

**Part 2, Chapter 8: Regulations regarding animals in captivity and enclosures.**

*RULE 8.1 GENERAL RULES FOR FOX, COYOTE AND RABBIT PENS.* Public Notice 3510.001 is hereby amended.

A. Fox/Coyote Enclosures

1. Permit applications for enclosures shall be on a form prescribed by the MDWFP and shall contain the following information:

- a. Owner of enclosure
- b. Size of enclosure (in acres)
- c. Location of enclosure

2. Enclosures for hunting, chasing, taking or pursuing fox and coyote shall consist of an area fully enclosed by fence. Such fence shall be constructed with a maximum of 2" x 4" wire mesh, a minimum of 2" x 4" wooden fence supports or 2" steel fence supports and the fence shall be a minimum of 6' in height, and such fence shall be electrified with two (2) strands of wire, one at the top and one on the bottom.

3. Enclosure owners are ultimately responsible for the humane treatment of all animals found inside their enclosures. Hunting enclosures shall contain one escape area for each forty (40) acres in the enclosure areas which are hound proof. These may be provided by maintaining thickets, brush piles, windrows or where natural cover is insufficient, by providing manmade escapes such as culverts or hound proof feeding stations.

4. Enclosure owners shall be required to make available to the animals in the enclosures:

a. Food that is palatable, uncontaminated and nutritionally adequate to insure normal growth and maintenance.

b. Water which is fresh, uncontaminated and available at all times.

5. Permits will be issued to the enclosure owner only after inspection by the Executive Director or his designee and upon receipt of the permit fee of \$75.00 for a commercial enclosure or \$10.00 for a private enclosure. Permits shall be valid for one year from date of issuance.

6. Enclosures may be inspected at any time by the Executive Director or his designee.

7. Commercial enclosures shall be defined as those where fees are charged for the use of such enclosure.

8. Private enclosures shall be defined as enclosures where no fee or fees are charged for use of the enclosure.

9. Commercial Permitted Enclosures are and shall be exempt from the field trial permitting requirements of Public Notice #2768.001. Additionally, no hunting license shall be required of any person running dogs in a permitted enclosure.

10. Enclosure operators must keep a record of all animals purchased. Such records shall include:

- a. Number of animals purchased
- b. Name and address of person selling animals
- c. Dates of each transaction
- d. A copy of this record must accompany any renewal application.

11. All records shall be available and open for inspection by the Executive Director or his designee at all times.

#### B. Rabbit Enclosures

1. Permit applications for enclosures shall be on a form prescribed by the MDWFP.

2. Enclosures for hunting, chasing, taking or pursuing rabbits shall consist of an area fully enclosed by a fence constructed with a maximum of 2" x 4" mesh, a minimum of 2" x 4" wooden fence supports or 2" steel fence supports and at least four (4) feet high.

3. Enclosure owners are ultimately responsible for the humane treatment of all animals found inside their enclosures.

4. Permits will be issued to the enclosure owner only after inspection by the Executive Director or his designee and upon receipt of the permit fee of \$10.00. Permits shall be valid for one year from date of issuance.

5. Enclosures may be inspected at any time by the Executive Director or his designee.

6. Permitted Enclosures are and shall be exempt from the field trial permitting requirements of Public Notice #2768.001. Additionally, no hunting license shall be required of any person running dogs in a permitted enclosure.

7. It shall be unlawful for any person, firm or corporation to operate a hunting enclosure for hunting, chasing, taking or pursuing any rabbit, fox or coyote without obtaining a permit issued by the Department of Wildlife, Fisheries and Parks as provided above.

### C. Importation of Wild Animals or Wild Birds

1. No person shall import any wild animal or wild bird of a species indigenous to the State of Mississippi into the state without first obtaining a permit issued by the Department of Wildlife, Fisheries and Parks as provided herein.

2. Applications for the importation of any wild animal or wild bird indigenous to the State of Mississippi into the state shall be submitted to the MDWFP no less than 30 days prior to any importation of such animals.

3. Applications shall be on a form prescribed by the MDWFP and shall contain the following:

- a. Reason for importation
- b. Origin of animal/animals being imported to include state or country
- c. Number and species of animals to be imported
- d. Date of importation into the state
- e. Destination of animals to include any temporary and final location
- f. Seller's name and address

4. Prior to the importation of any animals into the state, permitted importers must:

a. Comply with all rules and regulations of the Mississippi State Board of Animal Health and all rules and regulations from the state of origin.

b. Permanently number each animal being imported with either an ear tag or ear tattoo.

c. Permanently number each bird being imported with a leg or wing band.

d. The numbering sequence for imported animals shall be issued by the MDWFP.

e. Obtain a certificate, issued no more than 10 days prior to importation, for each animal being imported. This certificate must be issued by a veterinarian licensed in the state of origin of the animals being imported and certify that each fox and/or coyote imported or shipped into the State of Mississippi has been isolated for a period of no less than twenty-one

(21) days and shows no clinical signs of rabies. In addition, this certificate shall certify that each animal has been vaccinated for canine distemper, as well as treated with anthelmintic Praziquantel and Ivermectin. The above mentioned inoculation and treatment shall be administered by a licensed veterinarian in the state of origin and the ear tag numbers from each inoculated or treated animal shall be recorded. This record shall remain with the animals through shipment and shall become part of the importer or enclosure owner's permanent records.

f. Obtain from the seller a copy of a permit issued by the Wildlife agency from the state of origin authorizing the sale and exportation of the animals being imported.

5. Permitted importers must submit animals that die in transit or captivity to the Mississippi Board of Animal Health within 72 hours of the death of such animal.

6. The import permit shall accompany animals while in transit.

7. A fee of twenty five dollars (\$25.00) will be charged for each such permit.

8. A permitted importer may not sell, offer for sale, exchange for merchandise or other considerations, relocate, or move from its final destination, any animal or bird imported into this state without prior permission of the MDWFP.

