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## TITLE 312 NATURAL RESOURCES COMMISSION

### **Proposed Rule** LSA Document #02-322

#### DIGEST

Amends 312 IAC 9-11-4, that governs wild animal possession permits, to allow an alligator snapping turtle, lawfully acquired prior to January 1, 1998, to be used for commercial purposes or for public display. Effective 30 days after filing with the secretary of state.

#### **312 IAC 9-11-4**

SECTION 1. 312 IAC 9-11-14 IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 9-11-14 Maintaining a wild animal possessed under this rule**

**Authority:** IC 14-22-26

**Affected:** IC 14-22

Sec. 14. (a) A person must not maintain a wild animal in a manner ~~which that~~ does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permittee.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the license under which the animal is possessed.

(b) A person must not possess a wild animal in a condition ~~which that~~ is any of the following:

- (1) Unsafe.
- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(c) A person must not use a wild animal in any of the following manners:

- (1) For a commercial purpose, unless the person is issued a commercial license by the United States Department of Agriculture **or the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.**
- (2) For a sporting purpose.
- (3) As a public display.

(d) If a Class II or Class III wild animal is used for an educational purpose, the animal must be confined in a cage that prevents contact with the public.

(e) A wild animal must be provided with fresh drinking water in clean containers on a daily basis.

(f) A swimming pool or wading pool, which is provided for the use of a wild animal, must be cleaned as needed to maintain good water quality.

(g) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.

(h) A wild animal must be provided with food ~~which that~~ is each of the following:

- (1) Unspoiled.
- (2) Uncontaminated.
- (3) Appropriate to the dietary needs of the animal.

(i) Fecal wastes and food wastes must be removed daily from cages and stored or disposed to prevent noxious odors and insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked at least once every three (3) days and the waste removed. (*Natural Resources Commission; 312 IAC 9-11-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2743*)

### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on February 24, 2003 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to allow an alligator snapping turtle, lawfully acquired prior to January 1, 1998, to be used for commercial purposes or for public display. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission