



# Restricted Species Laws and Regulations

## Importation, Transportation and Possession of Wild Animals – Manual 671

This document is designed to provide essential information about live restricted animals. It does not provide complete coverage of all restricted animal laws and regulations.

Although this document contains excerpts from the Fish and Game Code and Title 14, of the California Code of Regulations, it is the restricted species permittee's responsibility to know and obey all laws and regulations in effect while participating in restricted species activity. Changes to any code and/or regulation may occur at any time during the year.

Any discrepancies between this document and the code(s) from which it was prepared will be enforced and adjudicated according to the official code(s) and/or regulation(s) in effect on the date the activity takes place.

## Fish and Game Code Excerpts

### §2116. Wild Animal

As used in this chapter, "wild animal" means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) which is not normally domesticated in this state as determined by the commission.

### §2116.5. Findings and Declarations

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

### §2117. Enforcing Officers

As used in this chapter, "enforcing officers" means the department, the state plant quarantine officers, the local law enforcement agents, the county sheriffs, and the county agricultural commissioners. These enforcing officers are authorized and empowered to enforce the provisions of this chapter or any regulation implementing this chapter.

### §2118. Unlawful to Import, Etc. Specified Animals; Exceptions

It is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species:

(a) Class Aves (birds):



Family Cuculidae (cuckoos): All Species.

Family Alaudidae (larks): Skylark, *Alauda arvensis*

Family Corvidae (crows, jays, magpies): All species.

Family Turdidae (thrushes): European blackbird, *Turdus merula* Missel (or mistle), thrush, *Turdus viscivorus*

Family Sturnidae (starlings and mynas or mynahs): All species of the family, except hill myna (or hill mynah), *Gracula religiosa* (sometimes referred to as *Eulabes religiosa*)

Family Ploceidae (weavers)

The following species:

Spanish sparrow, *Passer hispaniolensis*

Italian sparrow, *Passer italiae*

European tree sparrow, *Passer montanus*

Cape sparrow, *Passer capensis*

Madagascar weaver, *Foudia madagascariensis*

Baya weaver, *Ploceus baya*

Hawaiian rice bird, *Munia nitoria*

Red-billed quelea, *Quelea quelea*

Red-headed quelea, *Quelea erythrops*

Family Fringillidae (sparrows, finches, buntings)

Yellowhammer, *Emberiza citrinella*

(b) Class Mammalia (mammals):

Order Primates: All species except those in family Hominidae

Order Edentata (sloths, anteaters, armadillos, etc.): All species.

Order Marsupialia (marsupials or pouched mammals): All species.

Order Insectivora (shrews, moles, hedgehogs, etc.): All species.

Order Dermoptera (gliding lemurs): All species.

Order Chiroptera (bats): All species.

Order Monotremata (spiny anteaters, platypuses): All species.

Order Pholidota (pangolins, scaly anteaters): All species.

Order Lagomorpha (pikas, rabbits, hares): All species, except domesticated races of rabbits.



Order Rodentia (rodents): All species, except domesticated golden hamsters, also known as Syrian hamster, *Mesocricetus auratus*; domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared); and domestic strains of guinea pig (*Cavia porcellus*).

Order Carnivora (carnivores): All species, except domestic dogs (*Canis familiaris*) and domestic cats (*Felis catus*).

Order Tubulidentata (aardvarks): All species.

Order Proboscidea (elephants): All species.

Order Hyracoidea (hyraxes): All species.

Order Sirenia (dugongs, manatees): All species.

Order Perissodactyla (horses, zebras, tapirs, rhinoceroses, etc.): All species except those of the family Equidae.

Order Artiodactyla (swine, peccaries, camels, deer, elk, except elk (genus *Cervus*) which are subject to Section 2118.2, moose, antelopes, cattle, goats, sheep, etc.): All species except: domestic swine of the family Suidae; American bison, and domestic cattle, sheep and goats of the family Bovidae; races of big-horned sheep (*Ovis canadensis*) now or formerly indigenous to this state.

