

APA-1  
6/93

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-2-.154

Rule Title: **Standards of Care for Wildlife Used for Public Exhibition Purposes**

New  Amend  Repeal (of Existing Rule)  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

\*\*\*\*\*

Does the proposed rule have any economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

**Certification of Authorized Official**

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Jennifer Welser  
Secretary of Administrative Procedure  
Date 3-21-17

APA-2  
6/93

Department of Conservation and Natural Resources  
Division of Wildlife and Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources  
RULE NO. & TITLE: 220-2-.154 Standards of Care for Wildlife Used for Public  
Exhibition Purposes  
INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: Amend to provide that applicants for Class I or II  
wildlife exhibits shall also be licensed by USDA.


TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their  
views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time  
during the period stated below, or orally if requested in writing 48 hours in advance to the  
Director of the Division of Wildlife and Freshwater Fisheries, and then by personally appearing  
at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama,  
at 10:00 a.m., Friday, May 5, 2017.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or  
[daisy.perry@dcnr.alabama.gov](mailto:daisy.perry@dcnr.alabama.gov). Requests should be made as soon as possible but at least seven  
days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, May 5, 2017.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Division of Wildlife and  
Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-  
3465.

  
Jennifer Weber  
Secretary of Administrative Procedure

**N. Gunter Guy, Jr.**

**220-2-.154 Standards of Care for Wildlife Used for Public Exhibition Purposes**

Pursuant to Sections 9-11-321 and 9-11-323 Code of Alabama, it shall be unlawful for any person, firm or corporation permitted under Section 9-11-324 Code of Alabama to possess wildlife for public exhibition purposes except in accordance with this regulation.

- (1) For the purpose of this regulation wildlife shall be classified as follows:
- (a) **Class I - Wildlife which, because of its nature, habits, or status, requires the exhibitor to possess exceptional knowledge and facilities to ensure the safety of the public and the comfort and well-being of the animal.**
- Chimpanzees (genus Pan)
  - Gorillas (genus Gorilla)
  - Gibbons (genus Hylobates)
  - Drills and mandrills (genus Mandrillus)
  - Orangutans (genus Pongo)
  - Baboons (genus Papaio)
  - Macaques (genus Macaca)
  - Siamangs (genus Symphalangus)
  - Gelada baboons (genus Theropithecus)
  - Celebes black apes (genus Colobus)
  - Snow leopards (Panthera uncia)
  - Leopards (Panthera pardus)
  - Jaguars (Panthera onca)
  - Tigers (Panthera tigris)
  - Lions (Panthera leo)
  - Bears (family Ursidae)
  - Rhinoceros (family Rhinocerotidae)
  - Elephants (family Elephantidae)
  - Hippopotamuses (family Hippopotamidae)
  - Cape buffalos (Syncerus caffer caffer)
  - Crocodiles (except dwarf and Congo) (family Crocodylidae)
  - Gavials (family Gavialidae)
  - Black caimans (Melanosuchus niger)
  - Komodo dragons (Varanus komodoensis)
  - Hyenas (all species) (family Hyaenidae)
  - Wolves (Canis sp.)
  - Clouded leopards (Neofelis nebulosa)
  - Cheetahs (Acinonyx jubatus)
  - Cougars, panthers (Puma concolor)
  - Alligators (family Alligatoridae)
  - African hunting dogs (Lycaon pictus)