9. Violation of any of the above regulations shall render the permit null and void.

10. Nothing herein shall prohibit the importation of wild animals or wild birds by any Public Zoo, Zoological Garden or Educational Institutions. Public zoos and zoological gardens shall be defined as a permanent cultural institution which owns and maintains captive wild animals that represent more than a token collection and under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis. They shall further be defined as having as their primary business the exhibition, conservation, and preservation of the earth's fauna in an educational scientific manner. Educational Institutions shall be defined as duly accredited schools, colleges, or universities. Nothing herein shall be construed as prohibiting the importation of wild animals of a species not indigenous to the State of Mississippi, unless prohibited by other law, regulation or regulatory agency of the State of Mississippi.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-34.

***RULE 8.2 REGULATIONS FOR ENCLOSURES PREVENTING THE FREE INGRESS AND EGRESS OF WILD ANIMALS.*** Public Notice W1 3780 is hereby amended.

#### A. Possession of White-tailed Deer

1. No person may possess a live white-tailed deer in Mississippi unless that person possesses a valid permit issued by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP).

2. No person may sell a live white-tailed deer pursuant to Section 49-7-51, Mississippi Code of 1972.

3. Orphaned and Injured White-tailed Deer: Orphaned or injured white-tailed deer may not be placed in high-fenced enclosures without written permission from the MDWFP.

#### B. Facility Permit

1. The owner of a high-fenced enclosure containing white-tailed deer must obtain an annual Facility Permit from the MDWFP.

2. The fee for a Facility Permit shall be Three Hundred Dollars (\$300.00) per year for high-fenced enclosures containing 300 acres or less. The fee for a Facility Permit shall be One Dollar (\$1.00) per enclosed acre for high-fenced enclosures containing more than 300 acres.

3. The permit will be valid from July 1 through June 30.

4. Additional commercial enclosure fees may apply pursuant to Section 49-11-5, Mississippi Code of 1972.

#### C. Enclosure Size

1. All high-fenced enclosures constructed for the purpose of confining white-tailed deer only or confining both white-tailed deer and non-native ungulates after the adoption of this rule, must contain a minimum of 300 contiguous acres of which at least 50 percent of the total enclosed area must contain suitable habitat for white-tailed deer and is not susceptible to flooding under ordinary conditions.

2. The confinement of white-tailed deer in high-fenced enclosures less than 300 acres and constructed prior to the adoption of this Public Notice may be allowed if permitted by the MDWFP.

3. An existing high-fenced enclosure containing less than 10 acres, confining white-tailed deer, and registered with the MDWFP prior to the adoption of this Public Notice may be allowed but reproduction of white-tailed deer within such an enclosure is prohibited. Any offspring produced shall be reported within five days to the MDWFP and surrendered to the MDWFP.

#### D. High-Fenced Enclosures Containing White-tailed Deer:

1. Fence Requirements: All permitted high-fenced enclosures containing white-tailed deer must have a minimum fence height of 8 feet and a minimum gauge wire of 12½. The lower 8 feet of the fence height must be net wire. However, the Commission may permit an enclosure having a fence structure that does not conform to these standards if the effect of the existing fence is to restrict the free ingress and egress of wild animals.

2. Enclosure Management Assistance Program: All permitted high-fenced enclosures containing white-tailed deer shall be enrolled in the Enclosure Management Assistance Program (EMAP).

a. The owner of a permitted high-fenced enclosure must work with an MDWFP approved wildlife biologist to manage the white-tailed deer herd within the enclosure.

b. The wildlife biologist must submit an annual management plan by May 1 for the permitted high-fenced enclosure on forms provided by the MDWFP.

3. Breeding Pens: Controlled breeding of white-tailed deer within a high-fenced enclosure may be allowed by permit at an annual cost of Four Hundred Fifty Dollars (\$450.00).

a. Breeding pens must be contained within a high-fenced enclosure of at least 300 contiguous acres.

b. Each breeding pen cannot exceed a total confined area of 5 acres.

c. A breeding plan must be submitted annually to the MDWFP.

d. A breeding pen inventory report must be submitted annually to the MDWFP by May 1.

e. All white-tailed deer 1½ years of age and older within a breeding pen must be tagged in both ears with a uniquely numbered plastic ear tag and metal ear tag provided by the MDWFP.

f. All white-tailed deer released from a breeding pen into a larger enclosure must be tagged in both ears with a uniquely numbered plastic ear tag and metal ear tag provided by the MDWFP.

4. Sources of White-tailed Deer:

a. White-tailed deer may not be transported from the wild and placed into a high-fenced enclosure or a breeding pen.

b. Permitted high-fenced enclosures and permitted breeding pens may be stocked with white-tailed deer originating from permitted high-fenced enclosures and permitted breeding pens, pursuant to the applicable provisions of this regulation and any other applicable laws, rules, and regulations.

5. Movement of White-tailed Deer:

a. No person may import a live white-tailed deer into the State of Mississippi pursuant to Section §49-7-54, Mississippi Code of 1972.

b. White-tailed deer semen, ova, and embryos may be imported into Mississippi and translocated within Mississippi by permit. The permit must be obtained prior to importation and translocation.

c. White-tailed deer semen, ova, and embryos must be obtained from a source within the continental United States. The importation of white-tailed deer semen, ova, and embryos from any source outside of the continental United States is prohibited.

d. An annual report must be submitted by May 1 to the MDWFP regarding any importation or translocation of white-tailed deer semen, ova, and embryos into Mississippi.

6. No white-tailed deer originating from a high-fenced enclosure may be released into the wild in Mississippi.

7. Live white-tailed deer may be exported out of Mississippi by permit if they originate from a permitted high-fenced enclosure.

8. Transport of live white-tailed deer from a permitted high-fenced enclosure to another permitted high-fenced enclosure within Mississippi may be allowed by permit and only if the high-fenced enclosures are participating in a Chronic Wasting Disease (CWD) monitoring program.

9. Transport permits at a cost of Twenty-five Dollars (\$25.00) per white-tailed deer must be purchased prior to transporting white-tailed deer out of Mississippi or from one permitted high-fenced enclosure to another permitted high-fenced enclosure. This permit will include, but is not limited to, mode and date of transportation, origination, destination, and parties involved.