Mammals of the orders Primates, Edentata, Dermoptera, Monotremata, Pholidota, Tubulidentata, Proboscidea, Perissodactyla, Hyracoidea, Sirenia and Carnivora are restricted for the welfare of the animals, except animals of the families Viverridae and Mustelidae in the order Carnivora are restricted because such animals are undesirable and a menace to native wildlife, the agricultural interests of the state, or to the public health or safety.

(c) Class Amphibia (frogs, toads, salamanders)

Family Bufonidae (toads): Giant toad or marine toad, *Bufo marinus*

(d) Class Monorhina (lampreys)

All species

(e) Class Osteichthyes (bony fishes)

Family Serranidae (bass): White perch, Morone or *Roccus americana*

Family Clupeidae (herring): Gizzard shad, *Dorosoma cepedianum*

Family Sciaenidae (croakers): Freshwater sheepshead, *Aplodinotus grunniens*

Family Characidae (characins): Banded tetra, *Astyanax fasciatus*, All species of piranhas

Family Lepisosteidae (gars): All species.

Family Amiidae (bowfins): All species.

(f) Class Reptilia (snakes, lizards, turtles, alligators)

Family Crocodylidae: All species.

(g) Class Crustacea (crustaceans)

Genus *Cambarus* (crayfishes): All species.



Genus *Astacus* (crayfishes): All species.

Genus *Astacopsis* (crayfishes): All species.

(h) Class Gastropoda (slugs, snails, clams)

All species of slugs.

All species of land snails.

(i) Other classes, orders, families, genera, and species of wild animals which may be designated by the commission in cooperation with the Department of Food and Agriculture, (1) when the class, order, family, genus, or species is proven to be undesirable and a menace to native wildlife or the agricultural interests of the state, or (2) to provide for the welfare of wild animals.

(j) Except as expressly authorized in this code, any live nonindigenous Atlantic salmon or the roe thereof into the Smith River watershed.

(k) Classes, families, genera, and species in addition to those listed in this section may be added to or deleted from the above lists from time to time by commission regulations in cooperation with the Department of Food and Agriculture.

### **§2118.2. Unlawful to Import Elk – Exceptions**

Except as provided in Section 1007, it is unlawful to import any elk (genus *Cervus*) into this state. The department may import elk pursuant to Section 1007, if prior to such importation, the department issues written findings justifying the need for and explaining the purpose of the importation.

This section shall not apply to zoos certified by the United States Department of Agriculture.

### **§2118.3. Elk Horn or Antler – Removal for Commercial Purposes Unlawful**

No part of any elk horn or antler shall be removed from any live elk for commercial purposes.

### **§2118.4. Seizure of Imported Elk**

The department shall seize any elk imported in violation of Section 2118.2.

### **§2118.5. Designation of Wild Animal Possession**

The commission may designate wild animals which may be possessed without a permit.

### **§2119. Restricted Animals – Publication of List**

The department shall publish from time to time as changes arise, a list of animals that may not be imported or transported into this state.

### **§2120. Regulations Governing Wild Animals**

(a) The commission, in cooperation with the Department of Food and Agriculture, shall adopt regulations governing both (1) the entry, importation, possession, transportation, keeping, confinement, or release of any and all wild animals that will be or that have been imported into this state pursuant to this chapter, and (2) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of these wild animals, and to provide for the welfare of wild animals and the safety of the public.

(b) The regulations shall also include criteria for all of the following:



- (1) The receiving, processing, and issuing of a permit and conducting inspections.
- (2) Contracting out inspection activities.
- (3) Responding to public reports and complaints.
- (4) The notification of the revocation, termination, or denial of permits, and related appeals.
- (5) The method by which the department determines that the breeding of wild animals pursuant to a single event breeding permit for exhibitor or a breeding permit is necessary and will not result in unneeded or uncared for animals, and the means by which the criteria will be implemented and enforced.
- (6) How a responding agency will respond to an escape of a wild animal. This shall include, but not be limited to, the establishment of guidelines for the safe recapture of the wild animal and procedures outlining when lethal force would be used to recapture the wild animal.

(c) These regulations shall be developed and adopted by the commission on or before January 1, 2007.