- Venomous reptiles

**(b) Class II - Wildlife which poses a real or potential threat to human safety**

- Howler monkeys (genus *Alouatta*)
- Uakaris (genus *Cacajao*)
- Mangabeys (genus *Cercocebus*)
- Guenons (genus *Ceropithecus*)
- Bearded sakis (genus *Chiropotes*)
- Guereza monkeys (genus *Colobus*)
- Idris (genus *Indri*)
- Langur (genus *Presbytis*)
- Douc langur (genus *Pygathrix*)
- Snub-nosed langur (genus *Phinopithecus*)
- Proboscis monkeys (genus *Nasalis*)
- Servals (*Leptailurus serval*)
- European and Canadian lynx (*Lynx lynx*)
- Bobcats (*Lynx rufus*)
- Caracals (*Caracal caracal*)
- African golden cats (*Profelis aurata*)
- Temminck's golden cats (*Profelis temmincki*)
- Fishing cats (*Prionailurus viverrina*)
- Ocelots (*Leopardus pardalis*)
- Coyotes (*Canis latrans*)
- Asiatic jackals (*Canis aureus*)
- Black-backed jackals (*Canis mesomelas*)
- Side-striped jackals (*Canis adustus*)
- Indian dholes (*Cuon alpinus*)
- Wolverines (*Gulo gulo*)
- Honey badgers (*Mellivora capensis*)
- American badgers (*Taxides taxus*)
- Old World badgers (*Meles meles*)
- Binturongs (*Arcitictis binturong*)
- Dwarf crocodiles (*Osteolanemus tetraspis*)
- Cassowary (*Casuarius spp.*)
- Caimans

(c) Any hybrids of Class I and II wildlife shall be listed in the Class of the more restrictive parent

**(d) Class III**

All other wildlife not included in Class I or Class II

**(2) Qualification Requirements for Permit to Exhibit Wildlife:**

- (a) Applicants for permit to exhibit wildlife must be at least 21 years of age.
- (b) Applicants shall not have been convicted, after the effective date of this regulation, of any violation of captive wildlife regulations, any offense involving the illegal commercialization of wildlife, any offense involving the illegal importation of prohibited species, or offenses involving cruelty to animals.
- (c) For Class I or II wildlife, applicants shall be licensed by USDA and demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order) which are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought. Two years of documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above may substitute for 500 hours or six (6) months of required practical experience.
- (d) For Class III wildlife, applicants shall demonstrate no less than six (6) months of substantial practical experience (to consist of no less than 500 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order) which are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought. One year of documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above may substitute for 250 hours or three (3) months of required practical experience.
- (e) For purposes of demonstrating compliance applicants shall submit documentation of such experience, including;

  - i. A description of the specific experience acquired.
  - ii. The dates the experience was obtained and the specific location(s) where acquired,

- iii. References of no less than two (2) individuals having owner/manager knowledge of the applicant's stated experience. Additional documentation may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience.
- (f) In lieu of the required experience, applicants for any class wildlife may satisfactorily complete an examination administered by the Division of Wildlife and Freshwater Fisheries that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristics.
- i. Arrangements must be made with the Division as to time and place where the test will be given.
  - ii. Scoring - There will be a maximum of 100 questions on the test and each will have equal value. The point value will be announced before the test. A score of 80% correct will be satisfactory.
  - iii. No copies of the test questions can be taken from the testing area by the person taking the test.
  - iv. The test will be scored immediately and the applicant will be notified of the score.
  - v. If the applicant fails to pass the test, he may request to retake the test at a later date.
  - vi. There shall be at least ten days between tests.
  - vii. The test may be taken a maximum of three times per calendar year.
- (g) Applicants must demonstrate that the conditions under which the wildlife will be held shall not constitute a threat to the public or to the animal.

(3) **General Regulations Governing Exhibit of Captive Wildlife**

- (a) No permittee shall exhibit captive wildlife in any unsafe or unsanitary condition, or in a manner which results in threats to public safety, or the maltreatment or neglect of such wildlife.