10. All white-tailed deer moved must be tagged with uniquely numbered plastic and metal ear tags provided by the MDWFP. Bucks moved during the deer hunting season or during a period of 10 days prior to the start of the deer hunting season must have the antlers removed immediately above the pedicle.

11. Chronic Wasting Disease (CWD) Monitoring Program: All target white-tailed deer within a high-fenced enclosure must be tested for CWD. Target deer are deer exhibiting clinical symptoms.

12. Movement of white-tailed deer from a high-fenced enclosure is allowed if the high-fence enclosure from which the deer originate is participating in a MDWFP approved CWD monitoring program.

13. Facility Breach:

a. Any breach or opening in the enclosure that would allow white-tailed deer to leave the enclosure or white-tailed deer to enter the enclosure must be reported to the MDWFP within 24 hours of discovery.

b. Any white-tailed deer which escapes from a high-fenced enclosure and causes a threat to public safety may be captured and/or euthanized by authorized representatives of the MDWFP or by any law enforcement agency by whatever means deemed necessary.

c. Breaches in the fence structure of any permitted facility, whether effected by natural or man-made causes, force majeure, or other, must be repaired to the standards set forth in the paragraph titled "Fence Requirements."

14. Controlled Drug Usage: The use of controlled drugs for animal capture and reproduction is governed by state and federal drug laws and controlled drugs may be used in compliance with these laws and regulations.

#### E. High-Fenced Enclosures Containing Non-native Ungulates:

1. Non-native ungulates within high-fenced enclosures shall be regulated according to the "Memorandum of Understanding on High-Fenced Enclosures Containing Non-native Ungulates" between the MDWFP and the Mississippi Board of Animal Health. Any regulations promulgated by the Mississippi Board of Animal Health are incorporated herein by reference as if reproduced in their entirety.

2. A non-native ungulate harvest report for the enclosed property shall be submitted to the MDWFP annually. This report is due to the MDWFP by May 1 of each year. There shall not be a closed season, bag limit, or weapon restriction for pursuing non-native ungulates.

3. Any breach or opening in a high-fenced enclosure containing white-tailed deer and non-native ungulates that would allow white-tailed deer and/or non-native ungulates to leave the enclosure or enter the enclosure must be reported to the MDWFP within 24 hours of discovery.

4. Any white-tailed deer which escapes from a high-fenced enclosure and causes a threat to public safety may be captured and/or euthanized by authorized representatives of the MDWFP or by any law enforcement agency by whatever means deemed necessary.

5. Any non-native ungulate which escapes from a high-fenced enclosure shall be reported to the Mississippi Board of Animal Health.

#### F. High-Fenced Enclosure Inspection

1. As a condition of receiving a permit hereunder, high-fenced enclosure owners/operators are declared to have consented to periodic inspections of high-fenced enclosures by the MDWFP, without warrant or notice.

2. All high-fenced enclosures containing white-tailed deer shall be inspected by the MDWFP at least once annually.

3. The MDWFP may inspect any high-fenced enclosure at any time where there is a reasonable belief that the high-fenced enclosure is not in compliance with these regulations.

4. The MDWFP may enter and inspect all wild animal enclosures to issue enclosure permits, renew enclosure permits, review enclosure permits, insure compliance of enclosure rules and regulations, insure compliance with the written operational plan submitted to and approved by the MDWFP, and quarantine the enclosure.

5. The MDWFP may inspect any required records regarding or relating to any wild animal enclosure. If a Facility Permit is revoked, the enclosure will be quarantined.

#### G. Mississippi State University Captive Deer Research Facilities

Mississippi State University Captive Deer Research Facilities are exempt from this rule, except for sections “Possession of White-tailed Deer” and “Orphaned and Injured White-tailed Deer”.

#### H. Roosevelt State Park Deer Research Facility

The Roosevelt State Park Deer Research Facility is exempt from this Public Notice except for sections “Possession of White-tailed Deer” and “Orphaned and Injured White-tailed Deer”.

#### I. Definitions

1. High-fenced enclosure – Any man-made or man-placed fenced structure which prevents the free ingress and/or egress of any wild animal and does or does not meet the animal’s year round habitat requirements (i.e., cover, food, and water).

2. Wild animal – Any animal *ferae naturae* (wild by nature) whether indigenous to the State of Mississippi or not.

3. Non-native ungulate – a *ferae naturae* mammal having hooves and not indigenous to the State of Mississippi.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, 49-7-58, 49-7-58.1, 49-7-58.2, 49-7-58.3, and 49-7-58.4.

**RULE 8.3 REGULATIONS FOR ANIMALS INHERENTLY DANGEROUS TO HUMANS.** Public Notice 3523.002 is hereby amended.

#### A. INTRODUCTION

1. It is unlawful for any person to import, transfer, sell, purchase or possess any wild animal classified as inherently dangerous by law or regulation unless that person holds a permit or is exempt from holding a permit.

2. Public zoos, university research facilities, governmental agencies, temporary exhibitor and rehabilitation/sanctuary facilities may be exempted from having a permit if the exemption is approved by the Commission or DWFP.

3. Any permit issued under this act shall be valid for one (1) year and only for the species specified. A permit is required for each wild animal possessed. A permit for a female wild animal shall cover her progeny only while her progeny are physically dependent upon her or until her progeny are three (3) months old, whichever period is longer.

4. It is unlawful for any person to sell, transfer, deliver or give a wild animal classified as inherently dangerous to any other person unless the other person holds a permit for the wild animal or is exempt from holding a permit.

