated by regulation of the Secretary, shall be delivered by any dealer, research facility, exhibitor, operator of an auction sale, or department, agency, or instrumentality of the United States or of any State or local government, to any intermediate handler or carrier for transportation in commerce, or received by any such handler or carrier for such transportation from any such person, department, agency, or instrumentality, unless the animal is accompanied by a certificate issued by a veterinarian licensed to practice veterinary medicine, certifying that he inspected the animal on a specified date, which shall not be more than ten days before such delivery, and, when so inspected, the animal appeared free of any infectious disease or physical abnormality which would endanger the animal or animals or other animals or endanger public health: Provided, however, That the Secretary may by regulation provide exceptions to this certification requirement, under such conditions as he may prescribe in the regulations, for animals shipped to research facilities for purposes of research, testing or experimentation requiring animals not eligible for such certification. Such certificates received by the intermediate handlers and the carriers shall be retained by them, as provided by regulations of the Secretary, in accordance with section 10 of this Act.

(c) No dogs or cats, or additional kinds or classes of animals designated by regulation of the Secretary, shall be delivered by any person to any intermediate handler or carrier for transportation in commerce except to registered research facilities if they are less than such age as the Secretary may by regulation prescribe. The Secretary shall designate additional kinds and

classes of animals and may prescribe different ages for particular kinds or classes of dogs, cats, or designated animals, for the purposes of this section, when he determines that such action is necessary or adequate to assure their humane treatment in connection with their transportation in commerce.

(d) No intermediate handler or carrier involved in the transportation of any animal in commerce shall participate in any arrangement or engage in any practice under which the cost of such animal or the cost of the transportation of such animal is to be paid and collected upon delivery of the animal to the consignee, unless the consignee guarantees in writing the payment of transportation charges for any animal not claimed within a period of 48 hours after notice to the consignee of arrival of the animal, including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for all out-of-pocket expenses incurred for the care, feeding, and storage of such animals.

(7 U.S.C. § 2163.) (P.L. 89-544, § 11, Aug. 24, 1966, 80 Stat. 152; P.L. 91-579, § 14, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, §§ 9, 10, Apr. 27, 1976, 90 Stat. 413, 419.)

Section 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards and other requirements promulgated by the Secretary for a research facility under section 13. Any department, agency, or instrumentality of the United States authorizing animals shall comply with the standards promulgated by the Secretary under section 12.

(7 U.S.C. § 2164.) (P.L. 89-544, § 12, Aug. 24, 1966, 80 Stat. 152; P.L. 91-579, § 15, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, § 19, Apr. 27, 1976, 90 Stat. 423.)

Section 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research, experimentation or exhibition, or administration of statutes regulating the transportation in commerce or handling in connection therewith of any animals when establishing standards pursuant to section 13 and in carrying out the purposes of this Act. Before promulgating any standard governing the air transportation and handling in connection therewith of animals, the Secretary shall consult with the Secretary of Transportation who shall have the authority to disapprove any such standard if he notifies the Secretary, within 30 days after such consultation, that changes in its provisions are necessary in the interest of flight safety. The Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, to the extent of their respective lawful authorities, shall take such action as is appropriate to implement any standard established by the Secretary with respect to a person subject to regulation by it.

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in carrying out the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

(7 U.S.C. § 2165.) (P.L. 89-544, § 15, Aug. 24, 1966, 80 Stat. 152; P.L. 91-579, § 16, Dec. 24, 1970, 84 Stat. 1562; P.L. 94-279, § 11, Apr. 27, 1976, 90 Stat. 419.)

Section 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confine or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, (4) such animal is held by an operator of an auction sale, or (5) such animal is held by an intermediate handler or a carrier.

(b) Any person who forcibly assaults, restricts, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 25, 1914, (38 Stat. 721-723, as amended; 25 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9, and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 5001 et seq.), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 25, 1914, as amended, on the district courts of the United States may be

exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 19(c) of this Act.

(7 U.S.C. § 2146.) (P.L. 89-544, § 16, Aug. 24, 1966, 80 Stat. 352; P.L. 91-579, § 17, Dec. 24, 1970, 84 Stat. 1563; P.L. 94-279, § 12, Apr. 22, 1976, 90 Stat. 420.)

Section 17. The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

(7 U.S.C. § 2147.) (P.L. 89-544, § 17, Aug. 24, 1966, 80 Stat. 352; P.L. 91-579, § 18, Dec. 24, 1970, 84 Stat. 1564.)

Section 18. Repealed. Similar provisions incorporated in section 13 by P.L. 91-579.

(7 U.S.C. § 2148.) (P.L. 89-544, § 18, Aug. 24, 1966, 80 Stat. 352; repealed by P.L. 91-579, § 19, Dec. 24, 1970, 84 Stat. 1564.)

Section 19. (a) If the Secretary has reason to believe that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may suspend such person's license temporarily, but not to exceed 21 days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred.

(b) Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 12 of this Act, that violates any provision of this Act, or any rule, regulation, or standard promulgated by the Secretary thereunder, may be assessed a civil penalty by the Secretary of not more than \$1,000 for each such violation, and the Secretary may also make an order that such person shall cease and desist from continuing such violation. Each violation and each day during which a violation continues shall be a separate offense. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing with respect to the alleged violation, and the order of the Secretary assessing a penalty and making a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States Court of Appeals. The Secretary shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person involved,

the gravity of the violation, the person's good faith, and the history of previous violations. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which such person is found or resides or transacts business, to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. Any person who knowingly fails to obey a cease and desist order made by the Secretary under this section shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

(c) Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 12 of this Act, aggrieved by a final order of the Secretary issued pursuant to this section may, within 60 days after entry of such an order, seek review of such order in the appropriate United States Court of Appeals in accordance with the provisions of section 2341, 2343 through 2350 of title 28, United States Code, and such court shall have exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order.

(d) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than 1 year, or a fine of not more than \$1,000, or both. Prosecution of such violations shall, to the maximum extent practicable, be brought initially before United States magistrates as provided in section 636 of title 28, United States Code, and sections 3401 and 3402 of title 18, United States Code, and, with the consent of the Attorney General, may be conducted, at both trial and upon appeal to district court, by attorneys of the United States Department of Agriculture.

(7 U.S.C. § 2149.) (P.L. 89-544, § 19, Aug. 24, 1966, 80 Stat. 352; P.L. 91-579, § 20, Dec. 24, 1970, 84 Stat. 1564; P.L. 94-279, § 13, Apr. 22, 1976, 90 Stat. 420.)

Section 20. Repealed. Similar provisions incorporated in section 19 by P.L. 94-279.

(7 U.S.C. § 2150.) (P.L. 89-544, § 20, Aug. 24, 1966, 80 Stat. 353; P.L. 91-579, § 21, Dec. 24, 1970, 84 Stat. 1565; repealed by P.L. 94-279, § 14, Apr. 22, 1976, 90 Stat. 421.)

Section 21. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

(7 U.S.C. § 2151.) (P.L. 89-544, § 21, Aug. 24, 1966, 80 Stat. 353.)

Section 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those

as to which it is held invalid shall not be affected thereby.

(7 U.S.C. § 2132.) (P.L. 89-544, § 22, Aug. 24, 1966, 80 Stat. 333.)

Section 21. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide. *Provided*, That there is authorized to be appropriated to the Secretary of Agriculture for enforcement by the Department of Agriculture of the provisions of section 26 of this Act an amount not to exceed \$100,000 for the transition quarter ending September 30, 1976, and not to exceed \$600,000 for each fiscal year thereafter.

(7 U.S.C. § 2153.) (P.L. 89-544, § 23, Aug. 24, 1966, 80 Stat. 353; P.L. 94-279, § 13, Apr. 22, 1976, 90 Stat. 421.)

Section 24. The regulations referred to in section 10 and section 13 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 13 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time. Notwithstanding the other provisions of this section, compliance by intermediate handlers, and carriers, and other persons with those provisions of this Act, as amended by the Animal Welfare Act Amendments of 1976, and those regulations promulgated thereunder, which relate to actions of intermediate handlers and carriers, shall commence 90 days after promulgation of regulations under section 13 of this Act, as amended, with respect to intermediate handlers and carriers, and such regulations shall be promulgated no later than 9 months after the enactment of the Animal Welfare Act Amendments of 1976; and compliance by dealers, exhibitors, operators of auction sales, and research facilities with other provisions of this Act, as so amended, and the regulations thereunder, shall commence upon the expiration of 90 days after enactment of the Animal Welfare Act Amendments of 1976: *Provided*, however, That compliance by all persons with paragraphs (b), (c), and (d) of section 13 and with section 26 of this Act, as so amended, shall commence upon the expiration of said ninety-day period. In all other respects, said amendments shall become effective upon the date of enactment.

(7 U.S.C. § 2154.) (P.L. 89-544, § 24, Aug. 24, 1966, 80 Stat. 353; P.L. 94-279, § 13, Apr. 22, 1976, 90 Stat. 4

Section 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970", the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act;

(3) recommendations for legislation to improve the administration of this Act or any provision thereof; and

(4) recommendations and conclusions concerning the aircraft environment as it relates to the carriage of live animals in air transportation. This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives.

(7 U.S.C. § 2155.) (P.L. 89-544, § 25, added by P.L. 91-579, § 22, Dec. 24, 1970, 84 Stat. 1565; P.L. 94-279, § 16, Apr. 22, 1976, 90 Stat. 421.)

Section 26. (a) It shall be unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture in which any animal was moved in interstate or foreign commerce.

(b) It shall be unlawful for any person to knowingly sell, buy, transport, or deliver to another person or receive from another person for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

(c) It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States.

(d) Notwithstanding the provisions of subsection (a), (b), or (c) of this section, the activities prohibited by such subsections shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

(e) Any person who violates subsection (a), (b), or (c) shall be fined not more than \$5,000 or imprisoned for not more than 1 year, or both, for each such violation.

(f) The Secretary or any other person authorized by him shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section, and the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, or other law enforcement

agencies of the United States, State and local governmental agencies, in the conduct of such investigations, under cooperative agreements with such agencies. A warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate within the district wherein the animal sought is located. Any United States marshal or any person authorized under this section to conduct investigations may apply for and execute any such warrant, and any animal seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this paragraph (f). Necessary care including veterinary treatment shall be provided while the animals are so held in custody. Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred by the United States for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals if he appears in such forfeiture proceeding or in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

(g) For purposes of this section—

(1) the term "animal fighting venture" means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term "animal fighting venture" shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

(2) the term "interstate or foreign commerce" means—

(A) any movement between any place in a State to any place in another State or between places in the same State through another State; or

(B) any movement from a foreign country into any State;

(3) the term "interstate instrumentality" means telegraph, telephone, radio, or television operating in interstate or foreign commerce;

(4) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(5) the term "animal" means any live bird, or any live dog or other mammal, except man; and

(6) the conduct by any person of any activity prohibited by this section shall not render such person subject to the other sections of this Act as a dealer, exhibitor, or otherwise.

(h)(1) The provisions of this Act shall not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this Act or any rule, regulation, or

standard hereunder.

[Note: P.L. 94-279, § 17 (adding § 26) also amended 39 U.S.C. § 3001(a) on material that may not be mailed.]

(7 U.S.C. § 2156.) (P.L. 89-544, § 26, added by P.L. 94-279, § 17, Apr. 22, 1976, 90 Stat. 421.)

LEGISLATIVE HISTORY

P.L. 89-544:

H.Rept. 89-1418, House Committee on Agriculture
S.Rept. 89-1281, Senate Committee on Commerce
Passed House Apr. 28, 1966
Passed Senate June 22, 1966
H.Rept. 89-1848, Conference Committee
House agreed to conference report Aug. 16, 1966
Senate agreed to conference report Aug. 17, 1966
Approved Aug. 24, 1966

P.L. 91-579:

H.Rept. 91-1651, House Committee on Agriculture
Passed House Dec. 7, 1970
Passed Senate Dec. 8, 1970
Approved Dec. 24, 1970

P.L. 94-279:

H.Rept. 94-801, House Committee on Agriculture
S.Rept. 94-580, Senate Committee on Commerce
H.Rept. 94-976, Conference Committee
S.Rept. 94-727, Conference Committee
Passed Senate Dec. 18, 1975
Passed House Feb. 9, 1976
House agreed to conference report, Apr. 6, 1976
Senate agreed to conference report, Apr. 7, 1976
Approved Apr. 22, 1976

Linda L. McCall
19789 171 ST
Basehor, Kansas 66007
Feb. 6, 1995

Department of Agriculture

To whom it may concern:

Refer: SENATE BILL No. 47

I'm very concerned about the bill you are presenting at this time. We do not need more laws and regulations. We just need more enforcement of the laws made by the USDA, USDI and the Kansas Department of Wildlife and Parks.

The shortage of manpower in the field has hindered the enforcement of the law. There are many breeders out there that are registered with the above mentioned offices. So we should be able to get a count on how many more officers we need. The exotic wildlife and livestock industry is not a get rich quick industry. It is very expensive. With all the time, money and work involved in putting a place together, for the purpose of raising and selling exotic animals, it would stand to reason we need our officials to work hand and hand with us to improve the industry and not adding to the misunderstanding of the exotic animals and our existing laws. We need to protect the rights of the American citizen and their God given right to take care of the gifts we were given. These are the wild animals that God created some we have made into pets and others still run wild but they should all be treated with respect.

We feel about our exotics like most people feel about their cats and dogs. There is alot of misunderstanding about the exotic animals which in part is caused be governmental offices. Some one from your department needs to take the time to visit local facilities and sales, but they most remember that not every sale or facility is managed the same. You need to punish the law breakers as much as possible and not judge the rest of us by the actions of just a few. The zoos are not any better than the private sector. They have lost some of the most common of animals as well as endangered ones to nothing more than pure neglect. The federal and state governments regulate them and they are more open and accessible to inspectors yet they are having less of an influence on them. The same zoos that we are told are trying to preserve these animals are the same ones that are selling them to the big game farms for hunting purposes. This to me is one of the most inhumane acts being carried out in the exotic wildlife industry. This is said to be a free country but with the state and federal governments wanting to control all things, with no margin for error, it will not be free much longer.

I feel that if the people are left in charge that the bad sales and bad breeders will be forced out of business. We talk to one another in this business and let each other know who is good and who is bad. This way the bad ones get weeded out. We do need help in the area of what the state considers dangerous and to who they are a danger to. We need a list of the animals you want on this bill not just a general description. We need the common name as well as the scientific name. If an animal is put on the list will we have the opportunity to defend the animal and prove their merit?

Senate Ag Co
2-6-95
Attachment 16

16-1

Inherently dangerous as explained in Sect. 1(j) should also include guard dogs. These dogs are trained to be mean and aggressive. Will the dobermans, pit bulls, rottweiler, saint bernards and other dogs of similar nature be included on this list of inherently dangerous animals. There are lots of dog attacks on innocent children and government workers every day but these animals are still aloud in our neighborhoods and run free in our streets. This is an area that needs more attention than the exotics with only about 6 incidence, in the State of Kansas, within the past two years compared to about 650 dog and cat attacks in just Wyandotte County alone. Were is your basis for trying to change the existing laws in the area of exotics and inherently dangerous animals?

If this law is passed, what is going to happen to the animals that are owned by those individuals that can not pay the permit fees or can't afford the costs of up-grading their facilities to your standards? Another question I have is why can't the federal and state work together? Why can't the laws from both sides be more compatible with one another? We need less confusion and more direct answers. It would be in our best interest as well as the animals to work together to solve any problems within the industry. This can be accomplished by selecting a few private breeders, market operators and law makers to set on a committee and revue the problems and come up with the solutions. These are the people that need to visit private facilities as well as the exotic auctions. A committee like this could also revue suggestions from other private breeders and market operators. The more impute you get the better and more reasonable the laws will be to protect the animal as well as the public.

Thank you for the time to say my piece. We love our animals for we have no children. Our animals are the closest thing that God could give us. We are all care takers of this world. May God bless you and keep you safe. Thanks again.

Sincerely,



Stan & Linda McCall

Feb. 1995

ATT: Senators and Committee
Hearing: Senate Bill NO. 47
From: Poverty Knob Game Farm;
Steve P Anderson SR & Nancy Carpenter

We are protesting Senate Bill No. 47
this Bill is very UnFair and will become
impossible for small Bus. & Actions to stay
Alive.

AS on our Farm we are trying to
raise enough exotic animals to enable us
to retire and have a income. (Social, Si.)
may not be there when we retire)

The proposed yearly license Fee
is Redicious and UnFair NOT AFFORDABLE
to most Breeders of exotic animals
you will put a lot of people out of
Business and this is no gain for anyone.

It is said in one part of Bill SB 47
Page 2 No. 33 (B) NOT RE Fundable if denied
application Fee.

This tells me you people receive Free
money!

We have permitts for Breeding Animals
possession permitts and special ones for
Federal animals birds Etc. endangered animals, Etc
We have to be USPA Approved which costs
to keep every thing up to pare, Just to own
A so called Indrently dangerous Animal.
Where Dogs + Cats and so fore are not.

Senate App. Co
2-6-95
Attachment 17

there is Far more Attacks on people
from neglected Dogs than From exotic
Animals.

Please hear our Protests against
B:11-47

- Thank you
Poverty Knob Game Farm

Steve P. Anderson S.R.

Nancy E. Carpenter 2/2/95

Cooper's Exotic Farm
19701 178 St.
Tonganoxie, KS 66086
Jan. 29, 1995

Department of Agriculture

To Whom it may concern:

With the introduction of Bill # 47 many concerns have been raised. The idea of producers and exotic livestock market operators to be licensed under the Agriculture Department and the unusually high licensing fees are my biggest concerns.

With the Nov. election I thought the people sent the clear message that we don't want big government. Certain areas of exotic wildlife and livestock may need to be overseen but the Kansas Wildlife and Parks Department already does that. They give the possession permit as well as the game breeders permit for such exotics as are covered in Bill #47. The federal government also covers such exotics under the U.S.D.A. and the U.S.D.I.

The Agriculture Dept. is already in charge of domestic livestock and the aspects surrounding them. When we have the high rate of abuse in puppy mills and the lack of inspectors and veterinarians involved in the livestock auctions how can you expect to take on more responsibility? The Wildlife and Parks have the game wardens and the knowledge for inspecting and governing the exotic industry. If you take control of the exotic livestock and wildlife it won't be any better than it is now it will be worse. You don't have the time or the manpower to oversee what you already have control of. You should get your own house in order before you start pointing your finger at someone else and the few faults they may have.

If it is a matter of the welfare of the animals our existing laws are sufficient. The problem is a lack of clear definitions of the laws. Nether the state or the federal governments can tell us what is acceptable in regards to our facilities. There are laws that do specify the type of cages to be used at exotic livestock markets but some market operators don't enforce them. The truth is I have only seen a few bad cages in all the sales I have gone to throughout 10 years in the industry. This is where the problem is. Don't add to the law. Clear it up and enforce it.

I have raised cougars for 6 years and have never had any problems with the game wardens or inspectors. When a new regulation or law was made I was given ample time to comply and I did. But Bill #47 is going overboard with all the paper work and application fees. It also has very vague wording. In Sec. 11(d) it seems to say at any time the secretary can adopt new rules and regulations and we must comply to them. It says they must be published but just like these hearings I didn't know about them until just three days before they were to start. How can anyone change the rules or regulations if they don't seek the advise of those most involved and knowledgeable of the subject? In Sec. 15(e) it gives no standards for caging and maintenance. How are we to know what will be acceptable or not? The people in this

Senate Ag Co
2-6-95
Attachment 18
18-1

industry should be involved with such important matters. We know what works and is healthy for our animals and safe for the public.

The paper work that you are asking for is going to be more red tape. Under the laws for the game breeders permit we must already submit proof of purchase, changes in wildlife possession such as sales and death. We must also give sales receipts to the buyers and send copies to the secretary. We must also provide health papers with the animals when sold or when taken to any livestock market. Why the big change? Don't punish the rest of us for the misleading and sometimes out right illegal practises of a few people.

I raised my cougars from 3 months of age. They get fed every day and have water at all times. They are kept in two chain link pens 15' x 15' with a covered top. They also have a 30' x 30' play pen that they can run and play in when I let them. They get wormed regularly and their food is supplemented with vitamins. These are not just a novelty animal to have they are my beloved pets. They have different personalities and different likes and dislikes. I know these cats like you may know your dog. I've put a lot of time and money into their care. Why would I mistreat them? Just like any animal their care is based on the person owning them. Exotic wildlife and livestock are not cheap animals to buy or own. If they are not properly cared for they will die and you are out hundred and possibly thousands of dollars. Domestic animals are not as expensive or hard to care for and it is my belief that they are in a more vulnerable position for abuse.

Exotic wildlife and livestock are like any other animal, including domesticated ones, in that they can be dangerous. The incidences of exotics causing injures to people is minute in the site of domestic dogs and cats. In Wyandotte county alone there have been 649 dog and cat attacks. There were 6 incidences of exotic wildlife attacks according to the Kansas Wildlife and Parks in Pratt and one of them was an attack on someone's dog not a person. When an exotic animal does injure or attack a person in almost every situation it was the persons fault and it is the owner or the care taker of the animal that is injured. This is not the case with dogs and cats. It is a child playing or just wanting to pet the animal or a postal carrier that is injured. In the same situation the exotic animal is accused of being wild and we are told they should not be kept in captivity but if it is a domestic dog no one knows why they attacked and no one is to blame. Why are there not stricter laws concerning such dogs as pitbulls, dobermans, rottweilers or german shepherds?