- (b) Breeding of native species protected by Alabama law or regulation is prohibited except by special permit issued by the Division. No permit will be issued which allows the sale or transfer of native protected species to persons other than licensed exhibitors.
- (c) Permittee shall submit to the Division an accurate inventory of all stock and maintain a record of inventory changes caused by births, deaths, escapes, sales, purchases or other causes.
- (d) Permittee shall notify the Division of the origin, species and number of animals at least 10 days prior to importing any member of the Cervidae family into Alabama from any area outside the state.
- (e) No member of the Cervidae family may be imported into Alabama from any state or area where Chronic Wasting Disease (CWD) has been found to exist.
- (f) Sick animals, new arrivals or animals of unknown disease status shall be quarantined until a licensed veterinarian determines said animals to be free of contagious disease.
- (g) Upon notification by authorized Division personnel of a documented disease risk, not remove from any facility any animals alive or dead until approved by authorized Division personnel.
- (h) The possession of any state or federally threatened or endangered species is permitted only when such species have been legally obtained in the state or country of origin.
- (i) No permittee may possess wildlife taken from the wild in Alabama except as provided for by statute, regulation, or permit.
- (j) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised.
- (k) Permittee shall notify the Department immediately upon discovery of the escape of any wildlife.
- (l) Permittee shall notify the Department within 24 hours of any animal attacking a human.

**(4) Location of Facilities**

- (a) Applicants for permits to possess wildlife for exhibit shall identify the location of each facility by physical address at which captive wildlife shall be maintained.
- (b) Allow inspection of stock, facilities and records prior to issuance of the permit and at all other reasonable times by agents authorized by the Division.
- (c) Each facility, its cages and enclosures shall be constructed and maintained in compliance with all county ordinances and, if within a municipality, municipal ordinances.
- (d) No permitted facility shall be located on property zoned for residential use only. This paragraph shall not apply to those facilities permitted prior to the effective date of this regulation.
- (e) No facility permitted for Class I or II mammals shall be located on less than five (5) contiguous acres of property owned or leased by the permit holder. Any facility housing Class III wildlife must be located on no less than 2.5 contiguous acres owned or leased by the permit holder. Exemption to the land area requirement may be granted by special permit from the Division.
- (f) Permit holders must notify the Division of any changes in size or location of such facility at least 30 days in advance of any such changes.

**(5) Security and Structural Requirements for facilities housing Class I or II Wildlife**

Class I and II mammals shall be caged in accordance with the following requirements and meet the minimum housing standards described in paragraph 10:

- (a) The facility shall have a buffer zone of not less than 35 feet between the caging and the facility property line.
- (b) Caging shall be bounded by a perimeter fence of not less than eight (8) feet in height, constructed of not less than 1 1/2 gauge chain link or equivalent strength material and a minimum of three (3) feet from cages holding animals, or such other fencing, building or other protection of the enclosure where the animal is kept, sufficient to deter entry by the public, and also to prevent escape from the property of any wildlife that may escape the primary caging. Perimeter fencing around Class II mammals may angle in



to the top of the caging from a height of at least four feet. All gates to such perimeter fence shall be locked. Permit holders as of the effective date of this regulation shall be granted an exemption for existing perimeter fencing. All new perimeter fence construction after the effective date of this regulation must meet the requirements set forth in this paragraph.

- (c) All cages or enclosures of Class I and II wildlife shall be locked. Class I or II mammals shall not be kept in uncovered enclosures that are less than 1000 square feet, except as specified.
- (d) All cages containing Class I or II mammals shall be constructed with a den, nest box or other connected housing unit that can be closed off and locked with the animal inside 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. No entry into cages containing Class I or II mammals shall be allowed without first locking the animal into the den, nest box or other connected housing.
- (e) All cages or enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at or below ground level to prevent escape by digging or erosion. Cages shall be constructed using steel clamps, steel ties or steel braces of equivalent strength as the material required for cage construction for the particular species. See species listings below for additional requirements.
- (f) A temporary variance for the provisions of paragraph 5 may be issued upon application to the Division for juveniles of Class I or II species less than 25 pounds and less than three months of age. Adequate safeguards must be taken to prevent escape or potential injury to the animal or public.

(6) **Security and Structural Requirements for Class III Wildlife**

- (a) All cages or enclosures of Class III animals shall be locked.
- (b) **Class III mammals:** 14 gauge wire or strength equivalent material. All cages or enclosures containing wildlife with the potential to escape by digging shall be constructed of chain link or other approved materials and shall be well braced and securely anchored at or below ground level to prevent escape by digging or erosion. Cages shall be constructed using steel clamps, steel ties or steel braces of equivalent strength as the material required for cage construction for the particular species. See species listings below for additional requirements.