5. The following wild animals are classified as animals inherently dangerous to humans:

a. Order Primates:

i. Family Pongidae (includes gibbons, orangutans, chimpanzees, siamangs, and gorillas) - all species;

ii. Family Cercopithecidae: Genus *Macaca* (macaques) - all species; Genus *Papio* (mandrills, drills, and baboons) - all species; Genus *Theropithecus* (gelada baboon);

b. Order Carnivora:

i. Family Canidae: Genus *Canis* (wolves, jackals, and dingos; all species, including crosses between wolves and domestic animals); excluding coyote (*Canis latrans*); *Chrysocyon brachyurus* (maned wolf); *Cuon alpinus* (red dog or dhole); *Lycaon pictus* (African hunting dog);

ii. Family Ursidae (bears) - all species;

iii. Family Mustelidae - *Gulo gulo* (wolverine);

iv. Family Hyaenidae (hyenas) - all species;

v. Family Felidae: Genus *Leo* or *Panthera* or *Neofelis* (lions, tigers, jaguars, and leopards) - all species; *Acinonyx jubatus* (cheetah); *Felis concolor* (cougar) - all subspecies;

- c. Order Proboscidea: Family Elephantidae (elephants) - all species;
- d. Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) all species;
- e. Order Artiodactyla:
  - i. Family Hippopotamidae: Hippopotamus amphibius (hippopotamus);
  - ii. Family Bovidae: Syncerus caffer (African buffalo).

## B. DEFINITIONS

1. Fee Exempt - A permit issued to a public zoo, university research facility, governmental agency, or rehabilitation/sanctuary facility, as defined herein, if such exemption is approved by the Commission.

a. Any facility not meeting the definition of one of the above but that was in existence on or before January 1, 1999, may apply for a fee-exempt permit.

b. Such application must be made on or before May 1, 1999.

c. Such facility may temporarily exhibit permitted animals "off premises" provided such exhibition is educational in nature and permittee obtains a Temporary Exhibitor permit.

d. Fee-exempt facilities must comply with all other requirements contained herein.

2. Personal possession - A non-commercial type permit issued to a citizen for ownership or possession of a wild animal or animals. Such permit does not authorize the public display or exhibition of permitted animal(s).

3. Public zoo - Public zoos and zoological gardens shall be defined as a permanent cultural institution which owns and maintains captive wild animals that represent more than a token collection and, under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis.

a. They shall further be defined as having as their primary business the exhibition, conservation, and preservation of the earth's fauna in an educational and scientific manner.

b. Public zoos must be accredited by the American Zoo and Aquarium Association (AZA) and/or be designated as the official zoo of a municipality.

c. Public zoos shall hold a USDA Class "C" Exhibitor's License.

4. Rehabilitation/sanctuary facility - A facility where abused, neglected, unwanted, impounded, abandoned, orphaned, injured or displaced wild animals will be provided care for his or her lifetime.

a. Animals housed at such a facility shall not be allowed to breed and produce offspring.

b. Animals cannot be subjected to commercial activity, such as being placed on exhibit, being utilized for entertainment or being bought, traded or sold.

c. Such facility shall maintain, in good standing, all permits and licenses required by city, county, state, federal and international statutes.

d. Rehabilitation/sanctuary facilities shall maintain 501(c)(3) Federal tax-exempt status.

5. Temporary exhibitor - Any public wild animal act or presentation including, but not limited to, circuses, carnivals, or any other temporary public display of wild animals. A temporary exhibitor must hold a USDA Class "C" Exhibitor's License.

6. University research facility - Any public institution of higher learning or public community college created under the laws of the State of Mississippi or accredited by the State of Mississippi that conducts scientific research on wild animals and/or otherwise meets the specific housing requirements, provided herein, for such animals.

7. Governmental agency - Any agency, board, commission and/or any political subdivision of the State of Mississippi which receives and expends public funds whether Federal, State, or local.

8. Commission - Mississippi Commission on Wildlife, Fisheries, and Parks.

9. DWFP - Mississippi Department of Wildlife, Fisheries, and Parks.

10. Wild animal - Any wild animal classified as inherently dangerous to humans as provided in Section 49-8-5, Mississippi Code of 1972.

### C. TYPES OF PERMITS AND FEES

1. Personal Possession: Fee is for each wild animal held.

a. Canids (includes wolves, jackals, dingos, maned wolves, dholes, African hunting dogs or hybrids thereof) - \$75.00.

b. Primates (includes gorillas, chimpanzees, orangutans, gibbons, siamangs, macaques, and baboons) - \$150.00.

- c. Ursids (includes all species of bears) - \$200.00.
- d. Felids (includes lions, tigers, cheetahs, jaguars, leopards, cougars, snow leopards, clouded leopards or hybrids thereof) - \$300.00.
- e. All species listed below - \$300.00
  - i. Wolverines
  - ii. hyenas
  - iii. elephants
  - iv. rhinoceroses
  - v. hippopotamuses, and
  - vi. African buffalo.

2. Temporary Exhibitor: \$100.00 for a period not to exceed 30 days.

3. Fee Exempt: Public zoos, university research facilities, governmental agencies, rehabilitation/sanctuary facilities, and other facilities, as defined above, may be exempted from having a permit if the exemption is approved by the Commission.

#### D. PERMIT APPLICATION PROCEDURES

1. Any person possessing or desiring to possess a wild animal must, unless otherwise exempted, have a valid permit.

2. Permit applications for possession of a wild animal shall be on a form prescribed by the DWFP.

3. Applicants for a permit to possess a wild animal shall meet the following minimum qualifications:

- a. Applicant must be at least twenty-one (21) years of age.
- b. Applicant must have at least two (2) years of experience in the care and handling of the species for which the applicant is applying.
- c. In lieu of experience, applicant must take a written examination, developed and administered by the DWFP, evidencing knowledge in the basic biology, habits, and requirements, in regard to proper diet, health care, exercise needs and housing, of the species to be covered by the permit.

d. Applicant must have a plan for the quick and safe recapture of the animal(s), or if recapture is impossible, for the destruction of any animal held under the permit.

e. Applicant shall not have been convicted of any violation of captive wildlife regulations, any offense involving the illegal commercialization of wildlife, or any offense involving cruelty to animals within three (3) years of the date of application.