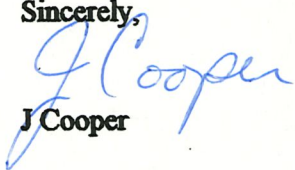
My last question is why is the red deer singled out and prohibited from the state? It is no different than any other deer. They can all carry the same diseases and under the existing laws all deer are required to be tested for diseases. I see no reason to prohibit red deer into the state or any other exotic wildlife. If the federal government allows them into the country they should be allowed into any state. If a person has laid out the expense of such an animal they will also have proper fencing and housing to care for the animal. It is just like any other exotic animal. The producer has invested time and money into it, why would they want to lose it to death, from disease or improper diet or lose it from improper fencing allowing it to escape? Any concern of an animal escaping is a valid one, but because of our requirements for fencing this is unlikely. If the same laws applied to dog owners we would be putting the dog catchers out of business.

Because there are so many questionable areas to this bill, areas that increase government and impose an undue burden on hard working citizens just trying to produce an income from something they love, I feel it should not even be brought up for a vote. If at any time in the future revisions need to be made to the existing laws a committee should be formed consisting of both law makers, enforcers, exotic wildlife

producers and market operators. This would insure fair laws and no resistance to the compliance of the laws.

Thank you for allowing me to make my concerns and objections known. I know you will take them into account in making your decision. It is my hope that we can work together in this area of exotic wildlife and livestock to make it more acceptable to the public and profitable to the animals.

Sincerely,



J Cooper

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Q. M. B. H.
Merri Peters
309 Anna Ave.
Dodge City, KS 67801
227-6715

Senate Ag Co
2-6-95
attachment 19

January 26, 1995

Senator Stephen Morris
Topeka, Kansas
FAX 1-913-296-6718

Dear Sen. Morris

This is concerning Senate Bill #47 on page 7, New Sec. 15, the application fee of \$500.00 is way out of line as well as the yearly fee. It also is not clear if these fees are per owner, or per animal. As the way this Senate Bill #47 now reads, is that the secretary could refuse any or all applications if wanted to and if this is done, what are they going to do with the animals? Are they going to kill these lovely beautiful animals. We do need protection for the animals, but not eliminate.

I own an African Lion, and she lives like a queen. I got her when she was 3 weeks old and she is now 5 years old. She has a very large pen, made out of 3½ inch oil well pipe set in 3 foot of cement and the sides of the pen are of 3/4 inch iron oil well sucker rods 6 inch apart including the top which is 10 to 12 feet high. Then there is a second pen around her pen.

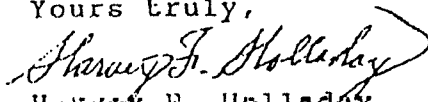
We spend from 2 to 4 hours a day with her, she is one of the family.

I can not see why others and my self should be penalized just because a few owners do not take care of there animals. They are the ones out of line.

I ask you to vote NO on this Senate Bill #47 until it is revised.

I thank you very much.

Yours truly,


Harvey F. Holladay
11332 Middle Road
Dodge City, Kansas 67801
316-225-4588

Senate Ag Co
2-6-95
Attachment 20

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Lara Cleverger
11326 Middle St.
Dodge City, Ks. 67801

Senate Ag Co
2-6-95
attachment 21

2508 W. Park
Dodge City, Ks 67801
316-227-8007 -wk
316-227-8426 -hm

January 25, 1995

Dear Sen. Reynolds,

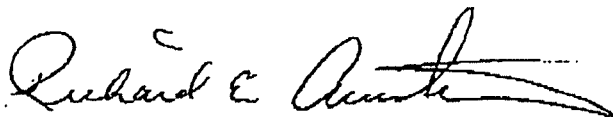
This is concerning Senate Bill #47 page 7.

I feel that this Bill would greatly affect the ownership of exotic animals in Kansas. The fee of \$500.00 for license application is way out of line. If the license is denied there is no provision for a refund. The annual license renewal fee of \$250.00 is not clearly outlined in the Bill. Will this fee be applied per owner or per animal? The fee is also unreasonably high. I feel that this Bill will eliminate the ownership of exotic animals in Kansas. Granted, we do need restrictions, but not elimination.

I would appreciate this Bill's being revised.

We, the owners of exotic animals, would like to protect our rights and privilege to own these animals.

Thank you very much,



Richard E. Armstrong
A Concerned Exotic Animal Owner

*Senate Ag Co
2-6-95
Attachment 22*

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Kevin E. Dean

11330 Middle Rd

Dodge City, Ks.

67801

*Senate Ag Co
2-6-95*

attachment 23

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

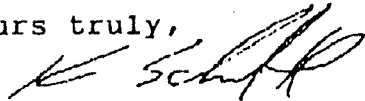
Dear Senator:

Am concerned about Senate Bill #47-by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,



11327 118 RD

Wright 11567882

Senate Ag Co
2-6-95
attachment 24

2508 W. Park
Dodge City, Ks 67801
316-227-8007 -wk
316-227-8426 -hm

January 25, 1995

Dear Sen. Reynolds,

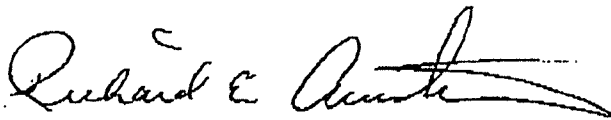
This is concerning Senate Bill #47 page 7.

I feel that this Bill would greatly affect the ownership of exotic animals in Kansas. The fee of \$500.00 for license application is way out of line. If the license is denied there is no provision for a refund. The annual license renewal fee of \$250.00 is not clearly outlined in the Bill. Will this fee be applied per owner or per animal? The fee is also unreasonably high. I feel that this Bill will eliminate the ownership of exotic animals in Kansas. Granted, we do need restrictions, but not elimination.

I would appreciate this Bill's being revised.

We, the owners of exotic animals, would like to protect our rights and privilege to own these animals.

Thank you very much,



Richard E. Armstrong
A Concerned Exotic Animal Owner

Senate Agr Co
2-6-95
Attachment 25

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be revised on Exotic Animals. It could eliminate Exotic animals the way it now reads, in Kansas.

Thanking you,

Yours truly,

Wayne Cook
3156 Fort Dodge Road
Dodge City Ks
67801

Senate Ag
2-6-95
Attachment 26

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Ken Powell
2520 Howell
D.C. Kane
62801

Senate Ag Co.
2-6-95
Attachment 27

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Mary H. Werr
11330 Middle Rd.
Dodge City, Ks.

Senate Ag Co
2-6-95

Attachment 28

2402 Long Ave.
Liberal, KS 67901
January 30, 1995

Senator Marian Reynolds
State Capitol, 458-E
Topeka, KS 66612-1504

Dear Senator Reynolds:

Thank you for sending the copy of Senate Bill #47. It has been very enlightening reading. Please note that my wife, son and I (all voting citizens of Kansas) are very much opposed to this bill.

We own several hundred acres in central Kansas and have had buffalo on this land since 1962. We now only raise buffalo and sell to other breeders for their herds or to others interested in the meat industry. This herd is kept in a normal barbed wire fence, the same as cattle. Since we do not do any farming, all our feed and hay are bought locally. So you see this keeps all of the money in Kansas in several different aspects.

I do not have the number of Kansas members of the Kansas Buffalo Association, but just returned a week ago from the National Bison Association convention and stock show and there are approximately 1700 members in this organization. The stock show in Denver netted more than \$400,000 and sold only about 160 head. I know there is a sale in Salina and at the Maxwell Game Reserve each year, but do not have the figures from these events. Since I only recently heard about this bill, I did not have the time to compile data on these sales.

Do you realize the dollar amount revolving around the buffalo industry each year in the state of Kansas? This is a fairly small aspect, but at this time is much more profitable than the cattle industry. With the concern about fat in the diet, the buffalo meat offers the consumers an alternative that is very low in fat and cholesterol. I feel this is an up and coming market, which will be severely affected if this bill is passed. Most farmers (all types) are barely making it now, and if you impose a bond and yearly license, this could be the straw that broke the camel's back!!!

One of the major items in this bill that needs to be clarified for me is the term "livestock." Cattle, sheep, swine, goats, even horse, etc. are not indigenous to the state of Kansas nor the United States. Therefore, does, this mean anyone having such animals are also subject to this bill and its subsequent bond and yearly license? If not, then this bill is not correct. The way I remember my Kansas history, the buffalo and the Indians are the only indigenous animals and humans to this state, everything else was brought here with the settlers and their covered wagons!!!

Senate Ag. Co
2-6-95

Attachment 29

Senator Marian Reynolds
Page 2
January 30, 1995

I understand the bill wanting to regulate the exotic wild animals, much as lions, cougars, etc., but feel it is not fair to the people of this state trying "alternative farming." There is a big difference between having exotic wildlife and raising buffalo.

We had planned on retiring to central Kansas and enlarging our buffalo herd, but now may have to look at either an alternative state that allows this, or maybe something that will "fits the states' idea of farming."

I hope you consider this very seriously, as this will affect not only the people that live in this state, but also the people that look to moving here, not only for this venture, but in many other ways that can affect the growth of this state.

Sincerely,

Larry F. Smith

Larry F. Smith

/hs

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Bary Heny
RT 2 Box 169
De KS 67801

Senate Ag Co
26-95
attachment 30

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Jeremy Elling
Jeremy Elling
3019 Anna Ave.
Dodge City KS.
67801

Senate Ag Co
2-6-95
Attachment 31

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #47 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Albert Rumsey
Delite Rumsey

11327 Middle Rd Dodge City, Mo.

Senate Ag. Co
2-6-95
Attachment 32

January 26, 1995

FAX 1-913-296-6718

Senator Marian K. Reynolds
Topeka, Kansas

Dear Senator:

Am concerned about Senate Bill #17 by the Committee on
Agriculture that is coming before the Senate this Monday.

Am asking you to vote NO on this Bill until it can be
revised on Exotic Animals. It could eliminate Exotic animals
the way it now reads, in Kansas.

Thanking you,

Yours truly,

Don & Janis Ferguson

Rt. 3 Box 184

Dodge City KS

67801

*Senate Ag Co
2-6-95
attachment 33*



KANSAS VETERINARY MEDICAL ASSOCIATION, INC.

816 SW Tyler, Suite 200, Topeka, Kansas 66612, (913) 233-4141

FAX: (913) 233-2534

February 6, 1995

Dr. Gary L. Modrcin
President
College Blvd. Animal Hospital
11733 College Blvd.
Overland Park, Ks. 66210

Dave Corbin, Chairman
Senate Committee on Agriculture
Statehouse
Topeka, Ks. 66612

Dear Chairman Corbin:

Dr. Duane M. Henrikson
President-Elect
Emporia Veterinary Hospital
710 Anderson
Emporia, Ks. 66801

During testimony on Senate Bill 47, Monday, January 30, questions were raised to which directors of the Manhattan and Sedwick County zoos have responded.

Dr. William D. Fortney
Vice President
Dept. Clinical Sciences
KSU College of Veterinary Med.
1735 Cedar Crest
Manhattan, Ks. 66502

1) **Curator of Mammals Steve Smith, Sedwick County Zoo**, has supplied you with information regarding the **Species Survival Plan (SSP)**, a cooperative breeding and conservation program. The mission of the American Zoo and Aquarium Association is also outlined.

Dr. Vern Otte
Trustee-at-Large
State Line Animal Hospital
2009 W. 104th
Leawood, Ks. 66206

*NOTE: Curator Smith has been in contact with the state agency in New Jersey which regulates ownership of exotic animals. Copies of former rewritten regulations will be forwarded to you upon his receipt of them.

Dr. Frank Solomon
Treasurer
Solomon Veterinary Clinic
7810 E. Funston
Wichita, Ks. 67207

2) **Director of Manhattan's Sunset Zoo, Donald Wixom**, has supplied you with a copy of the city's ordinance on the "keeping of wild or dangerous animals" within the city limits.

Catharine A. Deever
Executive Director
KVMA Office
816 SW Tyler, Suite 200
Topeka, Ks. 66612

Additionally, he sent a copy of an article from Zooscape regarding reptiles kept as pets published by the New Mexico Zoological Society.

Should you need any other information on the matter of owning, breeding and marketing of dangerous exotic animals, please feel free to contact:

Mark C. Reed , Director of the Sedgwick County Zoo:	316-942-2212
Steve Smith , Sedgwick Cty Zoo Curator of Mammals:	316-942-2212
Donald W. Wixom , Director of Manhattan Sunset Zoo:	913-587-2737
David P. Traylor , Director of Emporia Zoo:	316-342-5105

Respectfully yours,

Catharine A. Deever
Executive Director
Kansas Veterinary Medical Association

Senate Ag. C.
2-6-95
Attachment 34
34-1

The Species Survival Plan (SSP) is a cooperative breeding and conservation program designed to maintain a genetically diverse, viable and demographically stable population of a threatened or endangered species in captivity and to organize zoo and aquarium based efforts to preserve the species *in situ*. There are now 70 SSP's managing cooperative breeding programs for 117 different species, including 56 mammal, 16 bird, 6 reptile, 1 amphibian, 34 fish and 4 invertebrate species.

In the last few years, many SSPs have evolved into holistic conservation programs engaged in world wide conservation efforts: research, education and fund raising to support *in situ* conservation.

As stated by AZA, "The mission of the American Zoo and Aquarium Association's Species Survival Plan Program is to help ensure the survival of selected wildlife species. The mission will be implemented using a combination of the following strategies:

Organize scientifically-managed captive breeding programs for selected wildlife as a hedge against extinction. SSP programs manage viable populations and hence gene pools in captivity to assist conservation of species in the wild. Biological aspects of the SSP are oriented around SSP Masterplans for each taxon providing institution-by-institution and animal-by-animal recommendations.

- Cooperate with other institutions and agencies to ensure integrated conservation strategies.
- Increase public awareness of wildlife conservation issues.
- Conduct basic and applied research to contribute to our knowledge of various species.
- Train wildlife and zoo professionals. [This has occurred in Africa, South America and Asia.]
- Develop and test various technologies relevant to field conservation
- Reintroduce captive bred wildlife into restored or secure habitat as appropriate and necessary. [Two SSP populations have provided specimens for reintroduction in natural habitats: Arabian Oryx and Golden Lion Tamarins.]"

Each SSP has a species coordinator. Management committees composed of various experts assist the coordinator with the conservation efforts including aspects of population management, research, education and reintroduction.

An SSP Masterplan designs the "family tree" of a particular captive population in order to achieve maximum genetic diversity and demographic stability. Breeding recommendations are made for each animal with consideration given to logistics and feasibility of transfers between institutions, as well as maintenance of natural social groupings. **Often, Masterplans include recommendations not to breed animals so as to avoid having the population outgrow the available holding space, to avoid inbreeding depression or to avoid over-representation of a particular genotype.** A studbook is maintained which contains the vital records of an entire captive population of a species including births, deaths, transfers and lineage. Using computer analysis, a studbook enables the species coordinator and the management group to develop the Masterplan with sound breeding recommendations based on genetics and demographics. Data for each studbook is compiled and constantly updated by a "studbook keeper".

Many SSPs have developed husbandry manuals that set guidelines based on the best current scientific knowledge for the diet and care of the species in captivity. This information may be suitable for providing minimum care and/or housing standards for private individuals wishing to maintain exotic animals.

ORDINANCE NO. 3795

AN ORDINANCE REGULATING THE KEEPING OF WILD OR DANGEROUS ANIMALS WITHIN THE CITY OF MANHATTAN, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

Section 1. It shall be unlawful for any person, firm or corporation to keep, maintain or have in his possession or under his control within the city any poisonous reptile or any other dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

Section 2. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any of the following animals:

- (1) All poisonous animals, including rear-fang snakes.
- (2) Apes, Chimpanzees; gibbons; gorillas; orangutans; and siamangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocodilians, thirty (30) inches in length or more.
- (10) Constrictor snakes, six (6) feet in length or more.
- (11) Coyotes.
- (12) Deer; includes all members of the deer family. for example, white-tailed deer, elk, antelope and moose.
- (13) Elephants.
- (14) Game cocks and other fighting birds.
- (15) Hippopotami.
- (16) Hyenas.
- (17) Jaguars.
- (18) Leopards.
- (19) Lions.
- (20) Lynxes.
- (21) Monkeys.
- (22) Ostriches.
- (23) Pumas; also known as cougars, mountain lions and panthers.
- (24) Raccoons.
- (25) Rhinoceroses.
- (26) Skunks.
- (27) Tigers.
- (28) Wolves.

Section 3. Section 1 and 2 of this ordinance shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

- (1) Their location conforms to the provisions of the zoning ordinance of the city.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.

Section 4. Any person, firm or corporation violating the terms of this ordinance shall be fined in any sum less than \$500.00 or imprisoned for any period less than six (6) months or shall be both so fined and imprisoned. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PASSED THIS 17TH DAY OF JUNE, 1980, BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS.

ATTEST:

SEAL

Gregg W. Gibson, City Clerk

Edward F. Horne, Mayor

Herps
at
Home...

Welcome,
Aunt Martha!

Come Meet
Your Roommate!

OF

by Dale Belcher, Curator of Reptiles and Amphibians

Periodically, it seems worthwhile to mention that amphibians and reptiles do not make suitable pets for most people. I receive offers each year of perhaps 300 unwanted pets (and, no, I do not make referrals). One way or another, people want to solve their reptile and amphibian problems by making them *our* problems. It seems that many animals are purchased on impulse, and plans for their future care are not well thought out. Baby Burmese pythons really are cute (I'm a herpetologist, remember), and it is clear that they appeal to one thing or another in many people. But the truth is that a 17-foot, 250-pound python is really a bit much for most households; in fact, it can be down-

right dangerous. "When it gets too big, we will give it to the zoo," becomes a self-fulfilling prophecy, except for one small thing: the guy at the zoo (that would be me, so I know whereof I write) is going to say "NO, thank you," 95.5% of the time!

Many years ago, I received a phone call from a fellow who said, "I just bought a three-foot boa constrictor for \$250. I would like to know if that was a good price, and what do they eat, anyway?" That remains for me the model of the buy-now think-later approach to pet acquisition, which is, sadly, all too common. There truly are a number of things to consider here. Without further ado, I offer my ...

New Year's Checklist for the New Pet Buyer

1. How will we house it when we get it home?
2. How large will it get? How will we house it when it is 15 feet long?
3. What will we feed it? Are we really, really, really willing to feed it _____? (Fill in name of cute furry mammal.) Will we still like it if it eats the Yorkie?
4. How long will it live? Circle one: 1 year; 3 years; 5 years; 7 years; 10 years; 25 years. **Turtle owners only:** 30 years; 40 years; 50 years; 75 years. What will happen to it when we die?
5. What will we do with it when Junior/Missy discovers girls/hunks and loses interest? Will we still want it when Junior/Missy goes to college and can't keep it in the dorm?
6. How warm must it be kept? Are we willing to turn the spare bedroom into a tropical rainforest? Can we afford the utility bill?
7. Will Aunt Martha sleep with it when she comes to visit next spring?
8. What will we do if it gets ill? Are we really willing to pay a veterinarian *that much* for healing a sick _____? (Fill in species name.)
9. Who will feed it when we're on vacation? Will they really, really, really feed it _____? (See Question 3 above.)
10. What will we do when (not if) it gets out of its cage/room?
11. Will it bring in the newspaper?

Can it be paper-trained?

13. Will it point quail or retrieve ducks?

14. Has it ever been called man's best friend?

15. Is it a social species that will sit in our laps and purr, or at least go for walks?

☆☆☆

If you are not considering a venomous pet, skip to *Scoring*, below. Those considering a venomous pet, please continue.

☆☆☆

16. How many vials of antivenom will we need to insure treatment in case of an accidental bite? (Allow a minimum of 12 vials per bite times two in the event of a second bite before restocking.)

17. How much will the antivenom cost us? For North American species, multiply your answer in Question 16 by \$200. If a foreign species, call the Dallas Zoo for information on APHIS (U.S.D.A. Animal and Plant Health Inspection Service) and IND (U.S. Food and Drug Investigational New Drug) numbers, as well as on legal import procedures. Then multiply your answer in Question 16 by one of the following: German antivenom: \$300; South African antivenom: \$50; Australian antivenom: \$400-\$600; Brazilian antivenom: unavailable; Honduran antivenom: unavailable; Thai antivenom: \$25; Indian antivenom: \$12. Divide the result by three or five for an annualized amount.