(7) **Safety Requirements for Animals on Display:**

- (a) A management plan detailing safety measures for both humans and animals maintained at each facility housing Class I or II wildlife. Appropriate safety precautions shall be provided in the plan to account for any emergency. A first-aid kit and fire extinguisher must also be held close to where the animals are maintained.
- (b) Applicants for permit to exhibit Class I or II wildlife shall submit with the permit application a written plan of action for use in the following emergencies:
  - i. **Animal attacking and/or injuring humans:** Plans shall include a list of safety equipment such as fire extinguishers, darting equipment, and pepper spray, or lethal control measures which will be available for use.
  - ii. **Escape of an animal from its enclosure:** Recapture plans shall outline procedures for handling and recapturing escaped Class I or II wildlife.
  - iii. **Sickness or injury of an animal:** the name, address, phone number and signature of the veterinarian who has agreed to care for the animal must be provided.
  - iv. **Natural Disasters:** Plans shall outline procedures for handling, moving and recapturing escaped Class I or II wildlife.
  - v. **Lost Child:** Plans shall outline procedures for handling lost child situations.

(8) **Husbandry Requirements**

- (a) The following guidelines shall be used to meet the sanitation and nutritional needs of any wildlife held under this permit:
  - i. **Nutrition:** Food suitable for the particular species shall be provided in a manner which is consistent with the species requirements to maintain good health and to encourage the natural feeding behaviors of the species. Sufficient feeding sites shall be provided to cater for all specimens in an enclosure. For example, dominant primates may

monopolize feeding sites and to prevent this, food shall be cut small and scattered around the enclosure. Diets shall be complete and balanced and food items provided in quantities necessary for growth and the maintenance of healthy body condition. Animal species which are regarded as grazing species shall have daily access to permanent pasture or be supplemented with fresh greens or pasture derivatives, for example hay.

- ii. **Food Storage:** All fresh and dry food items shall be kept in suitable storage areas. Refrigerators and freezers shall maintain fish, meat and vegetables at the appropriate temperature. Grains and pellets shall be kept dry and food containers shall be labeled and the shelf life of the contents monitored.
- iii. **Water:** Clean, cool water shall be available at all times. Daily water changes are necessary to maintain optimal water quality for aquatic species and to prevent contamination of the animal's captive environment. Water containers shall not be located in direct sunlight and shall be designed to suit the animals' needs which may include swimming, sloughing, wallowing, bathing and drinking.
- iv. **Hygiene:** Animal holding facilities shall be cleaned daily. Pens shall be well drained to prevent standing water. Cages or enclosures with dirt floors shall be raked a minimum of once every three days and all waste material shall be removed. Hard floors must be cleaned daily. Sick or injured animals shall be removed from public viewing areas into isolation or treatment facilities supervised by the veterinarian.
- v. **Health:** A program to monitor the health and well being of animals shall be implemented and overseen by a veterinarian. A preventive medicine program shall be designed and implemented to protect animals from disease. Primates in particular are vulnerable to many human diseases and their exposure to people with common complaints such as colds and influenza shall be avoided.
- vi. **Euthanasia:** This is the responsibility of the veterinarian and shall be performed at the discretion of the veterinarian in consultation with the permit holder. The preferred method of euthanasia is barbiturate overdose and this method shall be used unless otherwise authorized by the Division.

(9) **Standard Caging Requirements for Captive Wildlife**

- (a) **Definitions** - Where specified in this section, wildlife cages and enclosures shall be equipped to provide for the protection and welfare of the animals. Such equipment includes, but is not limited to:

**Shelter:** A structure which shall provide protection from the elements and from extremes in temperature. Such structures may vary in size depending on the security and biological needs of the species. When vegetation and landscaping is available to serve as protection from the elements, access to a shelter shall also be provided during inclement weather conditions. Such shelter shall be attached to or adjacent to the habitat or enclosure.

