

# WILD ANIMAL POSSESSION PERMIT

## IC 14-22-26

Chapter 26. Wild Animal Permit

### IC 14-22-26-1

#### Applicability of chapter

Sec. 1. This chapter does not apply to licensed commercial animal dealers, zoological parks, circuses, or carnivals.

### IC 14-22-26-2

#### "Zoological park" defined

Sec. 2. As used in this chapter, "zoological park" means:

- (1) a permanent establishment that is a member of the American Association of Zoological Parks and Aquariums; or
- (2) an agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna.

### IC 14-22-26-3

#### Rules regarding permits

Sec. 3. The director may adopt rules under IC 4-22-2 to require and issue the following:

- (1) A permit to possess a wild animal protected by statute or rule.
- (2) A permit to possess a wild animal that may be harmful or dangerous to plants or animals. A separate permit is required for each wild animal described in this subdivision.

### IC 14-22-26-4

#### Form; issuance; expiration; fee

Sec. 4. A permit issued under this chapter:

- (1) must be in the form prescribed by the director;
- (2) may not be issued unless the director is satisfied that the permit should be issued;
- (3) has an expiration date fixed by the director; and
- (4) has a fee of ten dollars (\$10).

### IC 14-22-26-5

#### Suspension of permit; seizure and holding of animals; adjudicative proceedings; costs

Sec. 5. (a) If an emergency exists, the director may summarily suspend a permit issued under this chapter. The director may summarily seize and hold an animal for which a permit is required under this chapter, pending the outcome of the proceedings under this section, if either of the following conditions exist:

- (1) A permit has not been issued to possess the animal.
- (2) A permit has been issued to possess the animal, but the

director believes that an emergency exists because at least one (1) of the following conditions exists:

- (A) The animal is in a position to harm another animal.
- (B) The life or health of the animal is in peril.

(b) After suspending a permit or seizing and holding an animal under subsection (a), the department shall proceed as quickly as feasible to provide the opportunity for completed adjudicative proceedings under IC 4-21.5. The proceedings may result in the revocation, temporary suspension, or modification of the permit. Provision may be made for a final disposition with respect to the wild animal, including confiscation of the animal. IC 4-21.5 provides the exclusive remedy available to a person aggrieved by a determination of the department under this section.

(c) The director may contract with experts in the handling of animals for which a permit is required under

this chapter to assist the director in seizing and holding an animal under this section. A person who seizes and holds an animal under a contract with the director is not subject to legal action arising from the seizure or holding to the same extent as if the person was an employee of the department.

(d) The owner of an animal seized under this section is liable for the costs of seizing and holding the animal and of the proceedings under this section, including a trial, if any.

#### **IC 14-22-26-6**

##### **Rules regarding safety and health**

Sec. 6. Rules adopted under this chapter must provide for the following:

- (1) The safety of the public.
- (2) The health of the animals.

#### **312 IAC 9-11-1 Wild Animal Possession Permit Applicability**

Authority: IC 14-10-2-4; IC 14-11-4-5; IC 14-11-4-9; IC 14-22-26

Affected: IC 14-11-4; IC 14-22-26-2

Sec. 1. (a) Except as provided in IC 14-22-26-2 or as exempted under subsections (d) and (e), a person must have a permit issued by the department under this rule to possess a wild animal if the wild animal is either of the following:

- (1) Referenced in this rule.
- (2) Listed in this article as an endangered species or a threatened species.

(b) A separate permit

- (1) is required for each individual wild animal; and
- (2) applies only to the location stated in the permit.

(c) A permit issued under this rule expires one (1) year from the date of issuance. If a timely and sufficient application is made for a permit renewal under section 3 of this rule, however, the permit does not expire until the department has entered a final determination with respect to the renewal application.

(d) A wild animal that is possessed under any of the following licenses and permits is exempted from this rule:

- (1) A game breeder license issued under 312 IAC 9-10-4.
- (2) A scientific purposes license issued under 312 IAC 9-10-6.
- (3) A wild animal rehabilitation permit issued under 312 IAC 9-10-9.
- (4) An endangered species of turtle possessed under 312 IAC 9-5-11.

(e) This rule does not apply to the lawful taking or possessing of a wild animal as follows:

- (1) During a season established under this article.
- (2) During the first six (6) months from the date of birth, if the animal is the offspring of a wild animal lawfully possessed under this rule.
- (3) The mammal is possessed by a zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (4) During the interstate shipment of animals through the state of Indiana.