18. Do they have at least four weeks of sick leave available at all times?

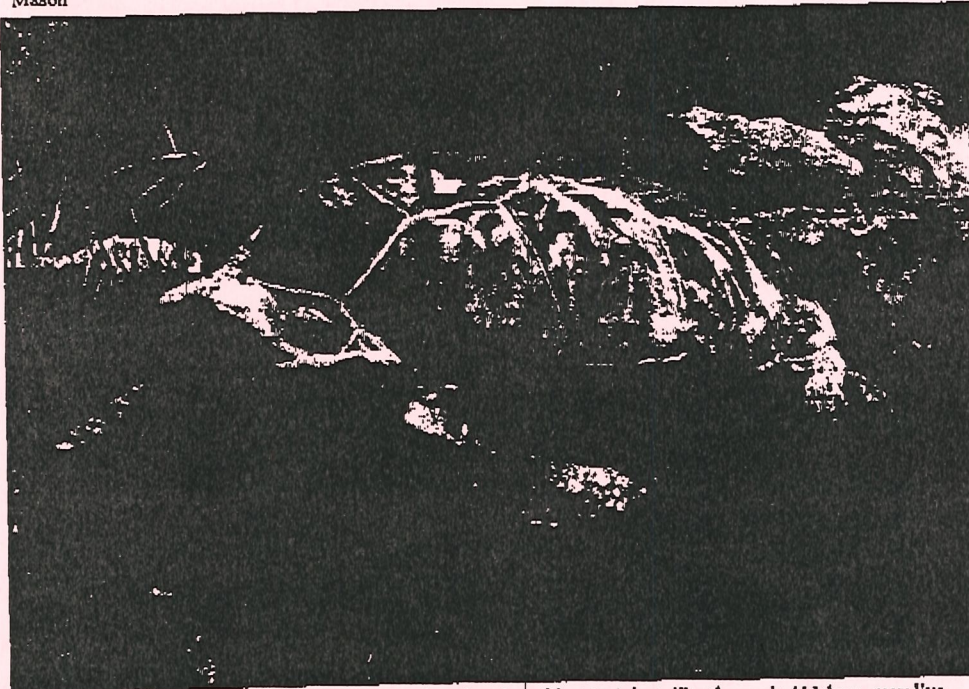
19. Would impaired use of a limb pose any problems in continued employment?

Note: "We will give it to the zoo" is not the correct answer to any question.

Scoring: If you actually answered yes to any of the questions, start again at Question 1.



Mason



Longevity is a hallmark of the *Testudines*, the order of turtles. Giant tortoises, like the zoo's Aldabra, may live 150 years, and even common box turtles may reach the age of 75.

Artwork courtesy Linda Diebert,
What's New at the Zoo, Kangaroo?



Dr. William C Skaer, DVM

Skaer Veterinary Clinic
603 North Edgemoor
Wichita, Ks. 67208
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Fax Cover Sheet

To Senator CORBIN

From Bill SKAER

Date 2-7-95

Of Pages(Including Cover Sheet) 5

Message Petition in support of
Bill SB-47

Please contact this office at (316) 683-4641 if you do not receive all the pages in this transmittal. Thank You.

65 Names

Senate Ag. Co
2-6-95
Attachment 35
35-1

As a member of the Kansas State University pre-veterinary club, I support Senate Bill No. 47, which has been presented to the committee on Agriculture. I urge this committee to present the bill to the legislature, and I support its passage.

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As a member of the Kansas State University pre-veterinary club, I support Senate Bill No. 47, which has been presented to the committee on Agriculture. I urge this committee to present the bill to the legislature, and I support its passage.

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IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS

DEPARTMENT OF FISH AND GAME

MANUAL NO. 671

(2/25/92)

Senate Ag Co.
2-6-95
attachment 30

(Rev. 4/94)

CALIFORNIA FISH AND GAME CODE

2116.5. LEGISLATIVE FINDINGS

The Legislature finds and declares that wild animals are being captured for importation and resale in California; that some populations of wild animals are being depleted; that many animals die in captivity or transit; that some keepers of wild animals lack sufficient knowledge or facilities for the proper care of wild animals; that some wild animals are a threat to the native wildlife or agricultural interests of this state; and that some wild animals are a threat to public health and safety. It is the intention of the Legislature that the importation, transportation, and possession of wild animals shall be regulated to protect the health and welfare of wild animals captured, imported, transported, or possessed, to reduce the depletion of wildlife populations, to protect the native wildlife and agricultural interests of this state against damage from the existence at large of certain wild animals, and to protect the public health and safety in this state.

**DEPARTMENT OF FISH AND GAME
MANUAL NO. 671**

**PART ONE
IMPORTATION, TRANSPORTATION AND
POSSESSION OF WILD ANIMALS**

<u>Section Number</u>	<u>Subject</u>	<u>Page</u>
Section 671	Importation, Transportation and Possession of Wild Animals	1
Section 671.1	Permits for Possession of Wild Animals	4
Section 671.2	Humane Care and Treatment of Wild Animals	8
Section 671.3	Minimum Facility and Caging Standards for Wild Animals Housed at Permanent Facilities	9
Section 671.4	Transportation Standards for Exhibition of Live Animal	19
Section 671.5	Disposition of Violations Related to Possession of Wild Animals	22
Section 671.6	Release of Animals Into the Wild	22
Section 671.7	Permits for Aquaculture Purposes	22

**PART TWO
PROCEDURES FOR ISSUING AND ADMINISTERING
PERMITS FOR PROHIBITED SPECIES**

<u>Subject</u>	
Applications	23
Permits	23
Exhibiting	24
Wild Animal Breeding	24
Brokering or Dealing	24
Detrimental Species	24
Clearinghouse	24
Animal Care	24
Sheltering	25
Permit Denial and Appeal Process	25
Inspections of Housing/Caging Facilities	25
Criteria for Determining Bona Fide Scientific Institution	26
Violations	26

671. Importation, Transportation and Possession of Wild Animals.

(a) Species listed in subsection (c) of this Section are prohibited and it shall be unlawful to import, transport or possess these species alive except under permit issued by the Department of Fish and Game. Permits for importation, transportation or possession of these species shall be refused by the department, except that permits may be granted as specified herein and for purposes designated in Section 671.1 subject to the conditions and restrictions contained in sections 671.1, 671.2, 671.3, 671.4, 671.5, 671.6, and 671.7 and such other conditions as may be designated by the department. Cities and counties may prohibit possession or require a permit for species not requiring a state permit.

(b) In designating these prohibited species, the Commission has determined that they are not normally domesticated in this state and recognizes two specific classes of prohibited wild animals. Mammals listed to prevent the depletion of wild populations and to provide for animal welfare are termed "welfare animals", and are designated by the letter "W". Those species listed because they pose a threat to native wildlife, the agriculture interests of the state or to public health or safety are termed "detrimental animals" and are designated by the letter "D". Animals may be added to or deleted from this list pursuant to the provisions of Section 2118(k) of the Fish and Game Code. The department shall include the list of welfare and detrimental wild animals as part of DFG MANUAL NO. 671 (2/25/92) IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS, to be made available to all permittees and other interested individuals.

(c) No person shall release into the wilds of this state any animal which is not native to California except as provided in these regulations (see Section 671.6). Prohibited species include:

- (1) Class Aves - Birds
 - (A) Family Alaudidae - Larks
Alauda arvensis (Skylark) - (D).
 - (B) Family Cuculidae - Cuckoos
All species - (D).
 - (C) Family Corvidae - Crows, Ravens, Rooks, Jackdaws (Genus *Corvus*)
All species - (D).
 - (D) Family Turdidae - Thrushes, Blackbirds, Fieldfare
 - 1. *Turdus merula* (European blackbird) - (D).
 - 2. *Turdus viscivorus* (Missel thrush) - (D).
 - 3. *Turdus pilaris* (Fieldfare) - (D).
 - 4. *Turdus musicus* (Song thrush) - (D).
 - (E) Family Sturnidae - Starlings, Mynahs
All species - (D), except *Sturnus vulgaris* (Starling) and *Gracula religiosa* or *Eulabes religiosa* (Hill mynahs) are not prohibited.

- (F) Family Ploceidae - Sparrows, Weavers, Queleas
 - 1. Genus *Passer* (Sparrow)
All species, except *Passer domesticus* (English house sparrow) is not prohibited.
 - 2. *Foudia madagascariensis* (Madagascar weaver) - (D).
 - 3. *Ploceus baya* (Baya weaver) - (D).
 - 4. Genus *Quelea* (Queleas) - All species - (D).
- (G) Family Estrildidae - Waxbills, Munias, Ricebirds
 - 1. *Padda oryzivora* (Java sparrow) - (D).
- (H) Family Emberizidae - Yellowhammer
Emberiza cirinella (Yellowhammer) - (D).
- (I) Order Falconiformes - Falcons, Eagles, Hawks, Vultures
 - 1. Vultures All species - (D)
 - 2. Falcons, Eagles, Hawks - (D), except not prohibited under conditions set forth in Section 670, Title 14, California Code of Regulations.
- (J) Order Strigiformes - Owls
All species - (D), except Great Horned Owl (*Bubo virginianus*) not prohibited under conditions set forth in Section 670, Title 14, California Code of Regulations.
- (K) Family Pyconotida - Bulbuls or Fruit Thrushes
Pycnonotus jocosus (Red-whiskered bulbul) - (D).
- (L) Family Zosteropidae - Whiteeyes
Genus *Zosterops* (Whiteeyes) - All species - (D).
- (M) Family Psittacidae - Parrots, Parakeets
Myiopsitta monachus (Monk or Quaker parakeet) - (D).

- (2) Class Mammalia - Mammals
 - (A) Order Primates - Monkeys, Apes
All species - (W), except Family Hominidae not prohibited.
 - (B) Order Edentata - Sloths, Anteaters, Armadillos, etc. All species:
 - 1. Family Dasypodidae - Armadillos - All Species - (D).
 - 2. Family Bradypodidae - Sloths - (W).
 - 3. Family Myrmecophagidae - Anteaters - (W).
 - (C) Order Marsupialia - Marsupials or Pouched Animals
 - 1. *Didelphis virginiana* (Common opossum) - (D).
 - 2. All other species - (W).
 - (D) Order Insectivora - Shrews, Moles, Hedgehogs, etc.
All species - (D).

- (E) Order Dermoptera - Gliding Lemurs
All species - (D).
- (F) Order Chiroptera - Bats
All species - (D).
- (G) Order Monotremata - Spiny Anteaters, Platypuses
All species - (W).
- (H) Order Pholidota - Pangolins or Scaly Anteaters
All species - (W).
- (I) Order Lagomorpha - Pikas, Rabbits, and Hares
All species - (D), except domesticated races of rabbits and hares of the Family Leporidae not prohibited and exempt from permit requirement.
- (J) Order Rodentia - Hamster, Field Mice, Voles, Muskrats, Gerbils, Squirrels, Chipmunks, Woodchucks, and Prairie Dogs.
1. All species - (D), except:
 - a. *Ondatra zibethica* (Muskrats) - Not prohibited under conditions set forth in Fish and Game Code Section 2250;
 - b. Domesticated races of golden hamsters of the species *Mesocricetus aruatus* and domesticated races of dwarf hamsters of the Genus *Phodopus* not prohibited and exempt from permit requirement;
 - c. Domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared) not prohibited and exempt from permit requirement;
 - d. Domesticated races of guinea pigs of the species *Cavia porcellus* not prohibited and exempt from permit requirement; and
 - e. Domesticated races of chinchillas of the species *Chinchilla laniger* not prohibited and exempt from permit requirement.
- (K) Order Carnivora - Raccoons, Ringtailed Cats, Kinkajous, Coatis, Cacomistles, Weasels, Ferrets, Skunks, Polecats, Stoats, Mongoose, Civets, Wolves, Foxes, Coyotes, Lions, Tigers, Ocelots, Bobcats, Servals, Leopards, Jaguars, Cheetahs, Bears, etc.
1. Family Felidae - All species
 - a. *Acinonyx jubatus* (cheetahs) - All species - (D).
 - b. All other species - (W), except that domestic cat is not prohibited and is exempt from permit requirement.
 2. Family Canidae - All species - (W).
 - a. Wolf hybrids *Canis familiaris* (domestic dog) x *Canis lupus* (wolf).
 - i. Any F1 (first) generation wolf hybrid whelped on or before February 4,

1988 may be possessed under permit from the department.

- ii. No state permit is required to possess the progeny of F1 generation wolf hybrids, but cities and counties may prohibit possession or require a permit.
 - b. Domesticated dogs are not prohibited and no permit is required.
3. Family Viverridae - All species - (D).
 4. Family Procyonidae - All species (including *Procyon lotor* (American raccoon)) - (D).
 - a. *Ailurus fulgens* (Lesser panda) - (W).
 - b. *Ailuropoda melanoleuca* (Giant panda) - (W).
 - c. *Bassariscus astutus* (Ringtail or Ringtailed cat) - (W).
 - d. *Jentinkia sumichrasti* (Mexican and Central American Cacomistle) - (W).
 - e. All other species - (D).
 5. Family Mustelidae - All species including skunks.
 - a. *Ambloynx cinerea* (Oriental small-clawed otter) - (W).
 - b. *Aonyx capensis* (African clawless otter) - (W).
 - c. *Pteronura brasiliensis* (Giant otter) - (W).
 - d. All species of Genus *Lutra* (River otters) - (W).
 - e. All other species - (D).
 6. All others - (W).
- (L) Tubulidentata - Aardvarks
All species - (W).
- (M) Order Proboscidae - Elephants
All species - (W).
- (N) Order Hyracoidae - Hyraxes
All species - (W).
- (O) Order Sirenia - Dugongs, Manatees
All species - (W).
- (P) Order Perissodactyla - Horses, Zebras, Tapirs, Rhinoceroses, etc. All species - (W), except Family Equidae is not prohibited and is exempt from permit requirement.
- (Q) Order Artiodactyla - Swine, Peccaries, Camels, Deer, Elk, Moose, Antelope, Cattle, Goats, Sheep, etc.
All species - (D) except:
1. No permit required for *Bos taurus* and *Bos indicus* (Domestic cattle); *Bos grunniens* (Yak); *Ovis aries* (Domestic sheep); *Capra hircus* (Domestic goat); *Sus scrofa domestica* (Domestic swine); *Llama glama* (Llama); *Llama pacos* (Alpaca); *Llama guanacoe* (guanaco); Hybrids of llama, alpaca and guanacos; *Camelus bactrianus* and *Camelus dromedarius* (Camels); and *Bison bison*

(American bison);

2. Permits may be issued to California licensed domesticated game breeders for species of Elk (Genus *Cervus*) which are already maintained within California; and
 3. Permits may be issued to California licensed domesticated game breeders for other members of the Family Cervidae, except *Cervus elephus* (Red deer); for races of *Ovis canadensis* (Bighorn sheep) which are now or were formerly indigenous to this state; for *Antilocapra americana* (Pronghorn antelope); and *Sus scrofa* (European wild boar).
- (3) Class Amphibia - Frogs, Toads, Salamanders
- (A) Family Bufonidae - Toads
Bufo marinus, *Bufo paracnemis*, *Bufo horribilis* (Giant toad or marine toad group) and all other large toads from Mexico and Central and South America - (D).
- (B) Family Pipidae - Tongueless Toads
All species of the Genus *Xenopus* - (D).
- (4) Class Agnatha - Jawless Fishes
- (A) Family Petromyzontidae - Lampreys
All nonnative species - (D).
- (5) Class Osteichthyes - Bony Fishes
- (A) Family Percichthyidae - Temperate Basses
1. The species *Morone americana* (White perch) - (D).
 2. The species *Morone chrysops* (White bass) - (D).
- (B) Family Clupeidae - Herrings
Dorosoma cepedianum (Gizzard shad) - (D).
- (C) Family Sciaenidae - Drums
Aplodinotus grunniens (Freshwater drum) - (D).
- (D) Family Characidae - Characins
1. *Astyanax fasciatus* (Banded tetra) - (D).
 2. All species of the genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Taddeyella*, *Rooseveltiella*, and *Pygopristis* (Piranhas) - (D).
 3. *Hoplias malabaricus* (Tigerfish) - (D).
- (E) Family Salmonidae - Salmons
Salmo salar (Atlantic salmon) - Prohibited in the Smith River watershed - (D).
- (F) Family Lepisosteidae - Gars
All species - (D).
- (G) Family Amiidae - Bowfins
All species - (D).
- (H) Family Poeciliidae - Livebearers
Belonesox belizanus (Pike killifish) - (D).
- (I) Family Channidae - Snakeheads
All species - (D).

- (J) Family Cyprinidae - Carps or Minnows
1. *Leuciscus idus* - (D).
 2. *Ctenopharyngodon idellus* (Grass carp) - (D).
 3. *Hypophthalmichthys molitrix* (Silver carp) - (D).
 4. *Aristichthys nobilis* (Bighead carp) - (D).
- (K) Family Trichomycteridae (Pygidiidae) - Parasitic Catfishes
All species - (D).
- (L) Family Cetopsidae - Whalelike Catfishes
All species - (D).
- (M) Family Clariidae - Labyrinth Catfishes
All species of the genera *Clarias*, *Dinotopterus*, and *Heterobranchus* - (D).
- (N) Family Heteropneustidae (Saccobranchidae) - Airtac Catfishes
All species - (D).
- (O) Family Cichlidae - Cichlids
1. *Tilapia sparrmanii* (Tilapia) - (D).
 2. *Tilapia zillii* (Redbelly tilapia) - (D), except permits may be issued to a person or an agency for importation, transportation, or possession in the counties of San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial.
 3. *Tilapia aurea* (Blue tilapia) - (D).
 4. *Tilapia nilotica* (Nile tilapia) - (D).
- (P) Family Anguillidae - Freshwater Eels
All species of genus *Anguilla* - (D).
- (Q) Family Esocidae - Pikes
All species - (D).
- (R) Family Percidae - Perches
1. *Perca flavescens* (Yellow perch) - (D).
 2. *Stizostedion vitreum* (Walleye) - (D).
- (S) Family Catostomidae - Suckers
All members of the genus *Ictiobus* (Buffalos) - (D).
- (T) Family Cyprinodontidae - Killifishes
Cyprinodon variegatus (Sheepshead minnow) - (D).
- (6) Class Elasmobranchiomorphi - Cartilaginous Fishes
- (A) Family Carcharhinidae - Requiem sharks
All species of Genus *Carcharhinus* (Freshwater sharks) - (D).
- (B) Family Potamotrygonidae - River Stingrays
All species - (D).
- (7) Class Reptilia - Reptiles
- (A) Order Crocodylia - Crocodiles, Caimans, Alligator, and Gavials
All species - (D).
- (B) Family Chelydidae - Snapping Turtles
All species - (D).
- (C) Family Elapidae - Cobras, Coral Snakes, Mam-

bas, Kraits, etc.

All species - (D).

(D) Family Viperidae - Adders and Vipers

All species - (D).

(E) Family Crotalidae - Pit Vipers

All species - (D), except *Crotalus viridis* (western rattlesnake), *Crotalus atrox* (Western diamondback rattlesnake), *Crotalus ruber* (Red diamondback rattlesnake), *Crotalus scutulatus* (Mojave rattlesnake), *Crotalus mitchelli* (Speckled rattlesnake) and *Crotalus cerastes* (sidewinder) not prohibited.

(F) Family Colubridae - Colubrids

1. *Dispholidus typus* (Boomslang) - (D).

2. *Theoltornis kilandii* (Bird or Vine snake) - (D).

(G) Family Helodermatidae

1. *Heloderma suspectum suspectum* (reticulate Gila monster) - (D).

(8) Class Crustacea - Crustaceans

(A) All species of Family Cambaridae - Crayfish, etc. - (D), except *Procambarus clarkii* and *Orconectes virilis* not prohibited.

(B) All species of Genus *Eriocheir* - (D).

(9) Class Gastropoda - Slugs, Snails

All nonnative species of slugs and land snails - (D), except:

(A) *Rumina decollata* (decollate snail) in the counties of San Bernardino, Riverside, Imperial, Orange, San Diego, Los Angeles, Ventura, Kern, Fresno, Madera, Tulare and Santa Barbara not prohibited with the concurrence of the appropriate county agricultural commissioners.

(B) *Helix aspersa* (brown garden snail) - not prohibited.

(10) Class Bivalvia-Bivalves

All members of the genus *Dreissena* (zebra mussels)-(D).

Authority: Sections 2118 and 2120, Fish and Game Code.

Reference: Sections 1002, 2116, 2118, 2118.2, 2118.4, 2119-2155, 3005.9 and 3005.92, Fish and Game Code

671.1 Permits for Possession of Wild Animals.

(a) Authorized Permits. With the concurrence of the Departments of Health and Food and Agriculture, the Department of Fish and Game pursuant to this section and Section 671, Title 14, CCR, may issue permits for the importation, transportation and possession of species listed in Section 671 to zoological gardens, colleges, universities,

government research agencies, other bona fide scientific institutions as determined by the department and to persons authorized pursuant to subsections (b)(1) through (8) of this section.

(1) General Provisions. It shall be unlawful to import, export, transport, maintain or dispose of any prohibited species except as authorized by these regulations and pursuant to terms and conditions established by the department to specifically provide for the welfare of the animal and to provide for the public health and safety.

(2) Inspection of Facility. A permit shall not be issued by the department unless the applicant's facilities have been inspected and approved. Inspections shall be conducted by the department's employees, persons designated by the department pursuant to Section 2020 of the Fish and Game Code, or a licensed veterinarian or any person who has obtained a degree in veterinary medicine from a college or university accredited by the American Medical Association [See subsection (c)(6)(B)].

(3) Prohibited transfer. It is unlawful to transfer possession or ownership of any prohibited animal to anyone not authorized to possess the animal pursuant to Sections 671-671.6.