### **§2121. Escape or Release of Wild Animals**

No person having possession or control over any wild animal under this chapter shall intentionally free, or knowingly permit the escape, or release of such an animal, except in accordance with the regulations of the commission.

### **§2122. Regulations for Guidance of Enforcement Officers**

The commission shall promulgate regulations in cooperation with the State Department of Food and Agriculture for the guidance of enforcing officers. Such regulations shall include a list of the wild animals for which permits that may be issued under this chapter will be refused, and the disposition of such wild animals illegally imported into this state.

### **§2123. Materials Describing and Illustrating Wild Animals**

The department in cooperation with the State Department of Food and Agriculture shall furnish descriptive and illustrative material concerning the wild animals enumerated in or designated pursuant to Section 2118, as well as explanatory material setting forth the reasons for designating such animals as undesirable and a menace to native wildlife or to the agricultural interests of this state for the information and guidance of the enforcing officers.

### **§2124. Handling Mammals; Exceptions and Restrictions**

- (a) Except as otherwise authorized by this code or regulations adopted pursuant thereto, including, but not limited to, those provisions that authorize raising deer to produce venison for market it is unlawful for any person to possess, transport, import, export, propagate, purchase, sell, or transfer any live mammal listed under Section 2118 for the purposes of maiming, injuring, or killing the mammal for gain, amusement, or sport. Except as otherwise authorized by this code or regulations adopted pursuant thereto, the buyer of a live mammal listed in Section 2118 shall not resell the live mammal to another buyer who has the intent to maim, injure, or kill that mammal for purposes of gain, amusement, or sport.
- (b) This section does not apply to the meat, hide, or parts of a dead mammal.

### **§2125. Violation of Article 1; Penalties**



- (a) In addition to any other penalty provided by law, any person who violates this chapter or any regulations implementing this chapter, is subject to a civil penalty of not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) for each violation. Except as otherwise provided, any violation of this chapter or of any regulations implementing this chapter is a misdemeanor punishable by imprisonment in a county jail for not more than six months, or by a fine of not more than one thousand dollars (\$1,000).
- (b) The Attorney General, or the city attorney of the city or the district attorney or county counsel of the county in which a violation of this article occurs, may bring a civil action to recover the civil penalty in subdivision (a) and the costs of seizing and holding the animal listed in Section 2118, except to the extent that those costs have already been collected as provided by subdivision (d). The civil action shall be brought in the county in which the violation occurs and any penalty imposed shall be transferred to the Controller for deposit in the Fish and Game Preservation Fund in accordance with Section 13001.
- (c) In an action brought under this section, in addition to the penalty specified in subdivision (a), the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness' fees may also be recovered and those amounts shall be credited to the same operating funds as those from which the expenditures for those purposes were derived.
- (d) (1) If an animal is confiscated because the animal was kept in contravention of this chapter or any implementing regulations, the person claiming the animal shall pay to the department or the new custodian of the animal an amount sufficient to cover all reasonable expenses expected to be incurred in caring for and providing for the animal for at least 30 days, including, but not limited to, the estimated cost of food, medical care, and housing.
- (2) If the person claiming the animal fails to comply with the terms of his or her permit and to regain possession of the animal by the expiration of the first 30-day period, the department may euthanize the animal or place the animal with an appropriate wild animal facility at the end of the 30 days, unless the person claiming the animal pays all reasonable costs of caring for the animal for a second 30-day period before the expiration of the first 30-day period. If the permittee is still not in compliance with the terms of the permit at the end of the second 30-day period, the department may euthanize the animal or place the animal in an appropriate wild animal facility.
- (3) The amount of the payments described in paragraphs (1) and (2) shall be determined by the department, and shall be based on the current reasonable costs to feed, provide medical care for, and house the animal. If the person claiming the animal complies with the terms of his or her permit and regains possession of the animal, any unused portion of the payments required pursuant to paragraphs (1) and (2) shall be returned to the person claiming the animal no later than 90 days after the date on which the person regains possession of the animal.