(f) A person who possesses a wild animal under this rule is responsible for complying with all applicable requirements of this rule, including those that govern permit renewals and permit site relocations.

#### **312 IAC 9-11-2 First permit to possess a wild animal**

Authority: IC 14-22-26

Affected: IC 14-11-4; IC 14-22

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.

(b) A person who wishes to possess a wild animal, described as Class I or Class II in this rule, must apply for a permit under this rule within five (5) days of taking possession of the animal.

(c) A person who wishes to possess a wild animal, described as Class III in this rule must obtain a permit under this rule before the person takes possession of the animal. In addition to any procedural requirements, a notice under this subsection must also describe the following:

- (1) The species of the wild animal.
- (2) Where the animal will be possessed.

(d) Within forty-five (45) days after the issuance of a permit, the permit holder must submit written verification from a licensed veterinarian that the animal appears to be

- (1) free of disease; and
- (2) in good health

to the division of fish and wildlife.

(e) An application for a Class III wild animal must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to:

- (1) persons;
- (2) domestic animals;
- (3) livestock; and
- (4) other wildlife;

in the vicinity of the escape.

(f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal from the perimeter fence.

(g) A permit application must be:

- (1) completed on a department form; and
- (2) accompanied by a fee in the amount of ten dollars (\$10).

(h) A conservation officer shall inspect the:

- (1) cages or enclosures;
- (2) wild animal (if already in possession; and
- (3) documentation of legal acquisition (if the wild animal is already in possession);

after the application is received and prior to the issuance of a permit.

(i) An application must show the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection.

### **312 IAC 9-11-3 Renewal permit to possess a wild animal**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 3. (a) This section governs a renewal permit to possess a wild animal where a permit was previously issued for the same wild animal at the same site under section 2 of this rule.

(b) A person who wishes to continue in possession of a wild animal after the expiration date in the permit must file an application for a renewal permit within thirty (30) days of the expiration date.

(c) An application for a renewal permit must be accompanied by a written verification by a veterinarian which states the following:

(1) The wild animal was observed at least once during the prior year or more frequently if necessary to provide adequate veterinarian care. Frequency of the visits is determined by the attending veterinarian, not the facility.

(2) The wild animal was properly immunized.

(3) The wild animal appears to have been properly cared for in the following other areas of animal husbandry:

(A) Appropriate:

(i) facilities, personnel, and equipment for pest control, sanitation, quarantine, capture, and restraint; and

(ii) medical observation.

(B) Appropriate handling, tranquilization, and euthanasia was provided under veterinarian guidance.

(C) Nutrition and diets.

(d) A conservation officer may reinspect the cages or enclosures at any time. The conservation officer shall attempt to give a permittee a twenty-four (24) hour notice prior to the reinspection, but, if the officer is unsuccessful in contacting the permittee, the officer may proceed with the scheduled inspection without making any further attempts to notify anyone. No notice is necessary if the officer has reason to believe the health and safety of the animal is in danger if there is a delay. The conditions observed by the conservation officer during a reinspection will be considered in determining whether to renew a permit.

### **312 IAC 9-11-6 Class I wild animals for which a permit is required**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 6. (a) A permit is required under this rule for the following Class I wild animals:

(1) Rabbit (*Sylvilagus floridanus*).

(2) Squirrel (*Sciurus carolinensis*, *Sciurus niger*, and *Glaucomys volans*).

(b) As used in this rule, "Class I wild animal" means a wild animal that, because of its nature, habits, or status, is not a threat to personal or public safety.

### **312 IAC 9-11-7 Class II wild animals for which a permit is required**

Authority: IC 14-10-2-4; IC 14-22-26

Affected: IC 14-22

Sec. 7. (a) A permit is required under this rule for the following Class II wild animals:

(1) Beaver (*Castor canadensis*).

(2) Coyote (*Canis latrans*).

(3) Gray fox (*Urocyon cinereoargenteus*).

(4) Red fox (*Vulpes fulva*).

(5) Mink (*Mustela vison*).

(6) Muskrat (*Ondatra zibethicus*).

(7) Virginia Opossum (*Didelphis marsupialis*).

(8) Raccoon (*Procyon lotor*).