**Paddock:** Area enclosed by fencing, railing or other Department approved structures which allow animals to graze or browse.

**Nest box/den:** An enclosed shelter that provides a retreat area within, attached to, or adjacent to a cage or enclosure of specified size, which shall provide protection from the elements and from extremes in temperature. The doors to nest or den boxes must be able to be operated from outside the facility.

**Elevated platform/perching area:** A surface or structure, either natural or manmade positioned above the floor, or above the grade level of the cage or enclosure, that will provide a resting area for the animal(s).

**Gnawing and chewing items:** Natural or artificial materials that provide for the health of teeth so as to keep teeth sharp, wear down enamel, promote general oral hygiene. Gnawing items include, but are not limited to, logs and trees. Chewing items include, but are not limited to, woody stems, knuckle bones, and rawhide objects; suitability dependant upon species.

**Devices for stimulation or manipulation:** Each cage or enclosure shall have appropriate devices to provide physical stimulation or manipulation compatible with the species. Such devices shall be non-injurious, and may include, but are not limited to, tree branches, logs, digging areas, pools, pvc pipes, boxes, balls, mirrors, foraging items, etc.

- (b) Cages or enclosures housing captive wildlife shall be sufficiently strong to prevent escape and to protect the caged animal(s) from injury, and shall be equipped with structural safety barriers to prevent any physical contact with the caged animal(s) by the public. Animals on display or being transported

must also be protected from human harassment and attack by other animals. Except as specified below, all cages or enclosures less than one thousand square feet shall be covered at the top to prevent escape and also to exclude predators. Adjacent cages shall be far enough apart to prevent one animal from causing injury to another.

- i. Caging not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Division, be immediately placed in a suitable facility, at the expense of the permittee, owner, or possessor, until such time as the compliance issue is remedied. In instances where wildlife is seized or taken into custody by the Division, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction for a criminal violation. Failure to pay such expenses may be grounds for revocation or denial of permits to such individuals to possess wildlife.
- (c) Any cage or other enclosure which contains more than two individual chimpanzees, gorillas or orangutans must be enlarged by 50% for each additional animal. Cages or enclosures containing all other species must be enlarged by 25% for each additional animal.
- i. No captive wildlife shall be confined in any cage or other enclosure which is smaller in dimension than as specified in this section, or is not equipped as specified in this section, except as authorized in accordance with the following: Requests for deviations from standard caging or enclosure requirements may be granted to allow for different size configuration (length, width and height) if the required square footage is adequate and if the locomotory needs of the animal(s) are not compromised. Any proposed deviations from the standard caging or enclosure requirements, or proposals to use wet or dry moats to substitute for fencing, shall be approved in writing by the Division prior to the use of the cage or enclosure for housing animals.

- ii. Permit holders as of the effective date of this regulation shall be granted an exemption for existing caging.
  - iii. All new cage construction after the effective date of this regulation must meet the materials, height and square footage specifications.
- (d) **Wildlife may be temporarily housed in cages or enclosures smaller than the sizes set forth under this regulation, only under the following circumstances:**
- i. For transport
  - ii. For Veterinarian care or quarantine may be temporarily caged or housed in smaller cages or enclosures for a period not to exceed 60 days. With written notification to the Department, this period may be extended in circumstances where a licensed veterinarian has certified that a longer holding period is medically necessary in the interests of health, safety and welfare of the subject animal or public.
  - iii. For juveniles of any species until weaned from the mother or bottle
  - iv. By special permit from the Department

(10) **Minimum Housing Requirements by Species:**

(a) **Lions, tigers, jaguars, leopards, cheetahs, cougars and bears:**

For one to two animals, a cage 480 square feet, 8 feet high.

Outdoor cages for **lions and tigers** over 1,000 square feet (uncovered) shall have vertical jump walls at least 10 feet high, with a 2-foot, 45 degree, inward angle overhang or jump walls at least 12 feet high, without an overhang. Vertical walls shall be constructed with a minimum of 9 gauge chain link or equivalent strength material. The inward angle fencing shall be constructed with a minimum of 11 ½ gauge chain link or equivalent strength material. Wet or dry moats may be substituted for the required fencing provided prior approval has been obtained in writing from Division.