#### 4. Personal Possession Permit:

a. Name, complete street address, and phone number. Post office box address will not be accepted.

b. Location where wild animal(s) will be housed. Facilities for holding permitted wild animal(s) must be located on the premises on which the permittee resides or shall have a full-time caretaker to supervise the care and security of the facilities.

c. Copy of bill of sale or other documentation acceptable to DWFP showing ownership of the wild animal by applicant, including date of acquisition.

d. Current animal inventory including the common and scientific name, sex, age, and source of each animal.

e. A signed statement by a licensed veterinarian stating that he/she is the veterinarian of record and including the veterinarian's complete address, phone number, and license number. The veterinarian shall certify that he/she has observed each of the applicant's animals at least once during the prior year and that they have been appropriately immunized and cared for.

f. Proof of liability insurance in the amount of One Hundred Thousand Dollars (\$100,000.00) for each wild animal up to a maximum of One Million Dollars (\$1,000,000.00).

g. No personal possession permit will be issued to a corporation, partnership, or other legal entity of any kind.

h. Applicant shall be provided a copy of the regulations governing the possession of a wild animal upon request for a permit application. Before such a permit is issued, all animals records, and facilities shall be inspected by DWFP to ensure compliance with the regulations. Inspection procedures are found under Section VIII of these regulations. Any false statement made by applicant on the permit application will render such application null and void, and subject applicant to the penalties provided by law.

#### 5. Temporary Exhibitor's Permit

a. Name, complete street address, and phone number of applicant. Post office box address not be accepted. If applicant is a corporation or other legal entity, the application must be signed by the president or other duly authorized officer.

b. Current inventory of animals to be exhibited including common and scientific name, sex, age, and source of each animal.

c. Copy of current USDA Class "C" Exhibitor's License and copy of most recent USDA Animal Care Inspection Report.

d. Outline of animal presentation or act including samples of current promotional materials and related photographs.

e. Copy of current and valid contract or other written confirmation that specifies the town, city, and specific street address of exhibition and entire length of time exhibition will take place in Mississippi.

f. A signed statement by a licensed veterinarian stating that he/she is the veterinarian of record and including the veterinarian's complete address, phone number, and license number. The veterinarian shall certify that he/she has observed each of the applicant's animals at least once during the prior year and that they have been appropriately immunized and cared for.

g. Proof of liability insurance in the amount of One Hundred Thousand Dollars (\$100,000.00) for each wild animal up to a maximum of One Million Dollars (\$1,000,000.00).

h. These requirements are exclusive of any additional requirements set forth and falling under the jurisdiction of the Mississippi Department of Agriculture and Commerce/Board of Animal Health.

i. Applicant shall be provided a copy of the regulations governing the possession of a wild animal upon request for a permit application. Applications for the temporary exhibition of wild animals must be received by DWFP not less than forty-five (45) days prior to the date of exhibition. Any false statement on the application will render such application null and void, and subject the person signing same to the penalties provided by law.

j. All animal cages shall be large enough to ensure each animal has sufficient room to stand erect, lie naturally and make normal postural adjustments and be constructed in such a manner as to prevent the escape of the animal(s) held in such cages.

k. Temporary exhibits shall be housed in cages that meet the minimum cage specifications provided in Section VII if such animals are present in any geographical location for more than ten (10) days. Such temporary exhibits must be inspected by a DWFP official or his designee prior to opening to the public for business.

## 6. Elephant Ride Special Authorization

a. Trained elephants may be brought into contact with the public upon issuance of Special Authorization by DWFP.

b. Application for such authorization shall be separate from and in addition to other permit requirements.

7. Exempted Facilities: Permanent facilities holding any wild animal(s) and which meet the definition of public zoo, university research facility, governmental agency, or rehabilitation/sanctuary facility must apply for an exemption certificate. The following must be provided on the application:

a. Name of facility, complete street address and phone number. Post office box address will not be accepted.

b. Specific location where wild animal(s) will be housed.

c. Current animal inventory including the common and scientific name, sex, age, and source of each animal.

d. A signed statement by a licensed veterinarian stating that he/she is the veterinarian of record and including the veterinarian's complete address, phone number, and license number. The veterinarian shall certify that he/she has observed each of the applicant's animals at least once during the prior year and that they have been appropriately immunized and cared for.

e. Copy of current USDA Class "C" Exhibitor's License and copy of most recent USDA Animal Care Inspection Report.

f. Applicant shall be provided a copy of the regulations governing the possession of a wild animal upon request for an exemption certificate.

g. Before such certificate is issued, all animals, records, and facilities shall be inspected by DWFP to ensure compliance with the regulations. Inspection procedures are found in Section VIII of these regulations.

h. Any false statement made on the application will render such application null and void, and subject the person signing same to penalties provided by law.

## E. ANIMAL IDENTIFICATION AND RECORD-KEEPING

1. Each permitted wild animal shall be individually identified by the use of an injectable microchip transponder. Such transponder shall be supplied by DWFP and implanted into the permitted wild animal by a DWFP official or his designee.

2. Permittee shall provide and maintain all documentation relative to the source of each permitted wild animal and the transaction history of such wild animal. Any other licenses or permits relative to such transactions shall also be maintained.

3. Permittee shall provide and maintain all health records of each permitted wild animal. Such records shall include health certificates, records of immunizations and vaccinations, and any other documentary evidence pertaining to the health and welfare of the permitted wild animal.

4. Permittee shall comply with all requirements of the Mississippi Department of Agriculture and Commerce/Board of Animal Health which may apply to any wild animal in permittee's possession.

#### F. GENERAL HOUSING AND CARE REQUIREMENTS

All permanent facilities housing a wild animal must meet the following general housing and care requirements, in addition to specific requirements outlined in Section VII:

1. All permanent facilities must be surrounded by a perimeter fence (secondary barrier) of at least eight (8) feet in height and a minimum of four (4) feet from the cage holding the animal(s), or such other fencing, building, or other protection of the enclosure where the animal(s) is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal(s) and the public.

2. All temporary facilities or exhibitions must be surrounded by an exclusionary barrier of at least four (4) feet in height and four (4) feet from the cage holding the animal(s), or other such fencing, building, or other protection of the enclosure where the animal(s) is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal(s) and the public.