## **§2126. Unauthorized Taking of Mammals**

- (a) Except as otherwise authorized by this code or regulations made pursuant thereto, it is unlawful for any person to take any mammal as identified by Section 2118.
- (b) This section does not prohibit the euthanasia of a mammal as appropriately directed by a licensed veterinarian or animal health technician.

## **§2127. Eligible Local Entities**

- (a) The department may reimburse eligible local entities, pursuant to a memorandum of understanding entered into pursuant to this section, for costs incurred by the eligible local entities in the administration



and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

- (b) The department may enter into memorandums of understanding with eligible local entities for the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.
- (c) The commission shall adopt regulations that establish specific criteria an eligible local entity shall meet in order to qualify as an eligible local entity.
- (d) For the purposes of this division, “eligible local entity” means a county, local animal control officer, local humane society official, educational institution, or trained private individual that enters into a memorandum of understanding with the department pursuant to this section.

**§2150. Wild Animals; Permit to Import, Possess, or Transport; Fees; Applications; Exemptions, Etc.**

- (a) (1) The department, in cooperation with the Department of Food and Agriculture, may, upon application, issue a written permit to import into, possess, or transport within this state any wild animal enumerated in, or designated pursuant to, Section 671 of Title 14 of the California Code of Regulations, upon a determination that the animal is not detrimental or that no damage or detriment can be caused to agriculture, native wildlife, the public health or safety, or the welfare of the animal, as a result of the importation, transportation, or possession.

(2) A permit may be issued to any person only upon application and payment of a nonrefundable application fee in an amount determined by the department pursuant to Section 2150.2. Application forms shall be provided by the department and shall be designed to ascertain the applicant’s ability to properly care for the wild animal or animals the applicant seeks to import, transport, or possess. Proper care includes providing adequate food, shelter, and veterinary care, and other requirements the commission may designate.

- (b) The commission or the department shall deny a permit and the commission shall revoke a permit if it finds that a permittee or applicant has failed to meet, or is unable to meet, the requirements for importing, transporting, possessing, or confining any wild animal as established pursuant to Section 2120.
- (c) A zoo is exempt from any permit requirement pursuant to this chapter except for animals whose importation, transportation, or possession is determined by the department, in cooperation with the Department of Food and Agriculture, to be detrimental or cause damage to agriculture, native wildlife, or the public health or safety. For purposes of this section, “zoo” means any organization which is accredited as meeting the standards and requirements of the American Zoo and Aquarium Association (AZA). Any California organization which is not accredited by the AZA may apply to the department for a waiver of specified permit requirements of this chapter. The department may grant or deny the request for a waiver for justified reasons. Foreign zoos outside this state are not subject to the permit requirements of this chapter beyond those specific permit requirements affecting California zoos or organizations with which they are collaborating. Any organization may appeal the determination of the department to the commission.
- (d) An exhibitor licensed by the United States Department of Agriculture or a dealer who is so licensed who buys any animal specified in subdivision (c) from a zoo within the state, may sell or transfer it only to a private individual who has a permit issued pursuant to this section prior to the receipt of the animal or to a public or private organization that has a permit issued pursuant to this section prior to the receipt of



the animal. The exhibitor or dealer who sells or transfers that animal shall pay a fee pursuant to Section 2150.2 to the department.

- (e) Any university, college, governmental research agency, or other bona fide scientific institution, as defined in regulations adopted by the commission, engaging in scientific or public health research is exempt from any permit requirement pursuant to this chapter except for animals whose importation, transportation, or possession is determined by the department, in cooperation with the Department of Food and Agriculture, to be detrimental or cause damage to agriculture, native wildlife, or the public health or safety.
- (f) Notwithstanding the provisions of this section, every zoo, university, college, governmental research agency, or other bona fide scientific institution shall comply with the requirements of subdivision (a) of Section 2193 for all animals the zoo, university, college, governmental research agency, or other bona fide scientific institution possesses that are enumerated in, or designated pursuant to, Section 671 of Title 14 of the California Code of Regulations.