Outdoor cages for **bears** over 1,000 square feet (uncovered) shall have vertical jump walls at least 10 feet high, with a 4-foot, 45 degree, inward angle overhang. Vertical walls shall be constructed with a minimum of 9

gauge chain link or equivalent strength material. The inward angle fencing shall be constructed with a minimum of 11 ½ gauge chain link or equivalent strength material.

**Leopards, cougars and jaguars** shall not be kept in uncovered enclosures. Cages containing **Leopards and jaguars** shall be constructed with a minimum of 9 gauge chain link or equivalent strength material. Cages containing **cougars** shall be constructed with a minimum of 11 ½ gauge chain link or equivalent strength material.

**Required Cage Furnishings:** Den boxes and elevated platform(s) that will accommodate all animal(s) simultaneously; devices to provide physical stimulation or manipulation compatible with the species, such as boxes, balls, bones, barrels, drums, foraging items, etc. Several logs for clawing, climbing, etc. shall be provided.

**Bears and tigers** require a 4 foot by 6 foot pool, 2 feet deep or a 100 gallon tub or larger for each animal in the cage.

(b) **Gray wolf, red wolf, coyote:**

For one to two animals, a cage 288 square feet, 8 feet high with concrete footings or buried wire mesh to prevent escape by digging. Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 8 feet high with a 45 degree, inward angle overhang 2 feet wide or, jump walls 10 feet high without an overhang. Vertical walls shall be constructed with a minimum of 11 1/2 gauge chain link or equivalent strength material.

**Required cage furnishings:** den boxes and elevated platform(s) that will accommodate all animals in the enclosure simultaneously; several logs; protected shelf areas at no more than 1 foot above ground level; gnawing items, tree branches, boxes, balls, bones, barrels, drums, rawhide, pools, etc.

(c) **Bobcats, lynx, badgers, servals, ocelots, jaguarundis, leopard cats, grey fox, red fox:**

For one to two animals, a cage 72 square feet, 6 feet high. Foxes and badgers require concrete footings or buried wire mesh to prevent escape by digging.

**Required Cage Furnishings:** Den boxes of appropriate size that will accommodate all animals simultaneously; non-injurious devices to provide

physical stimulation or manipulation such as tree branches, boxes, balls, bones and other chewing items, barrels, drums, foraging items, etc.

**For climbing animals:** a climbing tree with 3 or more 4-inch diameter branches shall be available for each animal; a 14-inch by 36-inch protected shelf area shall be provided for each animal, situated at least 3 feet above the floor.

**For non-climbing animals:** several logs shall be provided, as well as protected shelf areas at no more than 1 foot above ground level.

**Badgers** require gnawing items, and an area of clean soil of sufficient depth to provide for digging.

(d) **Fennec fox, raccoons, coati-mundis, kinkajous, cacomistles, and other species of the same families:**

For one to two animals, a cage 48 square feet, 6 feet high. Foxes and badgers require concrete footings or buried wire mesh to prevent escape by digging.

**Required Cage Furnishings:** Den boxes of appropriate size that will accommodate all animals simultaneously; non-injurious devices to provide physical stimulation or manipulation such as tree branches, boxes, balls, bones and other chewing items, barrels, drums, foraging items, etc.

**For climbing animals:** a climbing tree with 3 or more 4-inch diameter branches shall be available for each animal; a 14-inch by 36-inch protected shelf area shall be provided for each animal, situated at least 3 feet above the floor.

**For non-climbing animals:** several logs shall be provided, as well as protected shelf areas at no more than 1 foot above ground level.

(e) **River otters, beavers:**

For one or two animals, a cage 256 square feet, 6 feet high. Each cage shall have an 8 foot by 8 foot pool of clean water, 3 feet deep.