3. All cages shall be well-braced and securely fastened to the floor or in the ground and shall utilize metal clamps or braces of equivalent strength as that prescribed for cage construction.

4. All cage entrances shall have double safety doors, one of which only opens to the inside. These doors must remain locked at all times when unattended with locks of sufficient strength to prevent the animal(s) from breaking open the door.

5. All cages shall be constructed with a den, nest box, or other connected housing unit that can be closed off and locked with the animal(s) inside to allow for the safe servicing and cleaning of the open area. In lieu of a nest box, a divided cage with a door between the two compartments may be used.

6. All outdoor cages shall provide adequate shelter from inclement weather conditions, shade from the sun and provide for the protection and health of the animal(s) held within.

7. Cages shall be sufficiently strong to prevent escape and to protect the caged animal(s) from injury. The mesh size or distance between bars shall be sufficiently small to prevent the escape of the animal(s) being held.

8. Restraint by tethering or chaining cannot be used as a means to hold a wild animal in captivity, except for elephants within a perimeter fence or trained elephants under the immediate supervision of a qualified trainer or handler.

9. No person shall maintain any wild animal(s) in captivity in any unsanitary or unsafe condition or in manner which results in the maltreatment or neglect of such animal(s) nor shall any species of animal be confined in any cage or enclosure which does not meet the specifications prescribed for that species.

10. Enclosure in which a wild animal is held in captivity shall be maintained as follows:

a. Water - Drinking water shall be provided daily in clean containers. Pools shall be cleaned as needed to ensure good water quality. Enclosures shall provide adequate drainage of surface water.

b. Food - Food provided shall be unspoiled and not contaminated. It shall be of a type and quantity sufficient to meet the nutritional requirements of the animal(s) to which it is provided.

c. Waste - Fecal and food waste shall be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Hard floors shall be scrubbed and disinfected weekly.

11. A facility that meets the requirements to be a public zoo may use methods approved by the American Zoo and Aquarium Association (AZA) for the purposes of restraint, containment, and the prevention of escape instead of the following requirements.

## G. SPECIFIC HOUSING REQUIREMENTS

### 1. Felines

a. All felines shall be vaccinated annually with a combination killed vaccine against feline panleukopenia, feline rhino tracheitis, feline leukemia, and calicivirus. Vaccines must be administered by a licensed veterinarian and records of such vaccinations must be maintained by permittee. Regular fecal checks for endoparasites is also recommended.

b. All cages shall be constructed of and covered at the top with nine (9) gauge steel chain link or equivalent, with tension bars and metal clamps to prevent the escape of the animal or other construction approved in writing by the DWFP to prevent the escape of the animal. Framework for all enclosures shall be erected and be of a material sufficiently strong

enough to allow for the proper installation and maintenance of tension of the chain link or equivalent.

c. All cages for cheetahs shall be constructed as above except that the minimum strength shall be of eleven and one-half (11 %) gauge steel chain link or equivalent.

d. Minimum cage size:

i. Lions, tigers, cheetahs or hybrids thereof: (a) Single animal: 20 feet by 15 feet by 8 feet high (or 300 square feet); (b) Each additional animal: increase cage size by 50 percent (or 150 sq. ft.); (c) Accessories: Elevated shelf or shelves large enough to accommodate any and all animals in enclosure and at least two claw logs.

ii. Jaguars, leopards, cougars, snow leopards, clouded leopards, or hybrids thereof: (a) Single animal: 20 feet by 10 feet by 8 feet high (or 200 square feet); (b) Each additional animal: increase cage size by 50 percent (or 100 sq. ft.); (c) Accessories: Elevated shelf or shelves large enough to accommodate any and all animals in enclosure and at least two claw logs.

## 2. Canines

a. All canines shall be vaccinated annually against canine distemper, canine infectious hepatitis, leptospirosis, and parvovirus. Chick-embryo-origin canine distemper vaccine is considered safe for non-domestic canines. Vaccines must be administered by a licensed veterinarian and records of such vaccinations must be maintained by permittee. Canines must also receive an initial treatment with the anthelmintic, praziquantel, for the control of tapeworms and, thereafter, be monitored for infestation. Regular fecal checks for other endoparasites is also recommended.

b. All enclosures shall be constructed of and be covered at the top with eleven and one-half (11 1/2) gauge steel chain link or equivalent, with tension bars and metal clamps to prevent the escape of the animal or other such construction approved in writing by the DWFP to prevent the escape of the animal. Animals may be held in facilities without a top where the sides of the enclosure are a minimum of seven (7) feet with an additional top extension of three (3) feet turned inward at a forty-five (45) degree angle.

c. All vertical enclosure fencing shall have either a concrete footing of sufficient depth to prevent the animal(s) from digging out or a buried horizontal apron made of eleven and one-half (11 1/2) gauge chain link or equivalent attached to the bottom of the vertical fencing and extending a minimum of three (3) feet inward.

d. Minimum cage size:

i. Wolves, maned wolves, African hunting dogs, or hybrids thereof: (a) Single animal: 10 feet by 20 feet by 7 feet (or 200 square feet); (b) Each additional

animal: increase cage size by 50 percent (or 100 sq. ft); (c) Accessories: A sheltered retreat or den(s) shall be provided to accommodate any and all animals in enclosure.

ii. Jackals, dingos, dholes, or hybrids thereof: (a) Single animal: 10 feet by 15 feet by 7 feet (or 150 square feet); (b) Each additional animal: increase cage size by 50 percent (or 75 sq. ft); (c) Accessories: A sheltered retreat or den(s) shall be provided to accommodate any and all animals in enclosure.

### 3. Primates

a. All primates shall be TB-tested annually by a licensed veterinarian. In addition, all macaques (*Macaca* spp.) shall be initially tested for Herpes B virus and, thereafter, be required only in the event of a possible exposure to the virus by humans. All medical records and results of such testing shall be maintained by permittee and made available for inspection by DWFP personnel. Any test results indicating a positive reaction to a TB (tuberculosis) test must be reported immediately to the Mississippi Board of Animal Health, the Mississippi State Department of Health and the Mississippi Department of Wildlife, Fisheries and Parks.

b. Primates shall be provided with objects or exercise apparatus appropriate to the age and species to promote physical and psychological well-being. Such devices may include, but not be limited to, ropes, bars, branches, boxes, balls, foraging items, etc.

c. Gorillas, orangutans, and chimpanzees.

i. Cage construction materials including top shall consist of steel bars, two-inch galvanized pipe, masonry block or their strength equivalent.

ii. Minimum cage size:

(a) Gorilla: Single animal - 20 feet by 15 feet by 8 feet high (or 300 square feet); Each additional animal - increase cage size by 50 percent (or 150 sq. ft); Accessories - Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing structure.

(b) Orangutan: Single animal - 20 feet by 10 feet by 10 feet high (or 200 square feet); Each additional animal - increase cage size by 50 percent (or 100 sq. ft); Accessories - Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal and vertical climbing structure.

(c) Chimpanzee: Single animal - 20 feet by 10 feet by 8 feet high (or 200 square feet); Each additional animal - increase cage size by 50 percent (or 100 square feet); Accessories - Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing structure.

d. Gibbons and siamangs.

i. Cage construction shall consist of and be covered at the top with not less than nine (9) gauge steel chain link or equivalent.

ii. Minimum cage size: Single animal: 8 feet by 15 feet by 8 feet high (or 120 square feet); Each additional animal: increase cage size by 25 percent (or 30 sq. ft.); Accessories: Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously. Each cage shall have hanging ropes, swings, or other apparatus to allow animals to brachiate the length of the enclosure.

e. Baboons.

i. Cage construction shall consist of and be covered at the top with not less than nine (9) gauge steel chain link or equivalent.

ii. Minimum cage size: Single animal: 10 feet by 12 feet by 8 feet high (or 120 square feet); Each additional animal: increase cage size by 50 percent (or 60 sq. ft.); Accessories: Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously.

f. Macaques.

i. Cage construction shall consist of and be covered at the top with not less than nine (9) gauge steel chain link or equivalent.

ii. Minimum cage size: Single animal: 8 feet by 10 feet by 8 feet high (or 80 square feet); Each additional animal: increase cage size by 50 percent (or 40 sq. ft.); Accessories: Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing structure.

4. Bears

a. In addition to the requirements of this section, each cage/enclosure shall be equipped with a pool large enough to accommodate at least two animals simultaneously. The pool shall be designed such that it can be readily drained and cleaned to maintain good water quality.

b. American black, Asiatic black, sun, sloth, and spectacled bears:

i. Cage construction shall consist of and be covered at the top with not less than nine (9) gauge steel chain link or equivalent with tension bars and metal clamps to prevent the escape of the animal. Framework for all enclosures shall be erected and be of a material sufficiently strong enough to allow for the proper installation and maintenance of tension of the chain link or equivalent.

ii. Minimum cage size: Single animal: 20 feet by 15 feet by 8 feet high (or 300 square feet). Each additional animal: increase cage size by 50 percent (or 150 sq. ft). Accessories: Each cage shall be equipped with a climbing structure, elevated shelf or shelves large enough to accommodate any and all animals in enclosure, and at least two claw logs.

c. Brown and polar bears:

i. Cage construction shall consist of and be covered at the top with not less than five (5) gauge steel chain link or equivalent, with tension bars and metal clamps to prevent the escape of the animal. Framework for all enclosures shall be erected and be of a material sufficiently strong enough to allow for the proper installation and maintenance of tension of the chain link or equivalent.

ii. Minimum cage size: Single animal: 20 feet by 20 feet by 10 feet high (or 400 square feet). Each additional animal: increase cage size by 50 percent (or 200 sq. ft). Accessories: Each cage shall be equipped with a climbing structure, elevated shelf or shelves large enough to accommodate any and all animals in enclosure, and at least two claw logs.

5. Hyenas

a. All cages shall be constructed of and covered at the top with nine (9) gauge steel chain link or equivalent, with tension bars and metal clamps to prevent the escape of the animal. Framework for all enclosures shall be erected and be of a material sufficiently strong enough to allow for the proper installation and maintenance of tension of the chain link or equivalent.

b. Minimum cage size: Single animal 10 feet by 20 feet by 7 feet high (or 200 square feet). Each additional animal: increase cage size by 50 percent (or 100 sq. ft.). Accessories: Each cage shall have either a den or elevated platform.

6. Wolverines

a. All cages shall be constructed of and covered at the top with nine (9) gauge steel chain link or equivalent with tension bars and metal cramps to prevent the escape of the animal. Framework for all enclosures shall be erected and be of a material sufficiently strong enough to allow for the proper installation and maintenance of tension of the chain link or equivalent.

b. Minimum cage requirements: Single animal: 10 feet by 10 feet by 6 feet high (or 100 square feet). Each additional animal: increase cage size by 50 percent (or 50 sq. ft).

7. Pachyderms

a. Construction materials of enclosure shall consist of steel bars, masonry block, steel-reinforced concrete or equivalent.

b. Elephants: Minimum enclosure size shall be 1500 square feet for a single animal. For each additional animal increase enclosure by 50 percent.

c. Rhinoceros: Minimum enclosure size shall be 1500 square feet for a single animal. For each additional animal increase enclosure by 50 percent.

d. Hippopotamus: Minimum enclosure size shall be 1000 square feet for a single animal. For each additional animal increase enclosure by 50 percent. A pool shall be provided with a minimum surface area of 300 square feet and a minimum depth of five (5) feet.

#### 8. African Buffalo

a. Applicant or permittee must provide proof of compliance with requirements of the Mississippi Board of Animal Health relative to brucellosis and tuberculosis testing.

b. Construction materials of enclosure shall consist of steel bars, masonry block, steel reinforced concrete or equivalent.

c. Minimum enclosure size shall be 1000 square feet for a single animal. For each additional animal increase size by 25 percent.