### **§2150.1. Fees Collected; Application and Accounting**

Fees collected pursuant to this chapter for permits, permit applications, and facility inspections shall be deposited in the Fish and Game Preservation Fund. The department shall annually identify the amount collected for each type of permit, permit application, or inspection for which a fee is collected.

### **§2150.2. Establishment of Fees**

The department shall establish fees for permits, permit applications, and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing this chapter.

### **§2150.3. Committee on Care and Treatment of Wild Animals**

- (a) The director shall appoint a committee to advise the director on the humane care and treatment of wild animals.
- (b) The committee shall make recommendations to the director for the establishment of standards of performance for administration and enforcement, which shall include, but are not limited to, requiring that the eligible local entity possess a knowledge of humane wild animal training methods.
- (c) The committee shall make recommendations to the director as to the frequency of inspections necessary for the enforcement and administration of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.
- (d) The committee shall advise and assist the director in entering into memorandums of understanding with eligible local entities and in determining whether the memorandums of understanding meet the requirements of this chapter.

### **§2150.4. Inspection of Wild Animal Facilities**

- (a) The department or an eligible local entity shall inspect the wild animal facilities, as determined by the director's advisory committee, of each person holding a permit issued pursuant to Section 2150 authorizing the possession of a wild animal.
- (b) In addition to the inspections specified in subdivision (a), the department or an eligible local entity, pursuant to the regulations of the commission, may inspect the facilities and care provided for the wild



animal of any person holding a permit issued pursuant to Section 2150 for the purpose of determining whether the animal is being cared for in accordance with all applicable statutes and regulations. The department shall collect an inspection fee, in an amount determined by the department pursuant to Section 2150.2.

- (c) No later than January 1, 2009, the department, in cooperation with the committee created pursuant to Section 2150.3, shall develop, implement, and enter into memorandums of understanding with eligible local entities if the department elects not to inspect every wild animal facility pursuant to subdivisions (a) and (b). Eligible local entities shall meet the criteria established in regulations adopted pursuant to subdivision (b) of Section 2157.

### **§2150.5. Wild Animals Acquired or Possessed Prior to Effective Date of this Section; Restrictions on Animal Transfers**

Classes, orders, families, genera, and species which may not be imported, transported, possessed, or released alive in this state solely because of concern for the welfare of the animal may be possessed under permit when the owner can demonstrate that such animal was legally acquired and possessed in California before the effective date of this section. The department may require the owner of an animal which may be possessed under this section to mark or otherwise identify such animal and progeny, so as not to endanger the welfare of that animal, to the satisfaction of the department. The owner shall not transfer such animal or progeny to any other person without prior approval of the department.

### **§2151. Permit to Import or Transport; Required Contents**

A permit shall be issued only upon written application from the person desiring to import or transport the species, enumerating all of the following:

- (a) The approximate number and true scientific name of each species of wild animal for which a permit is requested.
- (b) The carrier and probable point of first arrival in this State of each shipment of such species.
- (c) The purpose for which they are to be imported or transported.
- (d) The name and address of the consignee.
- (e) The name and address of the consignor.

### **§2152. Additional Permit Information**

Each permit issued shall set forth all of the following:

- (a) The number and true scientific name of the species of wild animal for which the permit is granted.
- (b) A statement of the manner and conditions under which the entry of such species is permitted.
- (c) A statement of the conditions under which the species shall be kept after importation or during transportation.

### **§2153. Copies; Where to Send**

Whenever any permit is issued under the provisions of this article, one copy shall be sent by the department to the State Department of Food and Agriculture, one copy to the county agricultural commissioner or to the state plant quarantine officer having jurisdiction at the place designated in the



application as the probable point of first arrival in the state of such species, and one copy shall accompany each shipment of wild animals involved.

### **§2155. Offspring of Wild Animals; Application of Chapter**

The provisions of this chapter and regulations adopted pursuant thereto shall apply to the progeny of any wild animal imported or possessed under such laws and regulations, except that no permit shall be required for the possession of progeny if a permit has already been obtained by the owner for the parent, and the progeny are kept at the same site.