**Required Cage Furnishings:** Otter must have a variety of climbing surfaces, a slide, and a dry place with nest box for sleeping and retreat; noninjurious devices to provide physical stimulation or manipulation boxes,



balls, bones and other chewing items, barrels, logs, drums, foraging items, etc.

**Beavers** must have a well-drained den box of appropriate size to accommodate all individuals simultaneously; Bark-covered branches must be available at all times for gnawing.

(f) **Smaller aquatic animals such as mink, muskrat and nutria:**

For one or two animals, a cage 36 square feet, 6 feet high.

**Required cage furnishings:** a pool 2 feet by 4 feet, 2 feet deep; den boxes of appropriate size to accommodate all individuals simultaneously; gnawing material and chewing material.

**Mink** require a tree for climbing, and an elevated shelf for loafing.

(g) **Ferrets, weasels, skunks, prairie dogs, woodchucks, armadillos, squirrels and rabbits:**

For one or two animals, a cage 36 square feet, 6 feet high.

**Required cage furnishings:** nest boxes that will accommodate all animals simultaneously; gnawing items; chewing items; non-injurious devices to provide physical stimulation or manipulation compatible with the species, such as branches, logs, boxes, balls, PVC tubing, etc.

**Arboreal squirrels** require a nest box, elevated 5 feet off the ground, of appropriate size to accommodate all individuals simultaneously; a central climbing tree with at least 3-inch branches and appropriate gnawing items.

**Armadillos, prairie dogs, and woodchucks** require concrete footings or buried wire mesh to prevent escape by digging, and an area of clean soil of sufficient depth to provide for digging.

(h) **Cervidae:**

For one or two animals, a paddock enclosing 1000 square feet, 8 feet high.

(i) **Equidae and Camelids:**

For one or two animals, a paddock enclosing 1000 square feet

(j) **Small Primates such as bush babies, loris, mouse lemurs, tamarins, marmosets and squirrel monkeys:**

For one or two animals, a cage 36 square feet, 6 feet high. Each cage shall have a heated indoor enclosure with wooden perching shelves large enough to accommodate all individuals. Heat must be provided if the temperature falls below 45 degrees Fahrenheit.

**Required cage furnishings:** Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have tree branches and other climbing apparatus and devices to provide physical stimulation or manipulation compatible with the species, such as boxes, balls, mirrors, foraging items, etc.

**Outdoor facilities** -Construction material shall consist of 14-gauge, ½" mesh fencing or equivalent to prevent escape and provide protection from predators. If a larger mesh is used, the cage must be lined with a second layer of ½" hardware cloth to prevent injuries caused by predators reaching into the cage.

**Indoor facilities** -Potential escape routes shall be equipped with wire or grating not less than 14 gauge or equivalent.

(k) **Medium-sized lemurs such as ruffed, cata, gentle, and new world monkeys such as capuchins, sakis, uakaris, and other family members:**

For one or two animals, a cage 49 square feet, 6 feet high. Each cage shall have a heated indoor enclosure with wooden perching shelves large enough to accommodate all individuals. Heat must be provided if the temperature falls below 45 degrees Fahrenheit. Cages shall be constructed with a minimum of 11 1/2 gauge chain link or equivalent strength material.

**Required cage furnishings:** Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosures simultaneously. Each cage shall also have tree branches and other climbing apparatus and devices to provide physical stimulation or manipulation compatible with the species, such as boxes, balls, mirrors, foraging items, etc.

**Outdoor facilities** -Construction material shall consist of not less than 11-1/2-gauge chain link or equivalent.

**Indoor facilities** -Potential escape routes shall be equipped with wire or grating not less than 11-1/2 gauge or equivalent.

(l) **Large prosimians such as sifakas, and indris, large arboreal monkeys such as howlers, spiders, and woolly, and large old world monkeys such as macaques, guenons, mangabeys, colobus, and other family members:**

For one or two animals, a cage 256 square feet, 12 feet high. Each cage shall have a heated indoor enclosure with wooden perching shelves large enough to accommodate all individuals. Heat must be provided if the temperature falls below 45 degrees Fahrenheit. Cages shall be constructed with a minimum of 11 1/2 gauge chain link or equivalent strength material.