### H. INSPECTION OF FACILITIES

1. Any person possessing an inherently dangerous wild animal as defined by this regulation, shall, during normal business hours and at all reasonable times, and without the necessity of a search warrant, allow the executive director or his designee to inspect all animals, facilities, and records relating to such animals for the purpose of ensuring compliance with the regulations of this act.

2. Before any permit is issued for the possession of a wild animal an inspection of all animal facilities, and records relating to such animals shall be conducted by a DWFP official or his designee, for the purpose of ensuring compliance with the regulations of this act.

3. If, upon inspection of all animals, facilities and records, applicant or permittee is found not to be in compliance with the regulations of this act, such applicant or permittee may be allowed a reasonable period of time to correct the deficiencies found to be in noncompliance, after which a follow-up inspection will be scheduled to ensure such deficiencies have been corrected.

### I. DISPOSITION. SEIZURE. AND PENALTIES

#### 1. Disposition:

a. Owners of unpermitted wild animals who do not qualify for a permit to possess the wild animal shall transfer the wild animal to a permitted or approved recipient within (30) days of notification by DWFP.

b. Each day of possession of the unpermitted wild animal after the thirty-day period constitutes a separate violation.

c. DWFP shall be notified by certified mail of the permittee or approved recipient the animal is proposed to be transferred to prior to said transfer taking place.

2. Seizure:

a. Any officer of DWFP may, upon finding a violation of the regulations, give the owner of a wild animal three (3) days written notice of seizure of such wild animal and make application to a court of proper jurisdiction for an order to seize such wild animal.

b. If the officer determines that the public safety or the welfare of the animal requires emergency action, the notice requirements shall be suspended and such officer may make immediate application to the court for seizure and otherwise proceed as per the provisions of MISS. CODE ANN. §97-41-2.

c. Further, that if the exigency of the circumstances is such that the wild animal presents a present or imminent life-threatening situation or is likely to do so under the circumstances, then such officer may destroy such wild animal pursuant to the authority of MISS. CODE ANN. §97-41-3.

3. Penalties: A violation of any of the provisions of MISS. CODE ANN. §§49-8-1, *et. seq.*, and of the provisions of this rule, is a Class I violation and is punishable as provided in MISS. CODE ANN. §49-7-141. Any person who has been convicted of a Class I violation shall be fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and shall be imprisoned in the county jail for five (5) days. The person shall also forfeit all hunting, trapping, and fishing privileges for a period of not less than twelve (12) consecutive months from the date of conviction.

J. ESCAPE AND LIABILITY FOR ESCAPE

1. Permittee shall immediately notify DWFP and the local law enforcement agency of any escape of a wild animal.

2. Permittee shall be liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a wild animal.

3. Neither the State of Mississippi nor any agency, officer, official employee or agent thereof shall be liable for any wild animal that escapes, or is injured or destroyed. Neither the State of Mississippi nor any agency, officer, official employee, or agent thereof shall be

liable for any damage or injury caused by a wild animal held under a permit issued pursuant to this act.

K. Counties and municipalities may enact ordinances regulating or prohibiting the possession of wild animals if the ordinances are more stringent than this act or the regulations promulgated by the Commission.

L. This act shall not apply to livestock regulated by the Mississippi Department of Agriculture and Commerce.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, 49-8-1, *et. seq.*

*RULE 8.4 REGULATIONS FOR GAME AND FUR-BEARING ANIMALS IN CAPTIVITY.*  
Public Notice 2877 is hereby amended.

A. BE IT ORDERED, that for the purposes of this rule, game and fur-bearing animals are defined as the following: white-tailed deer, black bear, gray squirrel, fox squirrel, cottontail rabbit, swamp rabbit, raccoon, opossum, bobcat, river otter, muskrat, mink, nutria, skunk, and weasel.

B. Be it further ordered that possession of live game and fur-bearing animals is prohibited except as provided by this rule.

C. Be it further ordered that permits for the possession of game and fur-bearing animals will be issued to private individuals only if they meet the following conditions:

1. Individuals must make application for a permit on or before April 1, 1989, and shall have 6 months from date of issue to comply with all permit requirements.

2. Captive game or fur-bearing animals for which application has been made must have been in private possession on or before the effective date of this rule.

3. Permittees must sign a statement agreeing to abide by all conditions of the permit. Such conditions may include, but are not limited to the following:

D. All permitted animals and facilities in which they are held shall be maintained within minimum standards prescribed by the MDWFP.

E. No permitted animals shall be allowed to breed and produce offspring. Any offspring of permitted animals shall be reported within 5 days to the MDWFP and surrendered to the MDWFP upon weaning.

F. Permittees will inform the MDWFP within 5 days of escape or death of any permitted animal.

G. Permitted animals shall not be sold, offered for sale, bartered or transferred to other individuals without prior written approval of the MDWFP. Permitted animals may not be moved from the site designated on the permit without prior written approval of the MDWFP except that permitted animals may be transported for veterinary care.

H. The permittee shall execute a statement in writing to hold harmless and indemnify the MDWFP for any claim or expense including attorney's fees and litigation costs due to harm, damage or injury caused by permitted animals.

I. Permitted animals and facilities in which they are held shall be subject to periodic inspection by any MDWFP officer to determine if the animals are being held and maintained in accordance with the provisions of this rule and the requirements of the permit.

J. Be it further ordered that the following persons and/or agencies are exempt from permit requirements:

1. Public zoological gardens or educational institutions.
2. Licensed veterinarians who possess and hold diseased or injured animals while providing needed medical care, except that a record must be kept of animals received, name and address of the person from whom it was received, and the disposition of such animals.
3. Any person possessing or having custody of a sick or injured animal solely for the purpose of transporting the animal to a licensed veterinarian, rehabilitator, animal shelter or MDWFP officer.

K. Be it further ordered that no provisions of this rule shall authorize any person to keep in captivity any live animal in violation of any city or county ordinance.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, 49-1-41.