### **§2156. City and County Ordinances for Possession or Care**

Neither the provisions of this chapter nor the regulations of the commission shall prevent any city or county from enacting ordinances relating to the possession or care of wild animals provided such ordinances are more restrictive.

### **§2157. Unique Identification of Mammals**

- (a) Every person holding a permit issued pursuant to Section 2150 shall uniquely identify each wild mammal that poses a risk to the health and safety of the public and report this identification to the department to maintain in a registry.
- (b) The commission shall adopt regulations that address the following:
  - (1) Identify the mammals that pose a risk to the health and safety of the public and are subject to subdivision (a). This identification shall include the following species of mammals: wild cats, elephants, nonhuman primates, bears, and wolves.
  - (2) Acceptable forms of identification.
  - (3) How and when a permittee must notify the department of the unique identifier required in subdivision (a).
- (c) The department shall establish a registry listing the permit number, type, expiration date, the name and address of the permittee, and an inventory of each mammal and to the identification assigned or affixed to the mammal pursuant to subdivision (a) that is covered by the permit.
- (d) These regulations shall be developed and adopted by the commission, on or before January 1, 2007.

### **§2185. Confinement for Inspection and Notification of Arrival**

- (a) Any person who transports, receives, or imports into the State, or transports within the State, any live wild animal enumerated in or designated pursuant to Section 2118, shall hold said animal in confinement for inspection and immediately notify the nearest enforcing officer of the arrival thereof. If there is found in any shipment any species not specified in the permit issued under this chapter, or more than the number of any species specified, said animals shall be refused admittance as provided in Section 2188 of this chapter.
- (b) Notwithstanding Section 2117, for the purposes of this section, “enforcing officer” means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

### **§2186. Diseased Animal; Actions**



- (a) If during inspection upon arrival any wild animal is found to be diseased, or there is reason to suspect the presence of disease, or there is reason to suspect the presence of disease that is or may be detrimental to agriculture, to native wildlife, or to the public health or safety, the diseased animal, and if necessary, the entire shipment shall be destroyed by, or under the supervision of, the enforcing officer, unless no detriment can be caused by its detention in quarantine for a time and under conditions satisfactory to the enforcing officer for disinfection, treatment, or diagnosis, or no detriment can be caused by its return to its point of origin at the option and expense of the owner or possessor.
- (b) Notwithstanding Section 2117, for the purposes of this section, “enforcing officer” means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

### **§2187. Examination of Conditions Kept; Report of Disease; Transfer or Destruction**

- (a) Whenever any wild animal is brought into this state under permit, as provided in this chapter, the enforcing officers may, from time to time, examine the conditions under which that species is kept, and report to the department any suspicion or knowledge of any disease or violations of the conditions of the permit or of the regulations promulgated under this chapter. The enforcing officer may order the transfer of the animal to new owners or the correction of the conditions under which the species is being kept if not in conformance with the terms of the permit, at the expense of the owner or possessor. If neither transfer or improvement of conditions is accomplished, the officer may order destruction of the animal.
- (b) Notwithstanding Section 2117, for the purposes of this section, “enforcing officer” means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

### **§2189. Importation on Nonnative Wild Animals; Regulations**

- (a) As used in this section “nonnative wild animal” means any nonnative animal species, or hybrid thereof, that is not normally domesticated pursuant to this code or regulations adopted pursuant thereto and that is not designated as a furbearing, game, nongame, threatened, or endangered animal.
- (b) No person shall import into this state any live nonnative wild animal except pursuant to this chapter or regulations adopted pursuant thereto.
- (c) Any live nonnative wild animal that is possessed or transported within this state in violation of this chapter or regulations adopted pursuant thereto shall be disposed of in accordance with regulations adopted pursuant to Section 2122, at the expense of the owner or possessor. The owner or possessor shall pay the costs associated with the seizure, care, holding, transfer, and destruction of the animal.
- (d) Any live, nonnative wild animal found at large within this state shall be either summarily destroyed or, if captured, shall be confined for not less than 72 hours following notification of the local humane society. Any local, state, or federal governmental agency that has public safety responsibilities is authorized to implement this subdivision.
- (e) If, during the 72-hour holding period, any person claims ownership of the animal, that person shall only be allowed to dispose of the animal pursuant to subdivision (c).
- (f) After the 72-hour holding period, if the animal is unclaimed, it shall be disposed of in accordance with regulations adopted pursuant to Section 2122 unless the animal is listed as a threatened or endangered species by either state or federal regulation. Notwithstanding subdivision (c), if the animal is listed as a



threatened or endangered species in either regulation, the department shall be notified of the animal's location and the department shall be responsible for proper disposition.