- (9) Striped Skunk (*Mephitis mephitis*).
  - (10) Weasel (*Mustela frenata*, *Mustela nivalis*, and *Mustela rixosa*).
  - (11) Serval (*Leptailurus serval*).
  - (12) Leopard cat (*Prionailurus bengalensis*).
  - (13) Margay cat (*Felis wiedi*).
  - (14) Jaguarundi cat (*Felis yagouaroundi*).
  - (15) Jungle cat (*Felis chaus*).
  - (16) Pallas' cat (*Felis manul*).
  - (17) Sand cat (*Felis margarita*).
  - (18) Black-footed cat (*Felis nigripes*).
  - (19) Flat-headed cat (*Prionailurus planiceps*).
  - (20) Fishing cat (*Prionailurus viverrinus*).
  - (21) Geoffroy's cat (*Leopardus geoffroyi*).
  - (22) Pampas cat (*Leopardus pajeros*).
  - (23) Little spotted cat (*Leopardus tigrinus*).
  - (24) Pantanal cat (*Leopardus braccatus*).
  - (25) Marbled cat (*Pardofelis marmorata*).
- A hybrid of any of these species with a domestic dog or cat is exempt from permitting under this section.

(b) As used in this rule, "Class II wild animal" means a wild animal that, because of its nature, habits, or status, may pose a threat to human safety.

**312 IAC 9-11-8 Class III wild animals for which a permit is required**

Authority: IC 14-10-2-4; IC 14-22-26-3

Affected: IC 14-22

Sec. 8. (a) A permit is required under this rule for the following Class III wild animals:

- (1) Wolves that are purebred.
- (2) Bears (all species).
- (3) Wild cats (all species), except feral cats and cats listed in section 7 of this rule.
- (4) Venomous reptiles.
- (5) Crocodylians that are at least five (5) feet long.

A hybrid of any of these species with a domestic dog or domestic cat is exempt from permitting under this section.

(b) As used in this rule, "Class III wild animal" means a wild animal that presents a real or potential threat to human safety.

**312 IAC 9-11-9 Classification of endangered species or threatened species**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 9. (a) If an application is submitted under this rule to possess a wild animal that is an endangered species or a threatened species, but the animal is not identified in sections 6 through 8 of this rule, the division shall designate the wild animal as being within Class I, Class II, or Class III before the permit is issued.

(b) The division may require that a wild animal possessed under this section is identified with an individually unique transponder, a unique notch, or another method of permanent marking approved by the director.

### **312 IAC 9-11-10 Confining and enclosing wild animals**

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 10. (a) This section establishes general requirements for confining or otherwise enclosing a wild animal that must be demonstrated in an application under this rule. A person who holds a permit must maintain compliance with this section while in possession of the wild animal.

(b) All wild animals must have a designated primary enclosure.

(c) All wild animals shall be kept in cages or enclosures. Walls and restraints affixed to windows, doors, and other means of entry or exit must be as strong as what is prescribed in section 13 of this rule for cage construction.

(d) All cages shall:

- (1) be well braced and, when necessary, securely fastened to the floor or ground;
- (2) utilize metal clamps, ties, welds, or braces of equivalent strength as that prescribed for cage construction.

(e) Except as provided in subsection (f), the cage or enclosure required for a Class III wild animal must also be surrounded by a perimeter chain link fence that is at least six (6) feet high. Fencing material that is equal in strength and durability to chain link may be substituted.

(f) A venomous reptile must be kept in a locked container within a locked building, compound, or enclosure. The premises shall have a notice clearly and conspicuously posted to provide the:

- (1) location of the nearest, most readily available source of appropriate anti-venin; and
- (2) telephone number of the nearest poison control center.

(g) A wild animal must not be chained or tethered, except under the following conditions:

- (1) During training sessions. During these sessions, the wild animal must be under the direct supervision of the permittee or an employee of the permittee. Training may take place only within the perimeter fence, not in public view, and while under strict control of the handler.
- (2) During an emergency.
- (3) While repairs are being made to the cage.

(h) A Class III wild animal must have secondary housing, for example, a den, shift cage, or transport crate, in which the animal can be secured. The secondary housing must be as strong as what is required for cage construction. The animal may be housed in secondary housing for a set period of time upon the written instructions of a licensed veterinarian.

(i) A modification from the general cage requirements may be granted upon a written finding by the director that the overall welfare of the animal and public safety would be maintained if the modification were implemented.

### **312 IAC 9-11-11 General housing requirements and specifications**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 11. (a) This section provides general housing requirements and specifications that apply to an animal possessed under this rule.