(4) Exportation/Transfer Notification. The department's Wildlife Protection Division, 1416 Ninth Street, Sacramento, California 95814 (telephone no. 916-653-9742) must be notified within 48 hours of the exportation or transfer of any prohibited species.

(b) Types of Permits. The department may authorize the importation, transportation and possession of prohibited species under the following permits:

(1) Exhibiting Permit.

(A) Resident. The permittee is authorized by the department to exhibit, to possess wild animals for public display, including schools or those providing educational exhibits, public exhibition, or public education, and for commercial photographic use such as in motion pictures, still photography or television. Before any animal held by an exhibitor may be used for breeding, the exhibitor shall obtain a special written authorization from the department. Applicants shall be at least 18 years old, residents of California, work professionally with the desired animals for profit or nonprofit purposes and possess the qualifying experience specified in (b)(2)(A)2 below. Applicants shall provide the following information:

(B) A resume which outlines the applicant's quali-

fyng experience; and

(C) A letter of recommendation from the facility(ies) where the applicant gained his/her experience. Such facility(ies) shall possess a valid California permit which authorizes breeding or exhibiting or, if the facility is out of state, it shall be licensed by the United States Department of Agriculture (USDA) permit. The letter shall state the quality and extent of the applicant's knowledge and experience in handling and caring for the particular species on the applicant's request. Out-of-state facilities shall furnish a copy of their current USDA permit with the letter for the request to be considered.

(D) Nonresident. A permittee is authorized by the department to import into and transport, possess, exhibit and maintain within California specified prohibited wild animals as designated in Section 671. This permit is issued only to persons who are not residents of California, but who are licensed to exhibit by the USDA in another state and who professionally exhibit animals in another state. Permits shall be valid for a one-year period. Permittees shall not transport or possess wild animals within the state for periods exceeding their exhibiting itinerary unless they provide facilities which meet the caging standards of Section 671.3 for each animal listed on their permit. Applicants shall submit a copy of their current USDA permit to the department's Wildlife Protection Division in Sacramento (address given herein) prior to importing any animal into California.

(2) Wild Animal Breeding Permit. The department shall authorize breeding only if it determines that the breeding will not result in unneeded or uncared for animals, and will not be detrimental to the public health and welfare or to the agricultural interests or fish and wildlife resources of the state. The department may permit breeding of threatened and endangered species.

(A) Special Requirements.

1. General. Applicants shall be at least 18 years old, residents of California and possess the required qualifying experience as specified in (b)(2)(A)2 below and have specific authorized reasons for conducting the breeding as set forth below. Applicants shall also provide the following information:

2. Qualifying Experience Resume. A resume which outlines the applicant's qualifying experience. Qualifying experience is defined as the equivalent of at least two years,

full-time, hands-on general experience caring for wild animals at a facility(ies) engaged in a similar or directly related activity. This experience shall include a total of one year of hands-on experience by the applicant or his/her full-time employee in specifically caring for wild animals in the same family or closely related taxonomic family as each animal for which a breeding permit is being requested. After the two years of experience, the permittee may be authorized to acquire additional wild animals beyond those permitted with his/her qualifying experience, by hiring someone with the qualifying experience to specifically care for such animals for a period of one year or by serving an apprenticeship for a period of one year under the direct supervision of someone who has the minimum qualifying experience with the type of animal the permittee wishes to acquire.

3. Letter of Recommendation. A letter of recommendation from the facility(ies) where the applicant gained his/her experience stating the quality and extent of the applicant's knowledge and experience.

4. Written confirmation. Written confirmation from the permittee that the requested breeding authorization is necessary, or that the animal to be bred is a rare, threatened or endangered species and that further captive breeding of the species is necessary and desirable.

5. Letter of Intent. A letter from the university, research facility, exhibitor, breeder, zoological garden or other authorized recipient requesting the progeny, stating that the progeny shall be maintained in accordance with Sections 671-671.6.

(B) Special Breeding Permit. The department may authorize an authorized exhibitor to conduct a single breeding of a wild animal which is listed on their permit.

(3) Brokering or Dealing Permit. The permittee is authorized by the department to act as a broker or dealer in a transaction involving the buying and/or selling of prohibited wild animals.

(A) Special Requirements.

1. General. Applicants shall be at least 18 years old, residents of California or nonresidents who transport animals within the state.

2. Minimum Caging Period. Animals may be kept in their minimum specified transport caging for a period not to exceed 48 hours. An extension may be granted for a period not to exceed an additional 48 hours if approved

by the local warden.

3. **Transportation Permit.** All animals being moved within California shall be covered by a transportation permit issued pursuant to this section or, if appropriate, by a letter from an American Association of Zoological Parks and Aquariums (AAZPA) accredited institution.

4. **Nonresident Restriction.** The nonresident dealer shall only transport animals between permittees authorized by this section or between AAZPA accredited institutions and permittees or ship them out of state in compliance with Federal guidelines.

(4) **Fur Farming Permit.** A permittee is authorized to conduct fur farming operations. Permits for fur farming require Commission approval. Applicants shall be at least 18 years old, residents of California, raise and breed prohibited wild animals for the commercial fur industry and possess the qualifying experience specified in subsection 671.1(b)(2)(A)2. Applicants shall utilize a humane method of euthanasia which has been approved by the department.

(5) **Detrimental Species Permit.**

(A) **Issuance of permits.** Permits to possess detrimental wild animals may be issued only to the following:

1. **American Association of Zoological Parks and Aquariums (AAZPA) accredited facilities, universities, colleges, governmental research agencies or other bona fide scientific institutions, as determined by the department, engaging in scientific or public health research.** Such facilities are not mandated to comply with subsection 671.1(b)(2)(A)1 through 5;

2. **Persons not designated in (b)(5)(A)1 above with specific Commission approval, except the department may issue permits as authorized in Section 671 for:**

a. **Birds.** Orders Falconiformes and Strigiformes, under conditions set forth in Section 670.

b. **Mammals.** Muskrats, under conditions set forth in Section 2250, Fish and Game Code, and as authorized in Section 671(c)(2)(J)a.

c. **Gastropods - the decollate snail, as authorized in Section 671(c)(9)(A).**

(B) **Application.** When applying for a permit to possess detrimental species, the applicant shall submit the original application to the Department of Fish and Game, Wildlife Protection Division, 1416 Ninth Street, Box 944209,

Sacramento, California 94244-2090.

(C) **Concurrence of Department of Health Services and Food and Agriculture.** The department may issue a Detrimental Species Permit only with the concurrence of the Department of Food and Agriculture and the Department of Health Services, if applicable.

(6) **Clearinghouse Permit.** The department may authorize prior permittees, or any individual who has qualifying experience as defined in subsection 671.1(b)(2)(A)2 and who has an approved facility to house an animal, to receive and house an animal that has been seized by the department, or that the department determines has been orphaned or abandoned. Such animals may not be bred or used for commercial purposes without specific authorization from the Commission.

(7) **Animal Care Permit.** The department may issue permits authorizing the possession of a prohibited wild animal to persons who do not qualify under subsections 671.1(b)(1)-(3) and (b)(6), but who have the demonstrated experience and ability to house an animal and who were legally in possession of their animals prior to January 1992.

(8) **Sheltering Permit.** Applicants shall have facilities which qualify as a shelter pursuant to Section 2203 of the Fish and Game Code and shall not engage in any other activity authorized by this section. A permittee is authorized by the department to receive animals which were previously permitted in California. The department may use a permittee's facilities to receive and maintain orphaned, seized or surrendered animals.

(A) **Special Requirements.**

1. **Importation.** Shelter permittees may import animals only when such importation is approved by the Commission and the applicant provides the department's Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, 94244-2090 with written verification that appropriate receiving facilities outside of California were contacted and no housing was available, and that these specific animals would be euthanized if they cannot be placed in California.

2. **Caging Provisions.** Shelters shall meet all housing requirements as provided for in Section 671.3.

3. **Notification Within 24 Hours.** Subject to the limitations set forth above a shelter may accept animals at any time. The permittee shall notify the department in writing by certified mail within 24 hours of receipt of any animal. Failure on the part of a shelter

to notify the department of receipt of a wild animal shall result in the revocation or suspension of its permit.

4. Prohibition on Purchasing, Selling and Breeding. Shelters shall not purchase, sell or breed any animals listed as detrimental (D) in Section 671. A shelter may exhibit its animals at its facility for fund-raising purposes and may only transfer animals to authorized permittees.

5. Resume Requirement. The applicant shall submit a resume indicating any qualifying experience with wild animals, as required in subsection 671.1(b)(2)(A)2.

(c) Permit Information.

(1) Application. Applications for permits and the application and inspection fees (see subsection (c)(6) of this section) shall be submitted to the Department of Fish and Game, Wildlife Protection Division, Sacramento (address given herein). The following information shall accompany an application for a permit to conduct activities authorized by subsections (b)(1) through (8) above, as well as when applying for any renewal of these permits:

(A) Current animal inventory including the common and scientific name, sex, age and source of each animal listed in Section 671, which the permittee owns or in the case of a nonresident exhibiting permit, an inventory of the animals that will be entering the state plus their itinerary;

(B) A signed statement by a licensed veterinarian or from any person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association stating he/she is the veterinarian of record and including the veterinarian's address and license number. The veterinarian shall certify that he/she has observed each of the permittee's animals at least once during the prior year and that they have been appropriately immunized and cared for;

(C) Applicants for permits to breed or exhibit animals shall submit the documentation required by subsection (c)(1)(A) above with their initial application only; and

(D) A letter from the applicant indicating how he/she intends to use the animals during the new permit period.

(2) Term of Permit. Permits issued under the provisions of this section shall be valid for a term of one year from the date of issue.

(3) Renewal. It is the responsibility of the permittee to initiate any and all renewals. In addition to the

information and application fee required, the renewal application shall also be accompanied by a signed, sworn affidavit indicating that the animals held during the previous year were possessed and used in compliance with the provisions of Sections 671-671.6. Permits issued by the department pursuant to this section shall be issued by the Sacramento Headquarters Office.

(4) Denial. The department may deny the issuance of a permit for failure to comply with terms and conditions of a permit or the provisions of Sections 671-671.6.

Any person denied a permit under these regulations may request a hearing before the Commission to show cause why their permit request should not be denied.

(5) Revocation. Any permit issued pursuant to these regulations may be canceled or suspended at any time by the Commission for failure to comply with the terms and conditions of a permit or for failure to comply with Sections 671-671.6, after notice and opportunity to be heard, or without a hearing upon conviction of a violation of these regulations by a court of competent jurisdiction.

(6) Fees. Pursuant to sections 2150 and 2150.2 of the Fish and Game Code, the following fees have been established to offset costs of administering and enforcing the laws and regulations governing the importation, transportation and possession of wild animals:

(A) Permit Fee:

1. Exhibiting:	\$265.75
2. Breeding:	\$265.75
3. Brokering or Dealing:	\$265.75
4. Detrimental Species Issued Pursuant to Subsection (b)(5)(A)1:	\$265.75
5. Clearinghouse:	\$ 32.00
6. Animal Care:	\$ 32.00
7. Sheltering:	No Fee

(B) Inspection Fee: \$100.00 annually for two inspections per year. If an inspection requires more than two hours, or additional inspections are required to verify corrections of facilities for compliance with these regulations an additional \$25.00 per hour shall be charged. The inspection fee shall be waived if a person submits an annual statement from a licensed veterinarian or from any person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association certifying that the animals have been inspected at least twice during the year, at six month intervals, and that the animals are being cared for and housed in accordance with sections 671.2-671.3. The Commission may suspend or

revoke the permit of any persons who fails to comply with the provisions of this section. No person may falsely certify that the facility has been inspected and that such facility is in compliance. USDA licensed exhibitors, breeders and dealers shall provide copies of their most recent USDA inspection form to the department at the time of their permit renewal application. Any person holding a permit authorized under section 671.1 shall allow the department's employees to enter his/her premises upon request to inspect facilities at a reasonable hour, animal equipment and animals possessed by the permittee, or to inspect, audit, or copy any permit, books or records required to be kept by these regulations or federal regulations relating to wild animal ownership.

Authority: Sections 1002, 2120, 2122, 2150, and 2150.2, Fish and Game Code.

Reference: Sections 2116-2118, 2150.4, 2150.5, 2151, 2185, 2186, 2187, 2189 and 2190, Fish and Game Code.

671.2 Humane Care and Treatment of Wild Animals.

(a) **Care and Treatment Provisions.** Except as provided by subsection (c) below, every person issued a permit pursuant to Section 671.1 shall comply with the following provisions:

- (1) **Food.** Food shall be wholesome, palatable and free from contamination and shall be supplied in sufficient quantity and nutritive value to maintain the animal in good health. The diet shall be prepared with consideration for the age, species, condition, and size of each animal.
- (2) **Feeding.** Animals not in hibernation shall be fed at least once a day. Food receptacles shall be clean and sanitary. Food shall be accessible to all animals in the enclosure and placed to prevent contamination. If self-feeders are used, adequate measures shall be taken to prevent mold, contamination, deterioration or caking of food.
- (3) **Water.** Potable water must be accessible to the animals at all times or provided as often as necessary for the health and comfort of the animal as directed by a licensed veterinarian. All water receptacles shall be clean and sanitary.
- (4) **Cleaning of enclosures.** Excrement shall be removed from enclosures at least once per day or

in the case of large pasture areas, large flight cages, breeding chambers or large natural habitat enclosures, as often as necessary to maintain animals in a healthy condition. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect confined animals from the direct spray.

- (5) **Disinfection of enclosures.** After an animal with an infectious or transmissible disease is removed from a cage, room, or pen/run, that enclosure shall be disinfected in compliance with the directions of a licensed veterinarian.
- (6) **Pest control.** Programs of disease prevention and parasite control, euthanasia and adequate veterinary care shall be established and maintained under the supervision of a licensed veterinarian. The pest control program shall be reviewed annually by the veterinarian for the safe use of materials and methods.
- (7) **Daily observation.** Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his or her direct supervision. Sick or diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.
- (8) **Handling.** Animals shall be handled expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. An animal may be placed on a chain and collar only when being transported by an attendant between areas on a permittee's premises or between a mode of conveyance and a worksite or veterinarian's office, or when the handler is working or exercising the animal(s) within the compound. Care shall be exercised to avoid harm to the handler or the general public. The animal(s) shall not be allowed to roam free outside of a compound, except when under the control of the handler during filming or exhibition.
Exceptions: Elephants chained pursuant to subsection 671.3(b)(2)(M)(4) (see Department of Fish and Game Manual No. 671 - 2/25/92). Raptors may be jessed and tethered.
- (9) **Chaining/staking.** Animal(s) shall not be chained or otherwise tethered to a stake, post, tree, building or other anchorage, except during filming, training or exhibition, in an emergency situation or when repairs are being made to the cage. The animal(s) shall be under the direct supervision of the handler or his designee at all times.
Exceptions: Elephants chained pursuant to subsection 671.3(b)(2)(M)(4) (see Department of

Fish and Game Manual No. 671 - 2/25/92).
Raptors may be jessed and tethered.

(10) **Public display.** Animals shall be publicly displayed only for periods of time and under conditions consistent with the animal's health and comfort. The animal must be handled so there is no perceived risk to the public in the judgement of the department's enforcement officer, with sufficient distance allowed between animal acts and the viewing public to assure safety to both the public and the animals. Animals on display shall be contained within an escape-proof area or enclosure at all times when not under the immediate control of a handler. Circus or traveling show animals shall be allowed a rest period of at least 4 hours per day within an enclosure as directed by a licensed veterinarian.

(b) **Log Requirement.** Persons authorized to possess prohibited wild animals pursuant to Section 671.1 shall maintain a written log for the animal(s) in their possession which documents each animal's health care. The log shall be written in the English language and shall contain the following information: animal treated, identifying marks or characteristics, date of treatment, type of treatment, and signature of veterinarian, if applicable. This log shall be made available to department officers or its authorized agent on demand.

(c) **Alternative Care and Treatment Authorized by Veterinarian.** When specifically directed in writing by a licensed veterinarian, a person may provide alternative care and treatment. The veterinarian's written instructions for long-term care of the animals held under the permit shall be presented to the inspector at the time of inspection. The implementation of any short-term exceptions to the veterinarian's long-term instructions or to the provisions of subsections 671.2(a)(1) through (10) above shall be verified in writing in the animal's log by the permittee within 10 working days from the date of the action. Such exception shall not exceed two weeks without written concurrence from a licensed veterinarian.

Authority: Section 2120, Fish and Game Code.

Reference: Sections 2116.5, 2118 and 2120, Fish and Game Code.

671.3 Minimum Facility and Caging Standards for Wild Animals Housed at Permanent Facilities.

(a) **General Housing Requirements and Specifications.**

- (1) All cages or enclosures shall be completely enclosed unless otherwise specified.
- (2) Compatible animals may be held in the same enclosure if the required floor space is provided.
- (3) Common walls between noncompatible animals shall be constructed so that animals cannot gain access to each other.
- (4) If the ambient air temperature falls below that necessary to maintain the animal in a healthy condition, an artificial heat source that is sufficient to maintain that minimum ambient air temperature shall be provided.
- (5) If a pool of water is required, the floor space occupied by the pool shall be in addition to the minimum floor space requirement unless otherwise specified.
- (6) Night quarters, holding pens and nesting boxes may not be used as primary housing.
- (7) Except as provided in subsection (b) below, all animals listed shall be housed in facilities that have double doors or, if individual cages do not have double doors, then a perimeter fence shall enclose the entire facility to prevent escape.
- (8) All enclosures shall be provided with sufficient drainage to prevent standing water from accumulating
- (9) Wherever a concrete floor is specified, either wood plank flooring or natural substrate may be used to cover the concrete floor.
- (10) The following are minimum pen, cage or enclosure size requirements:

MINIMUM PEN, CAGE OR ENCLOSURE SIZE REQUIREMENTS

Type of Animal	Floor Space (Sq. Feet)			Interior Ceiling or Outside Fence Height (Feet)
	One Animal	Two Animals	Each Additional Animal	
CLASS AVES - Birds				
Ploceidae, Estrildidae, Zosteropidae More than 2 birds requires a cage height of 6 feet.	4	4	+3/animal	2 Ceiling
Alaudidae, Cuculidae, Turdidae, Sturnidae More than 2 birds requires a cage height of 6 feet.	6	6	+4/animal	4 "
Corvidae More than 2 birds requires a cage height of 6 feet.	12	24	+12/animal	5 "
Falconiformes, Strigiformes				
Eagle, Hawk, Eagle, Vulture	100	150	+50/animal	7 "
Red-tailed hawk, Grt Horn owl	64	96	+32/animal	7 "
Peregrine falcon, Barn owl	48	72	+24/animal	7 "
Sparrow hawk, Screech owl, Burrowing owl	36	54	+18/animal	6 "

CLASS MAMMALIA - Mammals

PRIMATA

NOTE: THE CAGE SIZE REQUIREMENT FOR TWO PRIMATES ALSO MEETS THE CAGE SIZE REQUIREMENT FOR A PAIR AND THEIR PROGENY UNDER THE AGE OF 2 YEARS.