### **§2190. Liberate, Ship, or Transport; Permit Required**

It is unlawful for any person who keeps in confinement, with or without a permit, any wild animal of a species enumerated in or designated pursuant to Section 2118, to liberate, ship, or transport the animal except in accordance with the conditions of a permit first obtained from the department.

### **§2192. Caging Standards**

Notwithstanding Part 2.5 (commencing with Section 18900) of Division 13 of the Health and Safety Code, Section 11356 of the Government Code, or any other provision of law, regulations of the commission relating to the construction, fixtures, and other minimum caging standards adopted by the commission for the confinement of live wild animals pursuant to this chapter are not building standards subject to the approval of the State Building Standards Commission.

### **§2193. Reporting an Escape or Release**

- (a) Every person who holds a permit issued pursuant to Section 2150 shall immediately report by telephone the intentional or unintentional escape or release of the wild animal, to the department and the nearest enforcing officer of the city or county in which the wild animal was released or escaped. The permitholder shall be liable for all expenses associated with efforts to recapture the wild animal. For the purposes of this subdivision, the exhibition of a wild animal on a movie set, film set, television set, still photography set, or any other professional activity allowable under a permit issued pursuant to Section 2150, does not constitute an intentional or unintentional escape or release of the wild animal unless the person exhibiting the wild animal has lost control of the wild animal.
- (b) The commission shall promulgate regulations establishing the criteria for permitholders to notify the department prior to taking possession of or transferring an animal and upon the death of an animal.
- (c) These regulations shall be developed and adopted by the commission on or before January 1, 2007.

### **§2195. Recovering Costs**

When a wild animal enumerated in, or designated pursuant to, Section 671 of Title 14 of the California Code of Regulations is properly confiscated by the department, the new custodian with whom the animal is placed by the department may bring a civil action to recover the reasonable costs incurred by the custodian for any necessary relocation of the animal to a new facility, any actual and necessary costs to construct new caging to house the animal, and any actual and necessary costs to return the animal to a healthy state, to the extent that the department or new custodian has not already collected the costs pursuant to paragraphs (1) and (2) of subdivision (d) of Section 2125. The prior owner or possessor from whom the animal was confiscated shall be liable for these costs only if the conditions that led to the animal's confiscation were the result of acts or omissions of the prior owner or possessor.

## **California Code of Regulations, Title 14, Excerpts**

### **§671. Importation, Transportation and Possession of Live Restricted Animals**

- (a) It shall be unlawful to import, transport, or possess live animals restricted in subsection (c) below except under permit issued by the department. Permits may be issued by the department as specified herein and for purposes designated in Section 671.1 subject to the conditions and restrictions designated by the department. Except for mammals listed in Fish and Game Code Section 3950 or live aquatic



animals requiring a permit pursuant to Fish and Game Code Section 2271, no permit is required by this section for any animal being imported, transported, or possessed pursuant to any other permit issued by the department. Cities and counties may also prohibit possession or require a permit for these and other species not requiring a state permit.