**Required cage furnishings:** Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosures simultaneously. Each cage shall also have tree branches and other climbing apparatus and devices to provide physical stimulation or manipulation compatible with the species, such as boxes, balls, mirrors, foraging items, etc.

**Outdoor facilities** -Construction material shall consist of not less than 11-1/2-gauge chain link or equivalent.

**Indoor facilities** -Potential escape routes shall be equipped with wire or grating not less than 11-1/2 gauge or equivalent.

(m) **Baboons, mandrills and drills:**

For one or two animals, a cage 400 square feet, 8 feet high. Each cage shall have a heated indoor enclosure with wooden perching shelves large enough to accommodate all individuals. Heat must be provided if the temperature falls below 45 degrees Fahrenheit. Cages shall be constructed with a minimum of 9 gauge chain link or equivalent strength material.

**Required cage furnishings:** Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing logs and tree branches and devices to provide physical stimulation or manipulation compatible with the species, such as boxes, balls, mirrors, foraging items, etc.

**Outdoor facilities** -Construction material shall consist of not less than 9-gauge chain link or equivalent.

**Indoor facilities** -Potential escape routes shall be equipped with wire or grating not less than 9-gauge or equivalent.

(n) **Gibbons and siamangs:**

For one or two animals, a cage 900 square feet, 12 feet high. Each cage shall have a heated indoor enclosure with wooden perching shelves large enough to accommodate all individuals. Heat must be provided if the temperature falls below 45 degrees Fahrenheit. Cages shall be constructed with a minimum of 9 gauge chain link or equivalent strength material.

**Required cage furnishings:** Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal bars across the cage at least 8 feet above the ground, and tree branches and other climbing apparatus and devices to provide physical stimulation or manipulation compatible with the species, such as boxes, balls, mirrors, foraging items, etc.

**Outdoor facilities** -Construction material shall consist of not less than 9-gauge chain link or equivalent.

**Indoor facilities** -Potential escape routes shall be equipped with wire or grating not less than 9-gauge or equivalent.

Wet or dry moats may be substituted for the required fencing with the written approval of the Division. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

(o) **Chimpanzees, gorillas and orangutans:**

For one or two animals, a cage 900 square feet, 10 feet high. For each additional animal, increase cage size by 50 percent of original floor area. Each cage shall have a heated indoor enclosure with wooden platforms or perching shelves large enough to accommodate all individuals. Heat must be provided if the temperature falls below 45 degrees Fahrenheit.

**Required cage furnishings:** Each cage shall have perching area(s) and shelter(s) horizontal climbing apparatus, tree branches and other climbing apparatus and devices to provide physical stimulation or manipulation

compatible with the species, such as boxes, balls, mirrors, foraging items, etc.

**For gorillas:** Each cage shall have a platform(s) large enough to accommodate all animals simultaneously; such platform (s) shall be elevated three feet.

**Outdoor facilities** --Cage construction materials shall consist of steel bars at least 1 inch in diameter, two-inch galvanized pipe, masonry block or their equivalent.

**Indoor facilities** - In rooms where the wildlife is maintained, potential escape routes shall be equipped with steel bars at least 1 inch in diameter, two-inch galvanized pipe or their equivalent.

Wet or dry moats may be substituted for the required fencing with the written approval of the Division. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

**(11) Association of Zoos and Aquariums Accreditation**

- (a) The other provisions of this regulation notwithstanding, current accreditation of an exhibitor by the Association of Zoos and Aquariums (AZA) shall be accepted as full compliance with all provisions of this regulation.

- (12) The penalty for the violation of any provision of this rule shall be as provided by Section 9-11-327, Code of Alabama 1975.**

**AUTHOR:** N. Gunter Guy, Jr.

**STATUTORY AUTHORITY:** § 9-11-323 and 9-11-321,  
Code of Alabama, 1975.

**PENALTY:** As provided by Section 9-11-327, Code of Alabama 1975.

**HISTORY:** 3/11/2011;