Gorilla	300	500	+200/animal	8 Ceiling
Orangutans	200	400	+200/animal	10 "
Chimpanzees	200	300	+100/animal	8 "
Baboons	100	200	+100/animal	8 "
Gibbons, Langurs	100	200	+50/animal	9 "
Macaques	80	120	+40/animal	8 "
Woollys, Spiders, Howlers, Sakis, Capuchins	64	96	+32/animal	8 "
Marmosets	16	24	+8/animal	8 "
Squirrel, Titis, Owl	36	54	+18/animal	8 "
Tree Shrew	9	12	+3/animal	3 "
EDENTATA				
Sloth	30	40	+10/animal	8 Ceiling
Armadillo:				
(less than 15" length)	12	16	+3/animal	1.5 "
(15" to 36" length)	30	40	+10/animal	3 "
(greater than 36")	80	100	+20/animal	5 "
Tamandua	40	50	+10/animal	7 "
Giant Anteater	200	300	+100/animal	6 "

MINIMUM PEN, CAGE OR ENCLOSURE SIZE REQUIREMENTS

<u>Type of Animal</u>	<u>Floor Space (Sq. Feet)</u>			<u>Interior Ceiling or Outside Fence</u>
	<u>One Animal</u>	<u>Two Animals</u>	<u>Each Additional Animal</u>	<u>Height (Feet)</u>
MARSUPIALIA				
Sm. Opossums	9	12	+3/animal	3 "
Lg. Opossums	20	30	+10/animal	5 "
Sm. Wallaby	60	90	+30/animal	5 Fence/Wall
Lg. Wallaby	200	300	+100/animal	6 Fence/Wall
Tree Kangaroo	80	100	+20/animal	8 Ceiling
Lg. Kangaroo	200	300	+100/animal	8 Fence/Wall
Wallaroo	200	300	+100/animal	6 Fence/Wall
INSECTIVORA				
Hedgehog, Shrew, Mole	3	6	+3/animal	1 Ceiling
DERMOPTERA				
Gliding Lemur	50	65	+15/animal	8 "
CHIROPTERA				
Bats	Use same cage dimensions as comparably sized finches, parrots, or hawks (see bird section).			
MONOTREMATA				
Spiny Anteater	25	35	+10/animal	5 Ceiling
Platypus	See Monotremata details in subsection (b)(2)(G)			
PHOLIDOTA				
Scaly Anteater	Same as armadillos			
Terrestrial forms				
Arboreal forms	Same as sloth			
LAGOMORPHA				
Wild Rabbit or Hare	20	28	+8/animal	5 Ceiling
RODENTIA				
Squirrel, Flying	20	40	+10/animal	8 "
Squirrel, Tree	20	40	+10/animal	8 "
Squirrel, Ground	20	40	+10/animal	5 "
	(Up to 4 animals may be held in 40 sq. feet)			
Chipmunk	20	30	+10/animal	5 "
	(Up to 3 animals may be held in 30 sq. feet.)			
Prairie Dog (males)	20	30	+10/animal	5 "
Acushi	20	30	+10/animal	5 "
Agouti	30	40	+10/animal	5 "
Paca	30	40	+10/animal	5 "
Crested Porcupine	40	80	+40/animal	6 "
N.A. Porcupine	30	40	+10/animal	7 "
S.A. Porcupine	20	30	+10/animal	7 "
Muskrat	30	40	+10/animal	6 "
Beaver	80	120	+40/animal	5 "
Capybara	100	150	+50/animal	5 "

MINIMUM PEN, CAGE OR ENCLOSURE SIZE REQUIREMENTS

<u>Type of Animal</u>	<u>Floor Space (Sq. Feet)</u>			<u>Interior Ceiling or Outside Fence</u>
	<u>One Animal</u>	<u>Two Animals</u>	<u>Each Additional Animal</u>	<u>Height (Feet)</u>
CARNIVORA				
Canidae				
Fennec or Kit Fox	80	100	+40/animal	6 Ceiling
Bat-eared Fox/Arctic Fox	80	100	+40/animal	6 "
Gray Fox	80	100	+40/animal	8 "
Red Fox	80	100	+40/animal	6 "
Jackal	150	200	+100/animal	6 "
Coyote	150	200	+100/animal	6 "
Wolf	200	300	+200/animal	6 "
Cape Hunting Dog	200	300	+100/animal	6 "
Ursidae				
Sun Bear	200	300	+100/animal	8 Ceiling
American Black Bear	300	450	+150/animal	8 "
Asiatic Black Bear	300	450	+150/animal	8 "
Sloth Bear	300	450	+150/animal	8 "
Spectacled Bear	300	450	+150/animal	8 "
Polar Bear	400	600	+200/animal	10 "
Grizzly Bear	400	600	+200/animal	8 "
Russian Brown Bear	300	450	+150/animal	8 "
Kodiak Bear	400	600	+200/animal	10 "
Procyonidae				
Kinkajou	40	50	+10/animal	7 Ceiling
Coatimundi	50	60	+10/animal	7 "
Raccoon	60	80	+20/animal	8 "
Mustelidae				
Weasel/Mink/Ferret	30	Up to 4 in 30 sq. feet	+10/animal	6 Ceiling
Tayra	40	50	+10/animal	6 "
Grison	30	40	+10/animal	6 "
Marten	40	50	+10/animal	7 "
Wolverine	100	200	+100/animal	6 "
Spotted Skunk	20	Up to 2 in 20 sq. feet	+10/animal	6 "
Striped Skunk	30	Up to 2 in 30 sq. feet	+10/animal	6 "
Otter	100	200	+100/animal	6 "
Badger	60	80	+30/animal	6 "
Viverridae				
Genet, Civet	40	50	+10/animal	7 Ceiling
Binturong	100	150	+50/animal	8 "
Mongoose	80	100	+40/animal	6 "
Hyaenidae				
Hyena	200	300	+100/animal	6 Ceiling

MINIMUM PEN, CAGE OR ENCLOSURE SIZE REQUIREMENTS

<u>Type of Animal</u>	<u>Floor Space (Sq. Feet)</u>			<u>Interior Ceiling or Outside Fence</u>
	<u>One Animal</u>	<u>Two Animals</u>	<u>Each Additional Animal</u>	<u>Height (Feet)</u>
FELIDAE				
Lion, Tiger, Cheetah, Snow Leopard, and hybrids thereof	300	450	+150/animal	8 Ceiling
Black & Spotted Leopard, Jaguar, Clouded Leopard, Mountain Lion, European Lynx and hybrids thereof	200	300	+100/animal	8 "
Caracal, Bobcat, Canada Lynx, Golden Cat, Ocelot, Serval, Jungle Cat, Fishing Cat and hybrids thereof	80	120	+40/animal	8 "
Margay, Leopard Cat, Pallas Cat, Marble Cat, Geoffroy's Cat, African Wild Cat, European Wild Cat, Jaguarundi, Little Spotted Cat, African Black Footed Cat, Sand Cat, Flatheaded Cat, Pampas Cat and hybrids thereof	60	90	+30/animal	8 "
TUBULIDENTATA				
Aardvark	200	300	+100/animal	6 "
PROBOSCIDEA				
Elephant	1500	3000	+1500/animal	12 Barn height
HYRACOIDEA				
Hyrax	16	20	+4/animal	4 Ceiling
PERISSODACTYLA				
Tapir	300	500	+300/animal	6 Fence/Wall
Rhinoceros	1500	3000	+1500/animal	5 Fence/Wall
Wild Ass	900	1300	+400/animal	6 Fence/Wall
ARTIODACTYLA				
Peccary	100	150	+50/animal	4 Fence/Wall
Wild Pig	150	200	+50/animal	4 Fence/Wall
Pigmy Hippopotamus	700	1000	+300/animal	6 Fence/Wall
Hippopotamus	1500	3000	+1500/animal	7 Fence/Wall
Giraffe	1500	3000	+1500/animal	18 Barn height

THE FOLLOWING ARTIODACTYLA MAY HAVE A 6 FOOT FENCE IF THE FACILITY'S PERIMETER FENCE IS 8 FOOT:

White-tailed Deer	600	800	+200/animal	8 Fence/Wall
Fallow Deer	600	800	+200/animal	8 "
Elk/Red Deer	1000	1400	+400/animal	8 "
Bison, European	1000	1400	+400/animal	6 "
Buffalo	1000	1400	+400/animal	6 "
Impala, Eland	1000	1400	+400/animal	8 "
Other Antelope	600	800	+200/animal	6 "
Aoudad	600	800	+200/animal	6 "
Wild Goats & Sheep	600	800	+200/animal	6 "

(b) **Specific Housing Requirements.** Permittees shall comply with the following provisions except that material or construction may be substituted upon approval of the inspecting officer if the permittee produces written certification from a licensed civil or structural engineer that the material and/or construction is of equivalent strength.

(1) **Class Aves - Birds**

All birds, except indigenous birds and birds in the Orders Falconiformes and Strigiformes, listed in Section 671 shall be housed in cages having double doors so constructed that the exterior door must be closed before the interior door can be opened. Each door or gate shall be secured by a lock. Perches shall be large enough in diameter so that the bird's claws do not meet the toe or pad on the underside of the perch.

(A) **Orders Falconiformes and Strigiformes.**

Noncompatible raptors shall be housed separately unless tethered. Birds of these orders held pursuant to a falconry license shall be maintained in accordance with Section 670, Title 14, CCR. Tethered raptors shall be provided with a perch designed for individual species of raptors. Tethered raptors shall be protected from predators and shall be provided with water for drinking and bathing. Tethers shall be constructed to allow the bird freedom of normal movement without becoming tangled; such tethers shall be of equal length (one on each leg). Raptors shall not be tethered continuously unless they are being flown on a daily basis or they are incapable of flying.

(2) **Class Mammalia - Mammals**

(A) **Order Primates**

1. A shelter or a den box shall be provided. All primates shall be provided with natural or artificial sunlight.
2. Nocturnal primates shall be provided with privacy during their daytime hours.
3. Nest boxes shall be provided for species that use them (e.g., tamarins, marmosets, owl monkeys). Raised perches and roost sites shall be provided for arboreal or semi-arboreal species.
4. For brachiating species (gibbons and spider monkeys), sufficient vertical space must be provided for this activity which means perches shall be above the floor at a height that is at least equivalent to twice the length of an adult. The ceiling shall be high enough to allow room for the animal to stand erect on its perch with arms extended overhead.
5. Primates shall be provided with objects or exercise systems appropriate to the age and species to promote physical and psychologi-

cal well-being. These may include sturdy ropes, bars, branches, and chains and rings.

6. New World Monkeys such as squirrel, titis, and owl, medium and large South American monkeys, such as spiders, woollies, howlers, capuchins, and sakis held prior to August 3, 1989 may be kept in the currently approved housing so that the prior social structure and environment of those animals may be maintained. All other housing requirements shall pertain to these animals.

7. **Apes**

a. **Gorilla, Orangutan and Chimpanzee**

- (i) The walls and top of the cage shall be constructed of either 6 inch reinforced concrete; or 8 inch reinforced concrete block; or 5/8 inch diameter steel bars spaced on not greater than 4 inch centers and welded to horizontal angle iron bars 1-1/4 inches x 1/4 inch thick which are spaced no greater than 3 feet apart; or 6 gauge chain link or welded wire attached to 1-5/8 inch schedule 40 steel pipe spaced on 5 foot centers with vertical bracing of 1-5/8 inch schedule 40 steel pipe spaced on 4 foot centers. The horizontal angle iron bars shall be welded to the corner posts. The bottom horizontal bar shall be no more than 3 inches above a concrete floor or footing. Welded wire shall be welded to the framework every foot. Chain link fencing shall be secured along all edges to the framework using tension bars which shall be bolted, not welded, to the framework at 12 inch intervals. All bolt attachments shall be further secured by spot welding. Walls shall be secured to a concrete footing deep enough below grade to preclude escape by digging. The framework for the walls and top of the cage shall be made of 1-5/8 inch outside diameter structural weight galvanized steel pipe or equivalent. Vertical supports shall be set 2-1/2 feet in concrete.

- (ii) Corner posts shall be either one 2-3/8 inch steel pipe or two 1-5/8 inch schedule 40 steel pipes bolted together with 3/8 inch steel bolts or equivalent.

b. **Gibbon**

- (i) Construction shall be 9 gauge chain link or welded wire or equivalent.

8. Old World Monkeys

a. Baboon, mandrill, macaque, guenon, mangabey, langur, etc.

(i) 9 gauge wire or concrete construction.

9. New World Monkeys

a. Marmoset, squirrel, titis, owl and other similar-sized Monkeys.

(i) Cage mesh no greater than 1 inch by 2 inch.

b. Spider, woolly, howler, capuchin, saki, other medium and large sized South American monkeys etc.

(i) 11 gauge wire or concrete construction.

(B) Order Edentata - Sloth, Anteater, Armadillo, etc.

1. The floor of the pen shall be at least 50% natural substrate. The walls of the pen shall be secured to a concrete footing or, if they are constructed of 11 gauge non-rusting chain link or welded wire, they shall be buried in the dirt deep enough to prevent escape by digging.

2. The pens for sloths may have a concrete floor and shall have limbs for climbing. One limb shall provide them an opportunity to get to a heat source.

(C) Order Marsupialia - Marsupial or Pouched Animal

1. The floor of the cage shall either be constructed of wood, or it shall be natural substrate. The surface of the paddock shall be natural substrate. Walls of the cage shall be secured to buried concrete or, if walls are constructed of 11 gauge non-rusting chain link or welded wire, they shall be buried in the dirt deep enough to prevent escape by digging.

2. Tree kangaroos and other arboreal marsupials shall be provided with limbs for perching, climbing and resting, a raised nest box or similar structure for seclusion and a heat source.

3. Kangaroos and wallabies shall be provided with a refuge area.

(D) Order Insectivora - Shrew, Mole, Hedgehog, etc.

1. The bottom of the cage shall be dirt, wood shavings or similar material over an escape-proof flooring.

2. A hide box or other refuge and protection from strong light are required.

(E) Order Dermoptera - Gliding Lemur

1. Limbs for perching and climbing and a rectangular cage are required.

(F) Order Chiroptera - Bat

1. Perching or other material shall be provided for the animal to suspend itself.

2. Protection from strong light shall be provided.

(G) Order Monotremata - Spiny Anteater, Platypus.

1. The floor of the cage shall be natural substrate. The walls of the cage shall be constructed of 11 gauge non-rusting chain link or welded wire, secured to buried concrete, or they shall be buried at least one foot below the surface.

2. Nest boxes with dry bedding or a natural burrow shall be provided for spiny anteaters. A heat source shall be provided.

3. A pool measuring at least 4 times the length of the animal(s) by 1-1/2 times the width of the animal by 2 feet deep shall be provided for platypuses for swimming and feeding. Each adult shall be provided with a dry land area equal to the surface area of the pool.

4. Platypuses require at least a 6 foot long, tunnel-like entrance to the nest box where water from the pool can be shed.

5. Platypuses shall be kept singly with young or paired only when breeding.

(H) Order Pholidota - Pangolin, Scaly Anteater

1. The floor of the cage shall be natural substrate or 4 inch concrete covered with permeable soil. The walls of the cage shall be constructed of 11 gauge non-rusting chain link or welded wire, secured to buried concrete, or they shall be buried at least one foot below the surface.

(I) Order Lagomorpha - Rabbit and Hare

All require tooth-resistant restraining materials and bone, wood or fibrous food to gnaw on.

1. The floor of a pen shall be constructed of concrete at least 2 inches thick or of 16 gauge non-rusting chain link or welded wire. Dirt or wood may be placed over the flooring.

(J) Order Rodentia - Muskrat, Porcupine, Squirrel, Beaver, Prairie Dog

All require tooth-resistant restraining materials and bone, wood or fibrous food to gnaw on.

1. Porcupine

a. New World porcupines require climbing perches.

b. A box shelter for seclusion is required.

2. Squirrel and Chipmunk

a. Arboreal forms require climbing perches.

b. Nest boxes are required for each animal.

c. The cage shall be completely enclosed with a welded wire and have a concrete floor.

d. The floor shall be covered with natural substrate, wood shavings or similar ma-

terial.

3. Muskrat and Beaver

- a. A pool of fresh water with easy entry and exit shall be provided. Half of the required floor space shall be a pool of water 2-1/2 feet deep.
- b. A nest box or retreat shall be provided for each animal.
- c. The walls of the cages for beaver shall be constructed of 9 gauge chain link or welded wire or equivalent construction; 11 gauge for muskrats.
- d. The floor of the cages shall be constructed of 4 inch concrete or non-rusting 9 gauge chain link or welded steel wire. Such floors are not required if the side walls are anchored to equivalent materials which have been buried deep enough underground to prevent the animal's escape by digging.
- e. Not more than 2 compatible adults of the same species and their offspring of the year may be held in the same enclosure.

4. Prairie Dog

- a. The floor of a pen shall be constructed of 4 inch concrete, or 16 gauge, non-rusting woven wire or similar non-rusting material with mesh 1 inch in diameter. At least 1/4 inch diameter reinforcement rods shall be used along the outer edge of a concrete floor to help support concrete or concrete block walls. To facilitate drainage, 6 inch floor drains shall be installed in a concrete floor at the rate of one per 16 square feet. Floor drains shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping. Floor drains are not required when wire is used for entire floor. The floor shall be a minimum of 3 feet below ground level and covered with permeable soil or other
- b. The walls of the pen below ground level shall be anchored to the floor and shall be of 4 inch concrete or concrete blocks or 9 gauge non-rusting woven wire or similar material with 1 inch mesh attached to the framework of steel or cedar posts. Above ground level the wall shall be of 18 gauge fur-farm netting with 1 inch mesh, 4 inch concrete or concrete blocks or similar material. The top shall be covered or the walls shall be at least 3-1/2 feet high and provide a non-climbable escape-proof barrier.

5. Acushi, Agouti, Paca and Capybara

- a. Gnawing logs shall be provided.

- b. A pool shall be provided for capybara.
- c. Walls or fencing shall be anchored far enough below ground level to prevent escape by digging. Dirt substrate or similar natural material shall be provided.

(K) Order Carnivora - Raccoon, Weasel, Skunk, Mongoose, Wolf, Lion, Bear, etc.

1. Procyonidae - Raccoon, Coati, Mundi and Kinkajou

- a. Limbs shall be required.
- b. A nest box or sheltered retreat shall be provided.
- c. The floor of the pen shall be constructed of 4 inch concrete, wood, or natural substrate over concrete or 9 gauge non-rusting chain link or similar material, or the walls shall be buried deep enough to prevent escape by digging.
- d. The walls of the pen shall be constructed of 11 gauge chain link or equivalent, 4 inch concrete or concrete block. If no top is provided, the walls shall be of sufficient height and shall be constructed in a manner which makes them non-climbable to prevent escape.

2. Mustelidae

a. Weasel, Ferret, Mink, Marten, Tayra, Grison, and Skunk

- (i) Limbs shall be required (except skunk).
- (ii) A nest box shall be provided for each animal, except neutered European ferrets may have a large communal nest box.

(iii) The floor of the cage shall be constructed of one inch square or one inch by two inch mesh, 4 inch concrete, wood, 11 gauge non-rusting chain link or equivalent material with a covering of dirt or similar natural substrate.

b. Wolverine and Badger

- (i) A natural or artificial den area shall be provided for each animal.
- (ii) The floor of the cage shall be constructed of two inch by six inch wood or 4 inch concrete or non-rusting 9 gauge chain link or welded wire covered with 3 feet of permeable soil. Six-inch floor drains shall be installed in the concrete floor at the rate of one per 16 square feet. Floor drains shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping.
- (iii) Walls of the cage shall be constructed of 9 gauge chain link or welded steel

wire, 4 inch concrete, or concrete block. If no top is provided, walls shall be of sufficient height and shall be constructed in a manner which makes them non-climbable to prevent escape.

c. River Otter. (Sea otters shall be housed according to 9 CFR Sections 3.100-3.118.

(i) A den area shall be provided for each animal.

(ii) A pool with fresh running water covering at least 1/2 of the required floor space and at least 2-1/2 feet deep shall be provided.

(iii) The floor of the cage shall be constructed of 4 inch concrete or dirt over such concrete or 9 gauge chain link or welded steel wire or the side walls shall be anchored to equal materials deep enough underground to prevent escape by digging. If concrete floor is used, 6 inch floor drains shall be used and they shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping.

(iv) The walls of the cage shall be constructed of 11 gauge chain link or welded steel fabric or equivalent construction.

3. Viverridae - Genet, Civet and Mongoose, Binturong

a. Limbs shall be provided.

b. A nest box or platform is required. A heat source shall be provided for genet, civet and mongoose.

c. The floor of the cage shall be constructed of 4 inch concrete or for civets and binturongs, it may be 11 gauge non-rusting welded steel fabric with 2 inch mesh and the cage for genets and mongooses shall be of 16 gauge welded steel fabric with 3/4 inch mesh which is covered with soil.

d. The walls of the cage for civets and binturongs shall be of 11 gauge welded steel fabric with 2 inch mesh and the cage for genets and mongooses shall be of 16 gauge welded steel fabric with 3/4 inch mesh, 4 inch concrete or concrete block.

4. Hyaenidae - Hyena

a. The floor of the cage shall be constructed of 4 inch concrete, or 2 by 6 inch or larger wood flooring or buried non-rusting 9 gauge chain link or welded wire with mesh no larger than 2 inches by 4 inches.

b. The walls of the cage shall be constructed

of 9 gauge chain link or welded wire with mesh no larger than 2 inches by 4 inches, or 6 inch concrete or concrete block. If an animal is kept in a large enclosure in lieu of a cage, the floor shall be of natural substrate and the walls shall be anchored and extend at least 5 feet underground. If no top is provided, the walls shall be at least 10 feet high and constructed to be non-climbable by the animal or the walls shall be 8 feet high and shall have, in addition, a 2 foot overhang angling 45 degrees inward at the top.

c. A sheltered retreat and either a den or elevated wood platform shall be provided.

5. Canidae - Wolf, Coyote, Fox and Other Members of the Dog Family

a. Limbs shall be provided for gray and red foxes.

b. The floor of the cage shall be either natural substrate or constructed of two inch by six inch wood or 4 inch concrete or buried non-rusting 9 gauge chain link or welded wire. In lieu of the above, either the walls shall be buried at least 8 feet deep to prevent escape by digging, or a buried 3-foot wide concrete, chain link, or welded wire apron shall be provided which shall be attached to the inside of the bottom of the perimeter walls to prevent escape by digging at the walls. All buried chain link or welded wire shall meet the gauge requirements for walls.

c. The walls of the cage shall be constructed of 6 inch concrete or concrete block, chain link or welded wire. If chain link is used, it shall be 9 gauge for wolves and 11 gauge for other canids. If an animal is kept in a large enclosure in lieu of a cage, the floor shall be of natural substrate and the walls of the cage shall be anchored and extend at least 5 feet underground or a buried 3 foot wide concrete, chain link or welded wire apron shall be provided which shall be attached to the inside of the bottom of the perimeter walls to prevent escape by digging at the walls. If no top is provided, the walls shall be at least 10 feet high and constructed to be non-climbable by the animal or the walls shall be 6 feet high (except that the walls for the gray fox shall be 8 feet high) and shall have, in addition, a 2 foot overhang angling 45 degrees inward at the top.

d. A sheltered retreat and either a den or elevated wood platform shall be pro-

vided.