- (b) Unless otherwise specified in the permit, a cage or enclosure must be completely enclosed.
- (c) Wild animals that are compatible with one another may be held in the same enclosure if the required floor space is provided.
- (d) Common walls between animals that are not compatible must be constructed so the animals cannot gain access to each other.
- (e) All mammals must have a den or nest box.
- (f) Dens shall be large enough to ensure that each animal contained therein has sufficient space to:
  - (1) turn about freely; and
  - (2) make normal postural adjustments.
- (g) If sunlight is likely to cause overheating or discomfort to an animal, sufficient shade shall be provided to protect any animal kept outdoors from direct sunlight.
- (h) If the ambient air temperature falls below that needed for good health of the animal, an artificial heat source must be provided that is sufficient to maintain the required ambient air temperature.
- (i) If a pool of water is required or used, the floor space occupied by the pool is in addition to the required minimum floor space, unless otherwise specified in the permit.
- (j) Night quarters, holding pens, and nesting boxes may not be used as primary housing.
- (k) All chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.
- (l) If a cage is required to be constructed of mesh, unless otherwise specified, the mesh shall be made from welded or woven steel wire or an equivalent material. The floor of such a cage need not be constructed of mesh. Any equivalent strength material may be used.
- (m) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.
- (n) If a concrete floor is specified in a permit, either wood plank flooring or a natural substrate may be used to cover the concrete.
- (o) Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

**312 IAC 9-11-12 Designated wild animals; minimum pen, cage, or enclosure size requirements**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 12. (a) Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

(b) The requirements in subsection (a) are subordinate to any requirements contained elsewhere in this rule or in the license.

### **312 IAC 9-11-13 Confining, enclosing, and housing for particular wild animals**

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 13. (a) This section sets standards for:

- (1) confining;
- (2) enclosing; and
- (3) housing;

particular kinds of wild animals that must be satisfied by a person licensed under this rule.

(b) Rabbits must be provided with the following:

- (1) Bone, wood, or fibrous food to gnaw.
- (2) The:
  - (A) walls;
  - (B) roof; and
  - (C) floor;

of the cage shall be constructed with mesh having openings not more than one and one-half (1½) inches.

(c) Squirrels must be provided with the following:

- (1) Climbing perches.
- (2) Nest boxes with:
  - (A) wood shavings; or
  - (B) another approved material.
- (3) The walls, roof, and floor of the cage shall be constructed with mesh having openings not more than as follows:
  - (A) For fox squirrels and gray squirrels, one (1) inch.
  - (B) For flying squirrels:
    - (i) three-fourths (¾) of an inch; or
    - (ii) one (1) inch by one-half (½) inch;maximum mesh.

(d) Beavers must be provided with the following:

- (1) Nest boxes or other sheltered retreats.
- (2) Gnawing logs.
- (3) A pool of fresh water with easy access. One-half (½) of the required floor space shall be a pool of water at least two and one-half (2½) feet deep.
- (4) The walls, roof, and floor of the cage shall be constructed of at least:
  - (A) eleven and one-half (11½) gauge chain link; or
  - (B) the equivalent.

A six (6) inch overhang or the equivalent containment may be substituted for a full roof.

(e) Coyotes must be provided with the following:

- (1) A sheltered retreat and either:
  - (A) a den; or
  - (B) an elevated wood platform.
- (2) A cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from:



- (A) nonrusting, galvanized welded steel; or
- (B) an equivalent material.

(3) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(f) Foxes must be provided with the following:

(1) A sheltered retreat and either:

- (A) a den; or
- (B) an elevated wood platform.

(2) Limbs.

(3) The cage floor shall have a three (3) foot barrier or apron around the inside of the cage. The barrier shall be constructed of one (1) inch by two (2) inch maximum mesh. The mesh shall be made from:

- (A) nonrusting, galvanized welded steel; or
- (B) an equivalent material.

(4) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh.

(g) Minks must be provided with the following:

(1) A nest box or sheltered retreat with bedding.

(2) Limbs.

(3) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed with mesh not larger than one (1) inch.

(h) Muskrats must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Gnawing logs.

(3) A pool of fresh water with easy access. One-half ( $\frac{1}{2}$ ) of the required floor space shall be a pool of water at least two and one-half ( $2\frac{1}{2}$ ) feet deep.

(4) The:

- (A) walls;
- (B) roof; and
- (C) floor;

of the cage shall be constructed with mesh that is not larger than one and one-half ( $1\frac{1}{2}$ ) inches.

(i) Opossums must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) The:

- (A) walls;
- (B) roof; and

(C) floor;  
of the cage shall be constructed with mesh that is not larger than two (2) inches.

(j) Raccoons must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) A:

(A) wading pool; or

(B) water container;

appropriate to the size of the animal.

(4) The:

(A) walls;

(B) roof; and

(C) floor;

of the cage shall be constructed with mesh that is not larger than two (2) inches.

(k) Skunks must be provided with the following:

(1) A nest box or sheltered retreat.

(2) The:

(A) walls;

(B) roof; and

(C) floor;

of the cage shall be constructed with mesh that is not larger than two (2) inches.

(l) Weasels must be provided with the following:

(1) A nest box or sheltered retreat.

(2) Limbs.

(3) The walls, roof, and floor of the cage shall be constructed from mesh that is not larger than as follows:

(A) For long-tailed weasels, one (1) inch.

(B) For least weasels, one-half (½) inch.

(m) Wolves must be provided with the following:

(1) A sheltered retreat and either:

(A) a den; or

(B) an elevated wood platform.

(2) The walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:

(A) a two and one-half (2½) inch maximum mesh; or

(B) the equivalent.

(3) A three (3) foot incline at the top of an eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(n) Bears must be provided with the following:

(1) For sun bears, Asiatic bears, sloth bears, and spectacled bears, the following:

(A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall:

(i) have a floor space of at least four (4) feet by four (4) feet; and

(ii) be at least four (4) feet high.

(B) A suitable scratching post.

(C) An indestructible pool or tub. The pool or tub shall:

- (i) contain at least twelve and one-half (12½) feet of surface area; and
  - (ii) be at least two (2) feet deep.
- (D) The:
  - (i) walls;
  - (ii) roof; and
  - (iii) floor;
 of the cage shall be constructed of not less than nine (9) gauge steel chain link.
- (E) For:
  - (i) sun bears;
  - (ii) sloth bears; and
  - (iii) spectacled bears;
 an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five (45) degrees Fahrenheit.
- (2) For American black bears, European brown bears, and Russian brown bears, the following:
  - (A) A den with shavings, straw, or a wooden platform or floor for reclining. The den shall:
    - (i) have a floor space of at least four (4) feet by six (6) feet; and
    - (ii) be at least four (4) feet high.
  - (B) A suitable scratching post.
  - (C) An indestructible pool or tub. The pool or tub shall:
    - (i) contain at least twenty-eight (28) square feet of surface area; and
    - (ii) be at least three (3) feet deep.
  - (D) The:
    - (i) walls;
    - (ii) roof; and
    - (iii) floor;
 of the cage shall be constructed of not less than nine (9) gauge steel chain link.
- (3) For polar, grizzly, and Kodiak bears, the following:
  - (A) A den with shavings, straw, or a wooden platform or flooring for reclining. The den shall:
    - (i) have a floor space of at least six (6) feet by six (6) feet; and
    - (ii) be at least six (6) feet high.
  - (B) A suitable scratching post.
  - (C) An indestructible pool or tub. The pool or tub shall:
    - (i) contain at least seventy-eight (78) square feet of surface area; and
    - (ii) be at least three (3) feet deep.
  - (D) The:
    - (i) walls;
    - (ii) roof; and
    - (iii) floor;
 of the cage shall be constructed of not less than six (6) gauge steel chain link.
- (o) Cats must be provided with the following:
  - (1) For lions, tigers, cheetahs, snow leopards, and their hybrids, the following:
    - (A) A den adequate to provide privacy and comfort for all animals in the enclosure.
    - (B) An elevated:
      - (i) wooden loafing platform; or
      - (ii) dry natural substrate loafing area;
 large enough for all animals in the enclosure.
    - (C) A tree limb or other suitable scratching block.
    - (D) For lions and tigers, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with:
      - (i) a two and one-half (2½) inch mesh maximum; or

(ii) the equivalent.

A three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(E) For cheetahs and snow leopards, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:

(i) a two and one-half (2½) inch mesh maximum; or

(ii) the equivalent.

For cheetahs, a three (3) foot incline at the top of the eight (8) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(F) For lions and cheetahs, an artificial heat source that is sufficient to maintain a minimum ambient air temperature of forty-five (45) degrees Fahrenheit.

(2) For black leopards, spotted leopards, jaguars, clouded leopards, mountain lions (also sometimes called pumas or cougars), European lynxes, and their hybrids, the following:

(A) Dens large enough to provide privacy and comfort to all animals in the enclosure.

(B) An elevated:

(i) wood loafing platform; or

(ii) dry natural substrate loafing area;

within the enclosure.

(C) A tree limb or other suitable scratching block.

(D) For black leopards, spotted leopards, jaguars, and mountain lions, the walls, roof, and floor of the cage shall be constructed of not less than nine (9) gauge steel chain link with:

(i) a two and one-half (2½) inch mesh maximum; or

(ii) the equivalent.

(E) For black leopards, spotted leopards, jaguars, and mountain lions, a three (3) foot incline at the top of a fourteen (14) foot wall may be substituted for a full roof. The height of the fence is measured to the top of the incline. The incline must be forty-five (45) degrees.

(F) For clouded leopards and European lynxes, the walls, roof, and floor of the cage shall be constructed of not less than eleven and one-half (11½) gauge steel chain link with:

(i) a two and one-half (2½) inch maximum mesh; or

(ii) the equivalent.

(3) For caracals, Canada lynxes, golden cats, ocelots, servals, jungle cats, fishing cats, bobcats, and their hybrids, the following:

(A) Dens large enough to provide privacy and comfort to all animals in the enclosure.

(B) An elevated:

(i) wooden loafing platform; or

(ii) dry natural substrate loafing area;

large enough for all animals within the enclosure.

(C) A tree limb or other suitable scratching block.

(D) The:

(i) walls;

(ii) roof; and

(iii) floor;

of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.

(E) An artificial heat source that is sufficient to maintain a minimum ambient air temperature of as follows:

(i) For golden cats, forty-five (45) degrees Fahrenheit.

(ii) For jungle cats and serval cats, fifty-five (55) degrees Fahrenheit.

(4) For margays, leopard cats, pallas cats, marble cats, Geoffrey's cats, African wild cats, European wild cats, jaguarundis, little spotted cats, African black footed cats, sand cats, flatheaded cats, pampas cats, and their hybrids, the following:

(A) Dens large enough to provide privacy and comfort to all animals in the enclosure.

(B) An elevated:

(i) wooden loafing platform; or

(ii) dry natural substrate loafing area;

large enough for all animals within the enclosure. The top of the den or den box may be designed to meet this requirement.

(C) A tree limb or other suitable scratching block.

(D) The:

(i) walls;

(ii) roof; and

(iii) floor;

of the cage shall be constructed of one (1) inch by two (2) inch maximum mesh. Any weld must be as strong as the wire.

(E) An artificial heat source that is sufficient to maintain a minimum ambient air temperature of as follows:

(i) For pallas cats, forty-five (45) degrees Fahrenheit.

(ii) For Geoffrey's cats, leopard cats, African wild cats, little spotted cats, African black footed cats, sand cats, flat headed cats, and pampas cats, fifty-five (55) degrees Fahrenheit.

### **312 IAC 9-11-13.5 Confinement and enclosure requirements for venomous reptiles and crocodylians**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-26-6; IC 14-22-34-17

Affected: IC 14-22

Sec. 13.5. (a) This section sets standards for confining and enclosing venomous reptiles and crocodylians that must be satisfied by a person licensed under this rule.

(b) A venomous reptile must be provided with the following:

(1) The perimeter of the enclosure for a snake less than six (6) feet long shall be at least one and one-half (1½) times the length of the snake. The perimeter of the enclosure for a snake at least six (6) feet long shall be at least two (2) times the length of the snake.

(2) For each venomous lizard, a cage with rounded corners must be provided that is at least twenty-four (24) inches long, eighteen (18) inches wide, and fifteen (15) inches high. For each additional lizard, the size of the cage shall be increased by four (4) inches in length and width.

(3) All enclosures must be adequately ventilated. The floor of the enclosure shall be constructed of a nonabrasive material. The substrate shall facilitate the ability to maintain a clean and healthy environment. Hiding areas shall be provided for each animal.

(4) The containers for venomous reptiles shall be labeled with the common and scientific name (scientific genus and species name) of the species and the number of the animals contained inside. The label shall be legibly marked with the warning: Poisonous or Venomous.

(5) Indoor cages shall be fronted with Plexiglas, acrylic, or plate glass at least one-fourth (¼) inch thick. Cages are to be tightly closed at the top, and all doors are to be tightly fitted and securely locked. Cages must be constructed of one (1) of the following:

(A) Waterproof plywood at least one-fourth (¼) inch thick.

(B) Concrete plastered over wire.

(C) Sheet metal.

(D) Interlocking lumber at least three-fourths (¾) inch thick.

(E) Fiberglass.

(F) Plastic.

(6) Outdoor cages or pits shall have floors of concrete or masonry construction at least two (2) inches thick. Sides shall be similar construction at least six (6) inches thick, with a minimum height of four (4) feet from the floor unless completely roofed over by close-meshed wire. The corners of open pits shall be designed or guarded to prevent the escape of reptiles by climbing. Entrance doors accessible to the public shall be kept key locked.

(c) Crocodilians that are at least five (5) feet long must be provided with the following:

(1) The cage must be at least one and one-half (1½) times as long and wide as each animal in the enclosure.

(2) The cage walls must be constructed of one (1) of the following:

(A) Concrete.

(B) Concrete block.

(C) Nine (9) gauge chain link or welded wire with no more than two (2) inch by four (4) inch size mesh.

(3) One-third (1/3) of the cage space shall be a pool of water that is deep enough for an animal to immerse itself. If more than one (1) animal is present, the pool shall be large enough so all animals can immerse themselves simultaneously. Pool surfaces shall be made of nonabrasive material, and the pool shall have a drain.

(4) The portion of an enclosure not occupied by the pool shall be covered with nonabrasive material, such as earth or grass.

(5) Crocodilians shall be confined in a manner that precludes them from coming into contact with the public.

(6) The walls of an open pen shall be at least six (6) feet high. If a wall is made of climbable material, such as fencing, the top one and one-half (1½) feet shall be constructed of a slippery, nonclimbable material. A wall shall either be buried deeply enough to prevent escape by digging or shall be fitted with a buried apron. Chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(7) The walls of a totally enclosed pen shall have the upper one-half (½) constructed of one (1) of the following:

(A) Concrete.

(B) Concrete block.

(C) Nine (9) gauge chain link or welded wire with no more greater than two (2) inch by four (4) inch size mesh.

Concrete or concrete block shall be used for the lower one-half (½) of the enclosure. A wall shall be buried deeply enough to prevent escape by digging or shall be fitted with a buried apron. Chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(d) Notwithstanding section 14(c) of this rule, a person who possesses a venomous reptile or crocodilian that was lawfully acquired by the person, and used for a purpose described in section 14(c) of this rule before September 1, 1999, may continue the purpose where the person files with the department a written petition by November 1, 1999, that demonstrates to the satisfaction of the department:

(1) the identity of the reptile and its lawful acquisition;

(2) the purpose to which the reptile has been and would continue to be put;

(3) precautions to make it unlikely the reptile would pose a hazard to another person or the property of another person; and

(4) assurances the reptile has been and would continue to be treated humanely.

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

Authority: IC 14-10-2-4; IC 14-22-26

Affected: IC 14-22

- Sec. 14. (a) A person must not maintain a wild animal in a manner 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 permit holder.
  - (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 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 (*Macroclmys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.
  - (2) For a sporting purpose.
  - (3) As a public display.
- (d) As used in this rule, “commercial purpose” means to breed, sell, publicly exhibit or display, barter, trade, lease, or other use for which the permittee receives compensation of any kind, other than for educational purposes in accordance with a special purpose educational permit authorized in 312 IAC 9-10-9.5. Electronic viewing and photographs are allowed.
- (e) A special purpose educational permit must be obtained under 312 IAC 9-10-9.5 before a person uses a Class I, Class II, or Class III wild animal for an educational purpose unless the wild animal is an alligator snapping turtle (*Macroclmys temmincki*) lawfully acquired by the applicant before January 1, 1998.
- (f) A wild animal must be provided with fresh drinking water in clean containers on a daily basis, except as necessary for medical reasons with written instructions from a veterinarian.
- (g) A swimming pool or wading pool that is provided for the use of a wild animal must be cleaned as needed to maintain good water quality.
- (h) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.
- (i) A wild animal must be provided with food that is each of the following:
- (1) Unspoiled.
  - (2) Uncontaminated.
  - (3) Appropriate to the dietary needs of the animal.
- (j) 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.