6. Felidae - Cat Family

- a. Dens shall be provided and shall be adequate in size to provide privacy and comfort for all animals in the enclosure.
- b. An elevated wooden loafing platform or an elevated dry natural substrate loafing area, adequate in size for all animals within the enclosure, shall be provided. The top of the den or den box may be designed to meet this requirement.
- c. A tree limb or other suitable scratch block shall be provided.
- d. The floor of the cage shall be natural substrate or constructed of wood or 4 inches of concrete or welded wire or the walls shall be buried deep enough to prevent escape by digging. All buried chain link or welded wire shall be non-rusting and shall meet the gauge requirements for walls.
- e. Group I - Lion, Tiger, Cheetah, Snow Leopard, and Hybrids thereof:
 - (i) A minimum of 100 square feet shall be of concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Walls and top of the enclosure shall be constructed of at least 9 gauge chain link. The framework for the walls and top shall be constructed of 1-5/8 inch schedule 40 steel pipe. Vertical posts shall be bolted to or anchored in concrete 1-1/2 feet deep by 10 inches in diameter spaced no more than 10 feet apart. Horizontal pipe supports shall be spaced no more than 4 feet apart and welded at the ends to the vertical posts. The above chain link fencing shall be secured to the vertical and horizontal framing on all sides using tension bars which shall be welded or bolted to the framework every 18 inches. Welded wire shall be welded to the framework every 12 inches on all sides. The bottom horizontal cross bar shall be no more than 3 inches above the concrete floor. If a bottom horizontal cross bar is not used, the walls shall be secured against the natural substrate or a wooden flooring in a manner which precludes escape. Corner posts shall be two 1-5/8 inch schedule 40 steel posts or one 2-3/8 inch schedule 40 steel post. The top cross members shall be spaced no

more than 5 feet apart.

- f. Group II - Black and Spotted Leopard, Jaguar, Clouded Leopard, Mountain Lion, European Lynx and Hybrids thereof:
 - (i) At least 70 square feet of the floor space must be of concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Walls and tops shall be the same as for Group I cats.
 - g. Group III - Caracal, Bobcat, Canada Lynx, Golden Cat, Ocelot, Serval, Jungle Cat, Fishing Cat and Hybrids thereof:
 - (i) At least 25 square feet of floor space shall be concrete or wood planking as a sanitary area for feeding, unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Walls and top of the enclosure shall be constructed of at least 12 gauge chain link or equivalent. Corner posts shall be either one 2-3/8 inch schedule 40 steel pipe or two 1-5/8 inch schedule 40 steel pipes and anchored as provided for Group I cats.
 - h. Group IV - Margay, Leopard Cat, Pallas Cat, Marble Cat, Geoffroy's Cat, African Wild Cat, European Wild Cat, Jaguarundi, Little Spotted Cat, African Black Footed Cat, Sand Cat, Flatheaded Cat, Pampas Cat and Hybrids thereof:
 - (i) At least 20 square feet of floor space shall be concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Wall and top of the enclosure shall be constructed of at least 12 gauge chain link or equivalent. Corner posts shall be either one 2-3/8 inch schedule 40 steel pipe or two 1-5/8 inch schedule 40 steel pipes and anchored as provided for Group I cats.
- #### 7. Ursidae - bear Family
- Bears shall be classified into 3 groups:
Group I = Sun Bears, Asiatic Black bears, Sloth bears and Spectacled bears;
Group II = American Black bears and European brown bears; and Group III = Polar bears and Brown bears.
- (i) Floors of the enclosure shall be constructed of reinforced concrete 4 inches thick or they shall be of natural substrate or wood with the walls secured to a concrete footing deep enough below grade

to preclude escape by digging (at least 5 feet for Group III).

(ii) Vertical corner posts shall be made of either one 2-3/8 inch schedule 40 steel pipe or two 1-5/8 inch schedule 40 steel pipe. Other vertical, horizontal, and top cross member supports shall be made of 1-5/8-inch schedule 40 steel pipe for Group I and 1-7/8 inch schedule 40 steel pipe for Groups II and III. All horizontal pipe supports shall be spaced no more than 5 feet apart for any group. The bottom horizontal pipe shall be no more than 3 inches above the concrete floor.

(iii) The framework for the walls and top of the cage shall be constructed of materials that are equal or greater in strength than the corner posts with all upright members set 2-1/2 feet in concrete and spaced no more than 10 feet apart for Group I and II or 5 feet apart for Group III. The cross members (stringers) forming the framework for the top shall be spaced no more than 5 feet apart for any group. Iron pipe shall be standard grade for Groups I and II and structural strength grade for Group III.

(iv) For groups I and II the walls of the cage shall be constructed of 9 gauge chain link or welded wire with mesh no greater than 2 inches in diameter. For Group III bears the walls of the cage shall be constructed of 5 gauge chain link or welded wire. Welded wire shall be welded to the framework every 4 inches.

Chain link fencing shall be secured along all edges to the framework using tension bars which shall be bolted to the framework every foot. The walls of the cage for groups I, II and III bears may also be constructed of vertical steel bars or rods of 5/8 inch diameter, spaced on 4 inch centers, and welded at the ends to 1-1/4 inch x 1/4 inch angle iron.

The horizontal angle iron supports shall be welded to the vertical posts. The bottom horizontal support shall be no more than 3 inches above the concrete floor and each horizontal support shall be spaced no more than 4 feet apart between floor and top.

(v) The top of the cage shall be constructed of material equal to the wall requirements for the particular group of bears enclosed. Shade shall be provided by covering 1/4 to 1/2 of the top with exterior grade plywood, fiberglass, or

similar material.

(vi) A concrete or concrete block den at least 4 feet high by 4 feet wide by 6 feet long or an equivalent shall be provided for each animal; or one den at least 4 feet high by 6 feet wide by 8 feet long for 2 animals or for a female and her offspring of the year. The top of the den shall be constructed of concrete which may be covered on top with wood for laying. A den shall be provided with shavings, straw, or a wooden platform or flooring for reclining. The den shall be provided with adequate ventilation to prevent condensation of moisture. The den box may be of wood if the den is completely within the cage.

(vii) A bear shall be provided with a suitable scratching post.

(viii) A pool deep enough for complete immersion shall be required for polar bears and the pool surface area shall be in addition to the minimum cage size requirement.

(L) Order Tubulidentata - Aardvarks

1. The floor of the cage shall be dirt. The walls of the cage shall be constructed of 9 gauge non-rusting welded wire or concrete which has been buried to a depth of at least 5 feet to prevent escape by digging.

(M) Order Proboscidea - Elephant

1. A heated barn shall be provided in any geographical area where the ambient air temperature drops below 40 degrees Fahrenheit. The floor of the barn shall be constructed of at least 6 inches of reinforced concrete. All lights and other such objects and obstacles in the barn shall be kept outside the reach of the elephant.

2. Elephants shall be provided free exercise unchained on dirt for a minimum of 5 hours per each 24 hour period.

3. An enclosure constructed of 6-inch reinforced concrete, 2 inch diameter steel bars or 4 inch diameter schedule 40 galvanized steel pipe shall be provided. No roof is required.

4. Chaining requirements:

a. Chains shall be secured to a concrete floor, concrete "dead man", or other immovable anchor.

b. A covered chaining area shall be provided.

c. An elephant may be chained by only one rear leg and the opposite front leg and in such a manner as to restrict movement but still allow the animal to easily lay down and rise again. Chains shall be

rotated to the other 2 legs daily.

d. Elephants chained for any extended period shall have their leg chains padded and shall be checked regularly to insure they are secure and to detect any injury to the leg.

e. Snaps and clips may be used only within a primary enclosure. A clevis or stronger type chain attachment shall be used outside the primary enclosure.

5. Either a pool shall be provided or the elephant shall be washed with water daily, as weather or temperature permit.

(N) Order Hyracoidea - Hyrax

1. Limbs shall be provided for arboreal species.

2. Nest box or sheltered retreat shall be provided.

3. The floor of the cage shall be constructed of 4 inch concrete which shall be covered with dirt or natural substrate.

4. The walls of the cage shall be constructed of 1/2 inch by 1 inch mesh welded wire.

(O) Order Sirenia - Dugongs and Manatees - These animals shall be maintained in a manner that complies with 50 CFR, Part 18, Section 18.13(c).

(P) Order Perissodactyla - Tapirs, Rhinoceroses, etc.

1. The floor of the pen shall be dirt or natural substrate.

2. The walls of the pen for tapirs shall be constructed of 9 gauge chain link, or equivalent material. The walls of the enclosure for rhinoceroses shall be constructed of 6 inch reinforced concrete, 2 inch diameter steel bars, or 6 inch heavy duty galvanized steel pipe.

(Q) Order Artiodactyla - Wild Pigs, Hippopotami, Deer, Giraffes, Wild Cattle, Antelope, etc.

1. Wild Pigs and Peccaries

a. A shelter with a roof and three walls shall be provided.

b. The floor of the pen shall be dirt or natural substrate.

c. The animals shall be precluded from escape by digging.

2. Hippopotami

a. A heated barn shall be provided in any geographical area where the ambient air temperature drops below 40 degrees Fahrenheit.

b. A pool shall be provided for the Nile hippopotamus which shall have a surface area of at least 300 square feet and a 35-degree nonskid ramp. The pool shall be not less than 5 feet deep. For each

additional animal there shall be a 25% increase in the required pool area.

c. A pool shall be provided for the pygmy hippopotamus which shall have a surface area of at least 100 square feet with a 35 degree nonskid ramp. The pool shall be not less than 3 feet deep. For each additional animal there shall be a 25% increase in the required pool area.

d. The walls of the corral or paddock enclosure shall be constructed of 5-inch reinforced concrete or 5-inch structural grade schedule 40 galvanized steel pipe.

3. Deer, Elk, Giraffes, Wild Cattle, Antelope, and Wild Goats and Sheep

a. The floor of the pen shall be dirt or other natural substrate.

b. All animals shall be provided with a shelter which has a roof and three walls. Shelters for giraffes shall provide at least 140 square feet of floor space for each giraffe. A heat source shall be provided for giraffes.

c. Fences for giraffe, elk and wild cattle shall be constructed of 9 gauge woven wire or chain link with mesh not more than 6 inches in diameter or equivalent. Posts shall be of structural grade schedule 40 quality steel pipe or structurally sound 4 x 4 wood, spaced not more than 12 feet apart. A 6 foot vertical fence, with or without overhang, shall be required; a 7 foot vertical fence is required for elk.

d. Fences for deer, antelope and wild goats and sheep shall be constructed of 11 gauge woven wire with mesh not more than 6 inches in diameter or equivalent. Posts shall be of structurally sound 4 x 4 wood or equivalent, spaced not more than 12 feet apart. A 7 foot vertical fence is required for elk, red deer, bison, buffalo, impala, eland, antelope, goats and sheep; a 6 foot vertical fence is required for white-tailed deer, fallow deer, anodad and sika deer.

(3) Class Amphibia - Frogs, Toads, Salamanders

(A) General Requirements:

1. The animal's enclosure shall be kept within a closed and locked room or building which has covers over all drains and openings to prevent escape of the amphibians from the building. All doors shall be equipped with sweeps. Containers or exhibits shall be labeled with the identification of current species and the number of animals contained inside.

2. The rock or aquarium substrate shall be non-abrasive and shall be kept clean.
3. Any transfer containers shall have locked tops and shall be constructed in a manner which shall prevent the likelihood of escape.

(B) Family Bufonidae

1. One ten gallon standard commercial aquarium shall be provided for one animal and an additional three-fourths of a square foot (equivalent to one 5 gallon aquarium) shall be provided for each additional animal.
2. At least one-third of the bottom of the aquarium shall be covered with water and two-thirds shall be dry.
3. Animals shall be kept at a temperature of between 60 - 80 degrees Fahrenheit.

(C) Family Pipidae

1. One 10 gallon standard commercial aquarium shall be provided for one animal. The minimum floor space requirement shall be increased by 50 percent for each additional animal. Water at a minimum depth of 1 foot shall cover at least the minimum floor space requirement for the number of animals confined.
2. Animals shall be confined at a temperature of between 60 - 80 degrees Fahrenheit.

(4) Class Reptilia - Reptiles

(A) Order Crocodylia - Alligators, Caimans, Crocodiles, Gavials

1. The minimum cage length and width dimensions for one animal shall be equal to one and one-half times the length of the animal by one and one-half times the length of the animal. This space requirement shall be doubled for two animals and shall be increased by a factor of two-thirds for each additional animal thereafter.
2. One-third of the minimum cage space shall be water that is deep enough for the animal to immerse itself. If more than one animal is present in the pen, the pool shall be of sufficient size that all animals can immerse themselves simultaneously. Pool surfaces shall be made of non-abrasive material and the pool shall have a drain.
3. That portion of the pen not occupied by the pool shall be covered with non-abrasive material such as dirt or grass.
4. Crocodylians, except alligators and caimans less than 4 feet in length, shall be kept in a totally enclosed building or exhibit. Animals shall be confined in a manner which precludes their coming in contact with the public. The walls of an open pen for other crocodylians shall be equivalent to at least

one foot in height for every one foot in length of the largest animal up to a maximum of 6 feet high. If any of the walls are made of a climbable material such as fencing, the top 1-1/2 feet of the wall shall be constructed of a slippery, nonclimbable material for all crocodylians except alligators. The walls for all species shall be buried deep enough to prevent escape by digging, or a buried apron shall be used. The walls of an open alligator pen shall be at least 4 feet high, and the corners shall be covered to prevent climbing. The upper one-half of the walls of the enclosure shall be constructed of either concrete or concrete block or 9 gauge chain link or welded wire with no greater than 2 inch x 4 inch size mesh. Concrete or concrete block shall be used for the bottom half of the enclosure. All chain link or welded wire edges shall be smoothly secured in a manner which will prevent injury to the animals.

5. Alligators may be kept outdoors if:
 - a. An external heat source is provided, and the pool temperature is maintained above freezing;
 - b. The pool is at least three feet deep;
 - c. The nighttime temperature does not fall below freezing for more than 2 consecutive nights.
6. Crocodylians other than alligators may be confined outdoors between sunrise and sunset if:
 - a. The air temperature is above 65 degrees Fahrenheit.
7. Crocodylians other than alligators shall not be confined outdoors between sunset and sunrise.

(B) Family Chelydridae - Snapping turtles

1. The container or exhibit shall be labeled with the common and scientific name of the species and the subspecies, if known, and the number of animals contained inside.
2. Each turtle shall be provided with a minimum floor space that is equal to five times the size of the animal.
3. At least one-half of the minimum floor space shall be water which is deep enough to immerse the turtle.

(C) Snakes - Families Elapidae, Viperidae, Colubridae and Crotalidae

1. The container or exhibit for venomous snakes shall be labeled with the common and scientific name of the species and the subspecies, if known, and the number of animals contained inside. The label shall be legibly marked with the warning "Poisonous" or "Venomous".

2. The perimeter of the enclosure for snakes less than 6 feet shall be 1-1/2 times the length of the snake. The perimeter of the enclosure for snakes over 6 feet shall be twice the length of the snake.

3. All venomous snakes shall be kept in a locked exhibit or container which shall be located within a locked building, compound or enclosure.

4. The floor of the enclosure shall be constructed of non-abrasive material and hiding areas shall be provided.

5. At least two fully trained people shall be present when an occupied enclosure is opened or when one of these snakes is handled. The names of the trained handlers shall be listed with the department's Wildlife Protection Division in Sacramento.

6. Written animal escape "emergency procedures" shall be clearly and conspicuously posted in the building housing these snakes and shall be supplied to the department at the time the permit application is initially submitted.

7. A notice shall be clearly and conspicuously posted on the premises which shall provide the location of the nearest most readily available source of appropriate antivenin and a written plan from a hospital stating how a venomous bite should be treated. Each enclosure shall be clearly and conspicuously labeled with the appropriate antivenin to be used for the species in the cage.

8. If a snake is transported or removed from its primary enclosure for feeding or in order to clean the enclosure, the snake shall be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation.

9. Snake hooks shall be present for caring for these snakes.

10. The permittee shall telephonically notify the department of any snake bite on humans or escapes of any snakes within 24 hours and shall provide a written report of the incident to the department's Wildlife Protection Division in Sacramento within one week.

(5) All other Classes, Orders, Families, Genera and species for which specific caging and/or enclosure requirements have not been provided in sections (b)(1)-(4) above shall be humanely confined in a manner which precludes escape.

(c) Incorporation by reference of the Federal Animal Welfare Regulations and Federal "Guide for the Care and Use of Laboratory Animals". As follows:

Except as otherwise provided in subsections (a) and (b) above, permittees shall follow the requirements of the Federal Animal Welfare Regulations contained in 9 Code of Federal Regulations (CFR), Sections 2.33; 2.40; 3.75-3.85; 3.101(a)(3); and 3.136-3.142, as amended from time to time, as the United States Department of Agriculture adopted those regulations pursuant to the Laboratory Animal Welfare Act and its Amendments as found at 7 United States Code (USC), Sections 2131-2157. The Commission hereby incorporates by reference the cited Federal Animal Welfare Regulations and the "Guide for the Care and Use of Laboratory Animals," (NIH Publication No. 86-23, Revised 1985) as if they were set out in full.

(d) Variances to Minimum Caging and Enclosure Requirements.

(1) The general requirements set forth in subsections (a) and (b) above are minimum standards for permanent facilities. Any deviation from these specifications because of the age of the animal being housed, the use of an unusual facility design, such as moats, islands, outdoor natural habitat enclosures, pits or barriers shall be subject to the approval of the inspecting officer with concurrence of the director. In granting any variance of the minimum caging and enclosure requirements, the inspecting officer and the director shall make a finding that the overall welfare of the animal(s) involved has been maintained.

(2) Those cat cages which substantially conform to the provisions of Section 671.3(b)(2)(K)6. on or before August 3, 1989, shall be "grandfathered in". Existing cages, except currently approved cat cages, will be given three calendar years or until February 25, 1995 to comply with the new caging requirement set forth herein. The department may approve nonstandard cages on a case by case basis, if they substantially conform to the spatial requirements. The Regional Manager shall make a recommendation to the Chief of Patrol who will make the department's final decision. The department's final decision may be appealed to the Commission.

(3) These minimum facility and caging standards do not apply to wildlife temporarily maintained pursuant to Section 251.5(f) as provided by Fish and Game Code Section 3005.5.

(e) Care of Laboratory Animals. With the approval of the department, prohibited wild animals used for research purposes may be confined and cared for pursuant to the provisions of the "Guide for the Care and Use of Laboratory Animals" adopted by the U.S. Department of Health and Human Services (NIH Publication No. 86-23, Revised 1985).

(f) Regulations Manual. The facility and caging requirements specific to animals that may be lawfully possessed are provided in the DEPARTMENT OF FISH AND

GAME MANUAL 671 (2/25/92) - IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS, which is incorporated by reference herein. Copies are available from the department's Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090. Facility and caging regulations of subsection 671.3(b) contained in DEPARTMENT OF FISH AND GAME MANUAL 671 (2/25/92) are hereby adopted and made part of this Title 14 and are thus incorporated by reference.

Authority: 1002, 2116, 2116.5, 2118, 2120, 2122, 2150, 3005.9 and 3005.92 Fish and Game Code.

Reference: 1102, 2116-2118, 2118.2, 2118.4, 2119-2155, 2185-2191, 3005.9 and 3005.92, Fish and Game Code.

671.4 Transportation Standards for Exhibition of Live Animals.

(a) Responsibility of Permittee. It shall be the responsibility of the permittee to provide a copy of these regulations to any carrier and intermediate handler being considered for transporting wild animals.

(b) Requirements for Carriers and Intermediate Handlers. (Also see subsections (d) and (f) of this Section regarding holding and food and water requirements.)

(1) Carriers and intermediate handlers shall not accept any animal presented by any person for shipment more than four hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(2) Carriers or intermediate handlers shall accept wild animals for transportation only if the transport cages are constructed in accordance with the provisions of subsection 671.4(e)(1) below.

(3) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by these regulations may not accept for transportation any live animal consigned by any person unless the consignor furnishes to the carrier or intermediate handler a certificate executed by a licensed veterinarian on a date which shall not be more than 10 days prior to delivery of such animal for transportation, stating that such live animal is acclimated to air temperatures lower than 7.2 C. (45 F.). A copy of such certificate shall accompany the shipment to its destination. The certificate shall include at least the following information: Name and address of the consignor; the number of animals in the shipment; a certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2 C (45 F)"; and the signature

of the accredited veterinarian, assigned accreditation number, and date.

(4) Carriers and handlers shall not commingle animal shipments with inanimate cargo. All animal holding areas of any carrier, handler, or any mode of conveyance shall be cleaned and sanitized often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program shall be provided and maintained by the owner or operator of the holding facility for the control of insects, ectoparasites, and avian and mammalian pests for all animal holding areas. All animal-holding areas containing live animals shall be provided with fresh air by means of windows, doors, vents or an air conditioning system to minimize odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal-holding area containing live animals when the air temperature within such animal-holding area is not compatible with the health and comfort of the animal. The temperature shall be regulated to protect the animals from temperature extremes. Animals shall not be placed in a direct draft.

(5) Carriers and intermediate handlers shall attempt to notify the consignee at least once every two hours following the arrival of any live animals at the animal holding area of the terminal cargo facility. The time, date and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

(c) Conveyances (motor vehicle, rail, air, and marine).

(1) The cargo space of any conveyance used to transport live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live animals contained therein at all times.

(2) The animal space shall be constructed and maintained to prevent the ingress of direct engine exhaust fumes and gases from the conveyance.

(3) No live animal shall be placed in any cargo space that does not have sufficient air for normal breathing for each animal contained therein, and the transport cages shall be positioned in the animal cargo space so that each animal has sufficient air for normal breathing.

(4) Transport cages shall be positioned in the conveyance so that the animals can be quickly removed in an emergency.

(5) The interior of the animal cargo space shall be kept clean and sanitary.

(6) Live animals shall not be transported with any material, substance, (e.g., dry ice) or device which may be injurious to their health and well-being unless proper precaution is taken to prevent such injury.

(d) Handling Provisions.

(1) Carriers and handlers shall move live animals from animal holding areas to conveyances and from the conveyances to animal holding areas as expeditiously as possible. Carriers and handlers holding live animals in an animal holding area or transporting live animals from the animal holding area to the primary conveyance and from the primary conveyance to the animal holding area, including loading and unloading procedures, shall provide the following:

(A) Shelter from sunlight. Shade shall be provided to protect the animals from the direct rays of the sun. Animals shall not be subjected to surrounding air temperatures which exceed 29.5 C, (85 F.). The temperature shall be taken outside of the primary enclosure at a distance not to exceed 3 feet from any one of the external walls and on a level parallel to the bottom of the enclosure at a point which approximates half the distance between top and bottom of the enclosure.

(B) Shelter from rain or snow. Protection shall be provided so animals remain dry during rain or snow.

(C) Shelter from cold weather. Transport cages shall be covered to provide protection for animals when the air temperature falls below 10 C. (50 F.) and animals shall not be subjected to surrounding air temperatures which fall below 7.2 C. (45 F.). The temperature shall be taken at a distance not to exceed 3 feet from any one of the external walls of the transport cage unless such animals are accompanied by a veterinarian's certificate of acclimation to temperatures lower than 7.2 C, (45 F.).

(2) The transport cage shall not be handled in a manner that may cause physical or emotional trauma to the animal contained therein. Transport cages with animals inside shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

(e) Transport Caging Provisions. No person shall offer for transportation any live animal in a cage which does not conform to the following requirements:

(1) Cages used to transport live animals shall be

constructed in such a manner that:

(A) The structural strength of the cage shall be sufficient to contain the animal and to withstand the normal rigors of transportation;

(B) The interior of the cage shall be free from any protrusions that could injure the animal contained therein;

(C) The openings of such cages shall be easily accessible at all times for emergency removal of live animals;

(D) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90% of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

If there are ventilation openings located on two opposite walls of the primary enclosure, the ventilation openings on each wall shall be at least 16 percent of the total surface area of each such wall; or, if there are ventilation openings located on all four walls of the primary enclosure, the ventilation openings on each such wall shall be at least 8 percent of the surface area of each such wall. At least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure. Projecting rims or other devices shall be placed on the exterior of the outside walls to prevent obstruction of ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and

(E) Adequate handholds or other devices for lifting shall be provided on the exterior of the cage to enable lifting of the enclosure without tilting and to ensure that the person handling the cage will not be in contact with the animal.

(2) Animals transported in the same cage shall be of the same species and maintained in compatible groups. Animals that have not reached puberty shall not be transported in the same cage with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) shall be allowed visual and olfactory con-

tact. Any female animal in season (estrus) shall not be transported in the same cage with any male animal.

(3) Transport cages shall be as set forth below. In the event, however, the provisions of 9 CFR, Sections 3.85-3.91, Sections 3.112-3.118 and Sections 3.136-3.142 are met, the requirements of this subsection shall be deemed satisfied.

(A) All Animals Except Primates Traveling for Performances or Exhibition.

Minimum length: cages shall be at least 1-1/4 times the body length of quadruped (four-legged) animals, excluding the tail, or long enough for other animal species to lie down and get up normally.

Minimum height: cages shall be at least the full height of the animal plus 2 inches (antlers included in body height).

Minimum width: except for hoofstock, cages shall be at least 1-1/2 times the body width of the animal. For hoofstock, the width of the cages shall be consistent to the needs of the animal to ensure its safe delivery.

(B) Primates Traveling for Performance and Exhibition.

Minimum length: cages shall be at least equal to the length of the animal as measured from the buttocks to the top of the head.

Minimum height: cages shall be at least 1-1/2 times the height of the primate when it is in its natural posture.

Minimum width: cages shall be at least equal to the length of the animal as measured from the buttocks to the top of the head. The cage shall be large enough to allow the animal to lie down.

Notwithstanding the minimum requirements above, cages for adult chimpanzees and orangutans shall be at least 4' long(L) x 4' wide(W) x 4' high(H) with one shelf or perch. When not traveling, an exercise cage of at least 6'(L) x 4'(W) x 6'(H) shall be provided for a minimum of four hours per day. For adult small monkeys and baboons, cages shall be at least 3'(L) x 3'(W) x 4'(H) When not traveling, an exercise cage of at least 4'(L) x 4'(W) x 6'(H) shall be provided for a minimum of four hours per day. Primates less than one year of age shall be transported in a cage of such size and construction which ensures its safe delivery.

(C) Immediately upon arrival at a destination,

animals traveling for performances or exhibition shall be placed in a space equal to 1/3 the minimum permanent space required for that species. Notwithstanding the foregoing, animals which are regularly exercised by exhibitors shall be permitted to remain in their transportation cages provided the permittee's veterinarian certifies that such cages provide sufficient space for the animal once it has arrived at a destination. The department shall bring to the immediate attention of the Commission any circumstances where in the opinion of the department's officer, proper care is not being provided.

Animals not used in performances or exercised regularly shall be placed in a space equal to 1/2 the minimum permanent space required for that species. Elephants accompanied by an attendant may be staked out in a roped off area which excludes the public.

(4) Transport cages shall have solid bottoms to prevent leakage in shipment and shall be cleaned and disinfected pursuant to subsections 671.2(a)(4) and (5). Transport cages shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the animals, in sufficient quantity to absorb and cover excrement.

(5) Transport cages consigned to carriers and intermediate handlers shall be clearly marked on top and on all sides with the words "Live Wild Animal" in letters not less than 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container.

(6) Documents accompanying the shipment consigned to carriers and intermediate handlers shall be attached in an accessible location on the outside of one transport cage.

(f) Care in Transit.

(1) To minimize the distress to animals during surface transportation, the driver shall visually inspect the animals at least once every 4 hours to assure that the animals are not in obvious physical distress and to provide for any needed veterinary care as soon as possible. When transported by air, animals shall be observed if the cargo space is accessible during flight. If the cargo space is not accessible during flight, the carrier shall visually observe the animals whenever the cargo space is accessible to assure that all applicable standards are being complied with and to determine whether any of the live animals are in obvious physical distress.

(2) Animals shall not be taken from their cage except under extreme emergency.

(3) Food and water requirements while in transit.

(A) All live animals shall be offered potable water within 4 hours prior to being transported. Any

person who transports live animals shall provide potable water to all animals being transported at least every 12 hours after such transportation is initiated except as directed by a veterinarian or in the case of hibernation. Animals requiring more water shall be treated appropriately.

(B) Each animal shall be fed at least once in each 24-hour period, except as directed by a veterinarian. Predators are to be separated when feeding. Animals requiring more food shall be treated appropriately.

(C) Any person who offers animals to any carrier or intermediate handler for transportation shall comply with the provisions of subsection 671.1(a)(4) and shall affix to the outside of the transportation cage written instructions pursuant to subsections 671.4(f)(3)(A) and (B) concerning the food and water requirements of each animal.

(D) No carrier or intermediate handler shall accept any live animals for transportation unless written instructions concerning the food and water requirements of each animal are affixed to the outside of the cage.

Authority: Section 2116.5 and 2120 Fish and Game Code.

Reference: Section 2116.5, 2120, 2150 and 2150.3, Fish and Game Code.

671.5. Disposition of Violations Related to Possession of Wild Animals.

Any live wild animals brought into the state or transported or possessed within this state in violation of the provisions of the Fish and Game Code or regulations adopted pursuant thereto may, upon written notice from the enforcing officer inspecting them or discovering the violation, be shipped out of the state, returned to point of origin or destroyed, within the time specified in said notice, at the option of the owner or bailee.

The exercise of any such option shall be under the direction and control of the enforcing officer and at the expense of the owner or bailee. If the owner or bailee fails to exercise such option within the time specified in the notice, or to comply with the terms of a permit issued pursuant to Section 671.1, the enforcing officer shall immediately thereafter order the transfer of the animals to new owners or destroy the animals at the expense of the owner or bailee.

Authority: Section 2122, Fish and Game Code.

Reference: Section 1002, 2116-2118, 2118.2, 2118.3, 2118.4, 2119-2155, 2185-2190, 3005.9 and 3005.92, Fish and Game Code.

671.6. Release of Animals Into the Wild.

(a) No person shall release into the wild without written permission of the Commission any wild animal (as defined by Section 2116 of the Fish and Game Code), including domestically reared stocks of such animals, which:

(1) is not native to California;

(2) is found to be diseased, or there is reason to suspect may have the potential for disease;

(3) May be genetically detrimental to agriculture or to native wildlife; or

(4) has not been successfully introduced prior to 1955.

(b) No permission will be granted to any person to release into the wild state turkeys that have been domestically reared for propagation or hunting purposes, except as provided in subsection 600(i)(4) of these regulations. Only wild turkeys trapped from the wild by the department may be released into the wild.

(c) Every person who releases Barbary partridges, Turkish or Greek chukar partridges; French, Spanish or Arabian red-legged partridges; and/or bobwhite or coturnix quail into the wild shall have a valid permit signed by the director of the department before making such a release. Persons desiring to release such birds shall submit an application showing the number and sex of birds to be released, the location of the proposed release, and the proposed date of such release.

At the time of release of such birds the department requires that they shall be banded by the permittee with appropriate bands furnished by the department. The department may require a report giving the age, sex and number of the individual birds released.

(d) Application for the introduction of all non-native animals, except those birds listed in subsection 671.6(c) shall be made to the commission on forms supplied by the department.

Authority: Section 2120, Fish and Game Code.

Reference: Sections 2116, 2116.5, 2118, 2118.2, 2118.3, 2118.4, 2120 and 2121, Fish and Game Code.

671.7 Permits for Aquaculture Purposes.

The Department of Fish and Game may issue permits for importation, possession, and transportation of aquatic animals listed herein for aquaculture purposes.

Authority: Sections 2118, 2120, Fish and Game Code.

Reference: Sections 1050, 2116-2191, 15200-15202, 15400 and 15600, Fish and Game Code.

DEPARTMENT OF FISH AND GAME
MANUAL NO. 671
PART TWO

PROCEDURES FOR ISSUING AND ADMINISTERING
PERMITS FOR PROHIBITED SPECIES

APPLICATIONS

- A. Applications for permit for any prohibited species must be made in writing by the person requesting the animals and sent to Wildlife Protection Division Headquarters (WPD) [see Fish and Game Code (FG) section 2151].
- B. In addition to the information required by FG 2151 and California Code of Regulations (CCR) section 671.1(c)(1)(A), each application must contain daytime phone numbers, business name if applicable, and information verifying federal and/or local government approval.
- C. WPD will attempt to obtain any necessary additional or missing information from the applicant via telephone prior to returning incomplete applications.
- D. Applications will be processed in the order received in WPD. Only applications received with the required fees will be date stamped and processed. The application fee in NON-REFUNDABLE. The permit and inspection fees are REFUNDABLE if no inspection is made and/or no permit is issued.
- E. Resumes and letters of recommendation must contain original signatures. Duplicated and/or FAX copies will not be accepted.
- F. In addition to the Departments of Food and Agriculture and Health Services, WPD may confer with any other person or entity in order to verify information on the application or to determine if the importation, transportation, or possession of any animal requested will be in the best interest of the state and the animal. Such information received verbally will be written on the application as notes. These notations will include the name of the person providing the information and the name of the organization with which they are affiliated, and will be signed and dated by the person receiving/entering them.
- G. In addition to information required by CCR 671.1, all applications for Resident Exhibiting or Wild Animal Breeding permits must include:
1. A copy of a current license to exhibit or breed issued by the U.S. Department of Agriculture.
 2. An outline of their presentation or act.
 3. Samples of current promotional materials and related photographs.
- H. In addition to information required by CCR 671.1, all applications for Nonresident Exhibiting permits must include:
1. A copy of a current and valid contract or other written confirmation that specifies each place and entire length of time where exhibition will take place in California. If no contract is in effect at time of application, copies of past contracts and/or written descriptions of anticipated performances being negotiated shall be submitted.
 2. An outline of the content of the presentation or act.
 3. Samples of current promotional materials and related photographs.

PERMITS

WPD will send the original and two copies of permits to Region with a request for inspection. Upon approval of the cages/facilities the inspecting officer will sign and date the original and both copies of the permit. The original permit will be issued to the permittee and the duplicate will be returned to WPD with a signed and dated copy of the inspection report.

- A. Permits will not be issued for any species or activity prohibited by any federal, state, or local law (FG 2156).
- B. Permits will not be issued to any person to transport prohibited animals into or through California while on vacation or similar temporary travel.
- C. Permits of the following types or for the following species will not be issued until concurrence is obtained from the Department of Food and Agriculture and/or the Department of Health Services:

1. All non-native rodents, mustelids, and viverrids regardless of permittee.

2. All other animals listed as Detrimental unless going to an American Association of Zoological Parks and Aquariums (AAZPA) facility.

D. Permits may include authorization for multiple activities, e.g., exporting, importing, transporting, exhibiting, breeding, etc., even though the permit title is only for a single activity. Persons wishing to conduct activities covered by a variety of permits must qualify and apply for the permit authorizing the most restrictive activity and pay the fee for that permit.

E. Permittees may only conduct the activities specifically authorized in block 5 (Authorizations) on the permit.

F. Specific permit types:

1. **EXHIBITING.** Issued for the primary purpose of exhibiting either Detrimental ("D") or Welfare ("W") animals. Quality of program, quantity of people reached in presentations, and the safety of animals and the public will be important elements considered in issuing this permit.

2. **WILD ANIMAL BREEDING.** Issued for the primary purpose of breeding either "D" or "W" animals for profit or protection of the species. WPD will authorize a Special Breeding Permit for Exhibitors only under the following conditions:

- a. The progeny is necessary for the continuation of the exhibitor's business as an exhibitor.
- b. No suitable alternative source of animals is available.
- c. No progeny may be disposed of for pet purposes in California.

3. **BROKERING OR DEALING.** Issued for the primary purpose of providing a link between buyers and sellers of prohibited species. Except for temporary possession, does not authorize any other activity requiring a permit under CCR 671.1.

a. Criteria for granting 48 hour extension:

1) The animals involved will be safer, more comfortable, and generally better cared for than if permission is denied; and/or,

2) A duplicate shall accompany the animals from the Broker/Dealer to the new owner.

3) The new owner shall sign and date the duplicate when the animals are received and maintain the duplicate for a minimum of one year.

4) The Broker/Dealer shall keep the original for one year.

5) The permit shall include the name, address, permit number, and a 24 hour phone number for both the Broker/Dealer and the new owner, the number of each species by both common and scientific name; and date of shipment from the Broker/Dealer.

6) All copies of this permit are to be made available immediately to any enforcement officer on request.

4. **DETRIMENTAL SPECIES.** Issued for the primary purpose of authorizing importation, transportation, and/or possession of any "D" animal. Also, is required of holders of Game Breeding licenses to authorize importing and/or breeding of cervids.

- a. Each request requires specific approval by the Commission except for AAZPA facilities, universities, colleges, research, or other bona fide scientific institutions (see page 27 for criteria for bona fide scientific institution), and current permittees who are dealing only with prior approved species listed on a valid permit.
- b. People who currently have a "D" species animal as a pet under an Animal Welfare (AW) Permit will be required to obtain a Detrimental Species Permit endorsed for Animal Care.
- c. FG section 2150 (c) and (e) exempts bona fide research institutions and AAZPA facilities from permits for "W" animals.

5. **CLEARINGHOUSE.** These permits will be issued to meet local needs upon request/endorsement from permits for "W" animals.

6. **ANIMAL CARE.** Issued for the primary purpose of authorizing possession of prohibited species for pet purposes. Permits will not be issued except for people who currently have a pet under an AW Permit. When the existing AW Permits expire, they will be reissued as an Animal Care or Detrimental Species Permit endorsed for Animal Care. Authorization for additional or replacement animals will not be approved by WPD.

8. SHELTERING PERMIT.

- a. These permits will be issued to meet local needs upon request/endorsement from Regional Patrol Chief.
 - b. Importation. WPD may contact people or organizations other than those listed by the applicant in an attempt to find the most suitable housing for the animals.
- G. Permit Renewal. WPD may send out renewal notices but each permittee is responsible to apply for renewal at least 45 days prior to the expiration of their current permit whether or not such notice was sent.

PERMIT DENIAL AND APPEAL PROCESS

- A. A permit application will not be processed for any of the following reasons:
1. Applicant does not meet the criteria or possess the basic qualifications for the permit requested.
 2. Applicant does not have or cannot provide animal caging/housing that meets the minimum requirements.
 3. Applicant is currently charged with or under investigation for a violation pertaining to the care and possession of prohibited animals at the local, state, or federal level.
 4. Applicant has been convicted under federal, state, or local statutes for inhumane treatment of animals within a two year period immediately prior to the date of application.
 5. Applicant has provided false, incomplete, or fraudulent information on or with the application.
 6. Applicant does not have permission from local or federal government to possess animal requested (FG 2156).
 7. Applicant's purpose for requesting the permit is to maintain the animal for pet purposes except as provided under the provision of an Animal Care Permit, CCR section 671.1(7), and the animal was legally in the applicant's possession in California prior to January 9, 1987.
 8. If the check used to pay for the application, inspection, or the permit is not honored for any reason by the bank of record.

- B. Notification of Permit Denial. WPD will send a written explanation to any person who is denied a permit.
- C. Appeal Process. The denial of a permit by WPD to possess a wild animal may be appealed in writing to the Commission.

INSPECTIONS OF HOUSING/CAGING FACILITIES

- A. A request for inspection will be sent to the appropriate Regional Manager only upon receipt of the inspection fee and approval of the application by WPD.
- B. Requests for inspection of facilities for animals that require Commission approval will be sent to the Regional Manager only after approval has been granted.
- C. Absent enforcement needs to the contrary, all inspections will be arranged and conducted by mutual consent of WPD and the applicant.
- D. The permit and request for inspection will be held in Region for a maximum of 45 days in order for the applicant to correct any deficiencies found during the initial inspection. If the applicant fails to correct the deficiencies and request another inspection within this 45 day period, all documents will be returned to WPD with a report of the results of the inspection attempts.
- E. WPD will notify the applicant in writing what deficiencies were found and that no further action will be taken on the application until receiving written notification from the applicant that the deficiencies have been corrected. Upon receiving such notification, WPD will re-initiate the inspection process. This will be considered a separate inspection from the original and may require a separate fee.
- F. Inspection of cages used by Nonresident Exhibitors will be conducted at WPD's option either before or after the animals are in California. Deficiencies must be corrected prior to the animals being imported or transported within California except as authorized in writing by the officer making the inspection.
- G. Fees.
1. No inspection/permit package will be sent to the Regional Manager until all fees are received by WPD.
 2. Requests for amendments or additions to a valid permit must be accompanied by the non-refundable application fee. If an inspection is required, the appropriate fee must also be paid.

3. The officer conducting the inspection will determine when the inspection begins. The time for inspection will include travel from the previous assignment and end at the time the officer leaves the premise.

4. The officer will schedule inspection and plan travel routes to prevent unnecessary charges to the applicant/permittee.

5. The officer conducting the inspection will record the time each inspection begins and ends and the total cost for the inspection in the space provided on the Report of Inspection.

6. Fees for additional inspections requiring less than one full hour will be prorated for each quarter hour (15 minutes) or fraction thereof, e.g., one quarter of the authorized hourly rate will be charged for any portion of a 15 minute segment.

7. The officer conducting the inspection will leave a signed and dated copy of the Report of Inspection with the applicant/permittee that clearly shows the total time and cost of the inspection.

8. Fees for additional inspection are due and payable upon completion of the inspection. No permit will be issued or renewed until full payment is received by WPD. Only payment in the form of a check or money order may be given to the officer making the inspection. Officers **SHALL NOT** accept cash as payment for the inspection.

9. Fees for required semi-annual inspections are not required of applicants who furnish a certification by a veterinarian or other person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association in compliance with CCR 671.1(c)(6)(B). However, persons who have used a veterinarian for the semi-annual inspection must pay for any inspection made by Department of Fish and Game (DFG) personnel per items 2-6 above.

10. DFG will make the final determination whether or not cages meet the minimum requirements of the regulations even if a veterinarian has approved them.

CRITERIA FOR DETERMINING BONA FIDE SCIENTIFIC INSTITUTION

A. A bona fide scientific institution:

1. May be a person or persons, a public or private institution, or a business.

2. Must be currently registered with the U.S. Department of Agriculture as a research facility.

B. A request to be considered a bona fide scientific institution must include the following information:

1. At least one letter of recommendation from a bona fide research institution with expertise with the species and in the field of the proposed project. The letter must contain specific reasons for the support and a statement verifying that the anticipated results are reasonably achievable using the species and techniques described.

2. A description of the proposed project stating the objective or hypothesis.

3. A detailed list of the common and scientific names of animals involved.

4. The estimated completion date of the project.

5. The anticipated benefits of this research.

6. A copy of the registration certificate issued by the U.S. Department of Agriculture (if applicable).

C. Breeding of threatened, endangered or other species of special concern does not, per se, constitute research.

D. WPD may seek input from other state, federal, private and/or university researchers to determine if the research is bona fide.

VIOLATIONS

A. DFG will not reveal the location where seized animals are being held.

B. DFG personnel issuing a written notice pursuant to CCR section 671.5 shall record the name and identity of the person who is making the choice, what choice was made, including failure or refusal to make a choice.

C. DFG will require that all cost to house or care for seized animals be paid by the person who unlawfully possessed the animals.

D. No appeal of DFG denial of a permit will be considered by the Commission if litigation is pending in a court of law.

3. The officer conducting the inspection will determine when the inspection begins. The time for inspection will include travel from the previous assignment and end at the time the officer leaves the premise.

4. The officer will schedule inspection and plan travel routes to prevent unnecessary charges to the applicant/permittee.

5. The officer conducting the inspection will record the time each inspection begins and ends and the total cost for the inspection in the space provided on the Report of Inspection.

6. Fees for additional inspections requiring less than one full hour will be prorated for each quarter hour (15 minutes) or fraction thereof, e.g., one quarter of the authorized hourly rate will be charged for any portion of a 15 minute segment.

7. The officer conducting the inspection will leave a signed and dated copy of the Report of Inspection with the applicant/permittee that clearly shows the total time and cost of the inspection.

8. Fees for additional inspection are due and payable upon completion of the inspection. No permit will be issued or renewed until full payment is received by WPD. Only payment in the form of a check or money order may be given to the officer making the inspection. Officers **SHALL NOT** accept cash as payment for the inspection.

9. Fees for required semi-annual inspections are not required of applicants who furnish a certification by a veterinarian or other person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association in compliance with CCR 671.1(c)(6)(B). However, persons who have used a veterinarian for the semi-annual inspection must pay for any inspection made by Department of Fish and Game (DFG) personnel per items 2-6 above.

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CRITERIA FOR DETERMINING BONA FIDE SCIENTIFIC INSTITUTION

A. A bona fide scientific institution:

1. May be a person or persons, a public or private institution, or a business.

2. Must be currently registered with the U.S. Department of Agriculture as a research facility.

B. A request to be considered a bona fide scientific institution must include the following information:

1. At least one letter of recommendation from a bona fide research institution with expertise with the species and in the field of the proposed project. The letter must contain specific reasons for the support and a statement verifying that the anticipated results are reasonably achievable using the species and techniques described.

2. A description of the proposed project stating the objective or hypothesis.

3. A detailed list of the common and scientific names of animals involved.

4. The estimated completion date of the project.

5. The anticipated benefits of this research.

6. A copy of the registration certificate issued by the U.S. Department of Agriculture (if applicable).

C. Breeding of threatened, endangered or other species of special concern does not, per se, constitute research.

D. WPD may seek input from other state, federal, private and/or university researchers to determine if the research is bona fide.

VIOLATIONS

A. DFG will not reveal the location where seized animals are being held.

B. DFG personnel issuing a written notice pursuant to CCR section 671.5 shall record the name and identity of the person who is making the choice, what choice was made, including failure or refusal to make a choice.

C. DFG will require that all cost to house or care for seized animals be paid by the person who unlawfully possessed the animals.

D. No appeal of DFG denial of a permit will be considered by the Commission if litigation is pending in a court of law.

WILD ANIMALS

609.205 Prohibitions against keeping of wild or exotic animals. Notwithstanding the provisions of ORS chapters 496, 497 and 498 relating to wildlife, and ORS 609.305 to 609.335 and 609.992 relating to exotic animals, a city or county may prohibit by ordinance the keeping of wildlife, as defined in ORS 496.004, and may prohibit by ordinance the keeping of exotic animals as defined in ORS 609.305. [1977 c.802 §3; 1985 c.437 §9]

EXOTIC ANIMALS

609.305 Definitions for ORS 609.305 to 609.335. As used in ORS 609.305, 609.309, 609.319 to 609.335 and 609.992, "exotic animal" means:

(1) Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species *Felis catus* (domestic cat);

(2) Any monkey, ape, gorilla or other non-human primate;

(3) Any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and

(4) Any bear, except the black bear (*Ursus americanus*). [1985 c.437 §2]

609.309 Policy on exotic animals. It is the policy of this state that the keeping of exotic animals be regulated so as to assure the health, welfare and safety of such animals and to assure the security of facilities in which they are kept, so as to avoid undue risk to the public. It is the policy of this state that such regulation place no more burden upon the keepers of exotic animals than is required to accomplish the purposes expressed in this section. [1985 c.437 §1]

609.310 [1963 c.217 §1; repealed by 1977 c.802 §15]

609.315 Application of ORS 609.305, 609.309, 609.319 to 609.335 and 609.992. Nothing in ORS 609.305, 609.309, 609.319 to 609.335 and 609.992 shall apply to:

(1) A wildlife rehabilitation center operated under a valid permit issued by the Oregon State Fish and Wildlife Department pursuant to ORS chapter 497; or

(2) A facility operated under a valid license issued by the United States Department of Agriculture pursuant to the federal Animal Welfare Act of 1970 (7 U.S.C. 2133). [1985 c.437 §8]

609.319 Permit required to keep exotic animal. No person may keep an exotic animal in this state unless, before acquiring the animal, the person possesses, or has applied for and not been refused or have had revoked or suspended, a valid State Department of Agriculture permit for such animal issued pursuant to ORS 609.335. No person may keep an exotic animal in this state for more than 30 days after the expiration, revocation or suspension of such a permit. [1985 c.437 §3]

609.320 [1963 c.217 §2; repealed by 1977 c.802 §15]

609.325 Conditions for keeping exotic animal. Any person who keeps an exotic animal shall keep the animal under such conditions of confinement or control as, given the nature of the animal, would be imposed by a reasonable and prudent keeper to avoid risk to the public as a result of escape of the animal or otherwise. [1985 c.437 §4]

609.329 Liability for escape. Any person who keeps an exotic animal shall be liable for any costs incurred by any person, city, county or state agency resulting from the escape from custody of the animal. [1985 c.437 §5]

609.330 [1963 c.217 §3; repealed by 1977 c.802 §15]

609.335 Permits; rules; fee; revocation; warning. (1) The State Department of Agriculture shall issue permits for the keeping of exotic animals, as defined in ORS 609.305.

(2) The department shall adopt reasonable rules for the issuing of permits to keep exotic animals and establishing conditions thereof. The conditions shall be directed toward assuring the health, welfare and safety of the animals and, where necessary, the security of facilities in which the animals are kept. The rules shall be no more restrictive upon keepers of exotic animals than is reasonably necessary to carry out the purposes of ORS 609.309 and subsection (1) of this section.

(3) A separate permit shall be required for each species of animal kept. A permit shall be valid for a period of two years from the date of issue and may be renewed.

(4) The department may charge a fee for the issuance and for renewal of permits under this section. The fee shall not exceed \$20 for each issuance or renewal.

(5) The department may revoke a permit upon finding a violation of rules adopted under this section, or the department may issue a finding of violation and a warning to remedy the violation by a date certain. [1985 c.437 §7]

609.340 [1963 c.217 §4; repealed by 1977 c.802 §15]

609.350 [1963 c.217 §5; repealed by 1977 c.802 §15]

*Senate Ag Co
2-6-95
Attachment 37*

its address of Agriculture Building, 635 Capitol Street, Salem, Oregon 97310, accompanied by a permit fee of \$20.

(2) Prior to the stated date of expiration of a permit, the holder of the permit may apply to the department for a renewal thereof for an additional two years from the stated expiration date, and thereafter for additional two-year renewals of the permit. A renewal shall be subject to the requirements for facilities as set forth in section (4) of this rule, and the renewals may have permit conditions or limitations restricted or expanded.

(3) An application for a permit shall be on a form prescribed by the department and include:

(a) The name and address of the applicant, and the name and address of the veterinarian intended to provide medical care for the exotic animals;

(b) The experience, training and education of the applicant relating to the care and keeping of exotic animals;

(c) The specific location of the facilities at which the exotic animals are to be kept;

(d) The specie and number of animals for which the permit is submitted; and

(e) The date upon which the facilities will be available for inspection by the department.

(4) The department shall review the permit application and inspect the facilities to determine if the facilities are in conformance with these rules and whether the applicant is determined to be capable of operating the facilities. The department shall then either issue the permit or notify the applicant of rejection of the application for the permit with the reasons therefor. The department may limit the number of animals that can be kept under a permit, and may establish other limitations or conditions on the permit.

(5) The department shall review the facilities at intervals of at least twice a year to determine if the facilities are being maintained and operated in accordance with these rules. At the time of inspection, the department may direct that actions be taken to cause the facilities and operations to conform with these rules.

Stat. Auth.: ORS Ch. 561 & 609
Hist.: AD 9-1986, L & cl. 5-27-86

Exotic Animals

Definitions

603-11-700 As used in rules 603-11-705 to 603-11-725, unless the context requires otherwise:

(1) "Facilities" means cages, compounds, rooms, buildings, or other premises in which exotic animals are confined or maintained.

(2) "Permit" means a document issued by the department which allows an identified person to keep an identified specie of exotic animal in captivity at a specified location for a stated period of time.

Stat. Auth.: ORS Ch. 561 & 609
Hist.: AD 9-1986, L & cl. 5-27-86

Permit Application, Issuance, and Renewal

603-11-705 (1) A person intending to keep an exotic animal in captivity, other than a person holding a license from the U.S. Department of Agriculture under the federal Animal Welfare Act of 1970, or holding a permit from the Oregon State Fish and Wildlife Department to operate a wildlife rehabilitation center, shall apply to the department for the issuance of a permit by submitting an application therefor to the Animal Health Division of the department at

Felines-Special Requirements

603-11-710 (1) The facilities for exotic felines shall comply with the following:

(a) (A) Outdoor Facilities-Cages: If exotic felines are maintained in cages, the cage shall include adequate-size loafing shelves, den boxes, and shelters from adverse weather conditions, and shall provide sufficient space for the animals to make normal postural and social adjustments with freedom of movement. The floor of the cage shall not be constructed of wire mesh or chain-link, or be covered with dirt, gravel, or pebbles, and shall include a suitable drainage system for the rapid elimination of excess water. The top of the cage shall be securely covered. There shall be a double-gate entrance (safety entrance) installed in each cage which will not reduce the required minimum size of the cage. A ground-level retaining rail, or equivalent barrier, shall be provided around each cage. The cage shall be securely padlocked except during cleaning. The structure shall be designed and constructed so as to prevent escape by the animals or entrance by the public.

(B) Outdoor Facilities-Range Areas: If exotic felines are maintained in large areas simulating natural surroundings of a park-like nature, the areas need not be roofed, but shall have perimeter fencing constructed of chain link fencing of a gauge required for the class of exotic felines to be maintained in the area, and of a height required for this class of exotic felines, which fencing shall be topped with an internal overhang of three feet in width so as to prevent the escape by the animals. The perimeter fencing of the area shall be embedded to a depth of at least six inches in either concrete or other material that cannot be destroyed or removed by the exotic felines.

(b) Indoor Facilities: The structure shall be designed and constructed so as to prevent the escape of the animals. The window openings of the facilities, other than openings directly to adjacent cages, shall be covered with wire mesh or gratings made of the same materials as the cage for the class of exotic felines to be maintained. The facilities shall be adequately ventilated, through the installation and use of windows, vents, doors or airconditioning, so as to minimize drafts, odors and moisture condensation. The facilities shall be sufficiently lighted, either through natural or artificial means, so as to permit thorough inspection and cleaning of the facilities and so as to protect the animals from excessive illumination. The facilities shall be structurally sound and maintained in good repair so as to protect the animals from injury, to keep the animals dry and clean, to contain the animals, and to restrict entry of other animals. The facilities shall also be supplied with adequate electrical power, potable water, and equipment for the removal and disposal of animal excreta and debris.

(2) Animal Classification: For the purpose of section (3) of this rule, exotic felines shall be classified as follows:

(a) Class 1 animals, which shall include tigers, snow leopards, lions, jaguars, and Class 3 animals that weigh 175 lbs. or more;

(b) Class 2 animals, which shall include leopards and Class 3 animals that weigh more than 125 lbs., but less than 175 lbs., and Class 1 animals that weigh more than 125 lbs., but less than 175 lbs.;

(c) Class 3 animals, which shall include cheetahs, caracals, African golden cats, fishing cats, ocelots, servals, European and Canadian lynx and clouded leopards that weight more than 25 lbs., but less than 125 lbs.;

(d) Class 4 animals, which shall include all other species of exotic feline and Class 1, 2 and 3 animals that weigh 25 lbs. or less.

(3) Cage Construction: In addition to the requirements of section (1) of this rule, the cages for the various classes of exotic felines shall be constructed in accordance with the following:

(a) The cage for Class 1 animals shall be constructed of at least 9-gauge chain-link fencing or equivalent. The cage of an individual animal shall be at least 15 feet long (20 feet long for a pair of animals), 10 feet wide, and 8 feet high.

(b) The cage for Class 2 animals shall be constructed of at least 11 1/2-gauge chain-link fencing or equivalent. The cage for an individual animal shall be at least 10 feet long (15 feet long for a pair of animals), 8 feet wide, and 8 feet high.

(c) The cage for Class 3 animals shall be constructed of at least 14-gauge chain-link fencing or equivalent, having not more than 2 x 4-inch openings. The cage for an individual animal shall be at least 8 feet long, 4 feet wide, and 6 feet

high. Up to three cheetahs may be housed in a cage at least 40 feet long, 20 feet wide, and 8 feet high.

(d) The cage for Class 4 animals shall be constructed of at least 1 x 1-inch poultry mesh or equivalent. The cage for an individual animal (and the same for a pair of animals) shall be at least 8 feet long, 4 feet wide, and 6 feet high.

(4) Security: In order to provide for the safety of the public, exotic felines shall be handled in accordance with the following:

(a) Cages and indoor facilities shall be surrounded by a perimeter fence that is of sufficient height, strength, and construction so as to prevent entrance by the public.

(b) The animals shall only be allowed outside the facilities for medical treatment or for removal to another approved facility, and then only transported in a vehicle approved by the department as appropriate for the species and sizes of the animals involved. The animals shall be restrained within the vehicles so as to prevent escape from, or interference with, the operator of the vehicle.

(5) Sanitation: Excreta and debris shall be removed from indoor and outdoor facilities as often as necessary to prevent contamination of the animals or water supplies, reduce disease hazards, and reduce odors.

Stat. Auth.: ORS Ch. 561 & 609
Hist.: AD 9-1986, f. & ef. 5-27-86

Bears-Special Requirements

603-11-715 The facilities for bears shall comply with the following:

(1) Outdoor Facilities-Cages: An area of at least 400 square feet shall be provided for each animal, so as to provide sufficient space for the animals to make postural and social adjustments with freedom of movement. The floor shall be 4-inch reinforced concrete, sloped for free drainage, and provided with a drainage grating of adequate strength to prevent removal by a bear. The floor shall be surrounded by a curb of 6-inch reinforced concrete, not less than 12 inches in height. Each pen or cage shall be at least 6 feet in height and be roofed to prevent escape of the bears, and areas of shade shall be provided for the animals.

(2) Cage Construction: Securely attached to cage, there shall be at least one feed trough, not less than 12 inches in depth with a capacity of not less than 3 cubic feet; at least one water trough, not less than 18 inches in depth with a capacity of not less than 3 cubic feet; and at least one den box for each animal, emplaced not less than 6 inches above floor level of the cage, which provides 15 square feet of floor area and at least 30 inches of inside height, with a floor sloped to provide free drainage. If of frame and mesh construction, the cage shall consist of a support framework, top and sides of steel pipes or beams equivalent in strength to 1 1/2-inch steel pipe, securely welded, bolted or threaded together, with framework members at intervals of no more than 5 feet. The wire mesh covering shall be 5-gauge chain-link fencing or equivalent, securely bolted together and to the framework. If of bar-type construction, the cage shall consist of steel pipes or bars equivalent in strength to 3/4-inch steel pipe, spaced at intervals not to exceed 6 inches, supported at intervals not to exceed 36 inches with 3/8 x 2-inch steel bars drilled to receive the vertical bars at the support intervals, with all joints or points of meeting securely bolted or welded at the

OREGON ADMINISTRATIVE RULES
CHAPTER 603, DIVISION 11 - DEPARTMENT OF AGRICULTURE

top and sides. The skirt of the cage shall be embedded in a concrete curb to a depth of not less than 6 inches.

(3) Security: In order to provide for the safety of the public, bears shall be handled in accordance with the following:

(a) A gate to the main cage shall be installed and constructed so as to provide strength equivalent to the rest of the cage, and the hinges and fasteners shall be adequate to provide strength equivalent to the rest of the cage.

(b) The animals shall only be allowed outside the facilities for medical treatment and only transported in a vehicle approved by the department as appropriate for the sizes of the animals. The animals shall be restrained within the vehicle so as to prevent escape from, or interference with the operator of, the vehicle.

(c) The cage shall be securely padlocked except during cleaning. If bar-type construction is used, an additional perimeter fence of sturdy construction, not less than 36 inches in height and not less than four feet removed from the cage, shall be erected and maintained. No person except the keeper of the bears shall be allowed to approach the cage beyond this fence.

(4) Sanitation: Excreta and debris shall be removed from the facilities as often as necessary to prevent contamination of the animals or water supplies, reduce disease hazards, and reduce odors.

Stat. Auth.: ORS Ch. 561 & 609
Hist.: AD 9-1986, I & cf. 5-27-86

Non-Human Primates-Special Requirements

603-11-720 The facilities for non-human primates shall comply with the following:

(1) Outdoor Facilities-Cages: The cage shall include sufficient shade areas so as to protect animals from direct sun-rays; provide animals with access to shelter which will allow the animals to remain dry and comfortable during inclement weather; include a suitable drainage system for the rapid elimination of excess water; provide sufficient space for the animals to make normal postural and social adjustments; include apparatus for normal behavioral activities; and have a minimum floor space equal to three times the area occupied by each animal when it is standing on four feet.

(2) Indoor Facilities: The indoor facilities shall be heated so as to protect the animal from cold, with an ambient temperature of not less than 50° F.; be adequately ventilated, through the installation and use of windows, vents, doors, or air-conditioning, so as to minimize drafts, odors, and moisture condensation, and have auxiliary ventilation provided when the ambient temperature exceeds 85° F.; be sufficiently lighted, through either natural or artificial means, so as to permit thorough inspection and cleaning of the facilities

and so as to protect the non-human primate from excessive illumination; be structurally sound and maintained in good repair, so as to protect the animals from injury, to keep the animals dry and clean, to contain the animals, and to restrict entry of other animals; be supplied with adequate electrical power, potable water, disposal facilities for the sanitary removal and disposal of animal waste, bedding, dead animals, and debris; and have the same minimum floor space as specified for outdoor facilities.

(3) Security: In order to provide reasonable precautions for the safety to the public, non-human primates shall only be allowed outside the facilities for medical treatment or for removal to another approved facility, and then only transported in a vehicle approved by the department as appropriate for the species and sizes of the animals. The animals shall be restrained within the vehicle so as to prevent escape from, or interference with the operator of, the vehicle.

(4) Sanitation: Excreta and debris shall be removed from the facilities as often as necessary to prevent contamination of the animals or water supplies, reduce disease hazards, and reduce odors.

Stat. Auth.: ORS Ch. 561 & 609
Hist.: AD 9-1986, I & cf. 5-27-86

Wolves and Other Exotic Canines-Special Requirements

603-11-725 The facilities for wolves and other exotic canines shall comply with the following:

(1) Outdoor and Indoor Facilities: Outdoor and indoor facilities shall be constructed and maintained so as to provide sufficient space for each animal to make normal postural and social adjustments with freedom of movement; to keep the animals clean, dry, and safe from injury; and to provide the animals ready access to clean water and wholesome food. All outdoor pens shall have an exterior fence of such height and construction so as to prevent the animals within to surmount it, and to prevent entry of the public.

(2) Security: In order to provide reasonable precautions for the safety of the public, wolves shall only be allowed outside the facilities for medical treatment and then only transported in a vehicle approved by the department as appropriate for the species and sizes of the animals. The animals shall be restrained within the vehicle so as to prevent escape from, or interference with the operator of, the vehicle. All wolves or other exotic canines that are held within a single enclosure shall be selected so as to be compatible with each other and shall not be housed near other animals whose presence may cause them stress or other discomfort.

(3) Sanitation: Excreta and debris shall be removed from the facilities as often as necessary to prevent contamination of the animals or water supplies, reduce disease hazards, and reduce odors.

Stat. Auth.: ORS Ch. 561 & 609
Hist.: AD 9-1986, I & cf. 5-27-86