- (b) The commission has determined the below listed animals are not normally domesticated in this state. Mammals listed to prevent the depletion of wild populations and to provide for animal welfare are termed “welfare animals”, and are designated by the letter “W”. Those species listed because they pose a threat to native wildlife, the agriculture interests of the state or to public health or safety are termed “detrimental animals” and are designated by the letter “D”. The department shall include the list of welfare and detrimental wild animals as part of DFG MANUAL NO. 671 (2/25/92) IMPORTATION, TRANSPORTATION AND POSSESSION OF RESTRICTED SPECIES, to be made available to all permittees and other interested individuals.
- (c) Restricted species include:
- (1) Class Aves – Birds
    - (A) Family Alaudidae – Larks: *Alauda arvensis* (Skylark) (D)
    - (B) Family Cuculidae-Cuckoos: All species (D)
    - (C) Family Corvidae-Crows, Ravens, Rooks, Jackdaws: All species (D)
    - (D) Family Turdidae-Thrushes, Blackbirds, Fieldfare
      - 1. *Turdus merula* (European blackbird) (D)
      - 2. *Turdus viscivorus* (Missel thrush) (D)
      - 3. *Turdus pilaris* (Fieldfare) (D)
      - 4. *Turdus musicus* (Song thrush) (D)
    - (E) Family Sturnidae-Starlings, Mynahs: All species (D), except *Sturnus vulgaris* (Starling), *Gracula religiosa* or *Eulabes religiosa* (Hill mynahs), and *Leucopsar rothschildi* (Rothchild's mynah) are not restricted.
    - (F) Family Ploceidae-Sparrows, Weavers, Queleas
      - 1. Genus *Passer* (Sparrow): All species (D), except *Passer domesticus* (English house sparrow) is not restricted.
      - 2. *Foudia madagascariensis* (Madagascar weaver) (D)
      - 3. *Ploceus baya* (Baya weaver) (D)
      - 4. Genus *Quelea* (Queleas) - All species (D)
    - (G) Family Estrildidae-Waxbills, Munias, Ricebirds
      - 1. *Padda oryzivora* (Java sparrow) (D)
    - (H) Family Emberizidae-Yellowhammer: *Emberiza citrinella* (Yellowhammer) (D)
    - (I) Order Falconiformes-Falcons, Eagles, Hawks, Vultures: All species (D)



(J) Order Strigiformes-Owls: All species (D)

(K) Family Pyconotidae-Bulbuls or Fruit Thrushes: *Pycnonotus jocosus* (Red-whiskered bulbul) (D)

(L) Family Zosteropidae-Whiteeyes: Genus *Zosterops* (Whiteeyes) (D)

(M) Family Psittacidae-Parrots, Parakeets: *Myiopsitta monachus* (Monk or Quaker parakeet) (D)

(N) Family Anatidae-Duck, Geese, Swans

1. *Cygnus olor* (Mute Swan) (D)

(2) Class Mammalia – Mammals

(A) Order Primates-Monkeys, Apes: All species (W), except humans in the Family Hominidae are not restricted.

(B) Order Xenarthra-Sloths, Anteaters, Armadillos, etc. All species:

1. Family Dasypodidae-Armadillos-All Species (D)

2. Family Bradypodidae-Sloths (W)

3. Family Myrmecophagidae-Anteaters (W)

(C) Order Marsupialia-Marsupials or Pouched Animals: All species (W)

(D) Order Insectivora-Shrews, Moles, Hedgehogs, etc. All species (D)

(E) Order Dermoptera-Gliding Lemurs: All species (D)

(F) Order Chiroptera-Bats: All species (D)

(G) Order Monotremata-Spiny Anteaters, Platypuses: All species (W)

(H) Order Pholidota-Pangolins or Scaly Anteaters: All species (W)

(I) Order Lagomorpha-Pikas, Rabbits, and Hares: All species, (D), except domesticated races of rabbits and hares of the Family Leporidae are not restricted.

(J) Order Rodentia-Hamsters, Field Mice, Voles, Muskrats, Gerbils, Squirrels, Chipmunks, Woodchucks, and Prairie Dogs

1. All species (D), except:

a. *Ondatra zibethica* (Muskrats) are not restricted under conditions set forth in Fish and Game Code Section 2250;

b. Domesticated races of golden hamsters of the species *Mesocricetus auratus* and domesticated races of dwarf hamsters of the Genus *Phodopus* are not restricted;

c. Domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared) are not restricted;

d. Domesticated races of guinea pigs of the species *Cavia porcellus* are not restricted; and



- e. Domesticated races of chinchillas of the species *Chinchilla laniger* are not restricted.
- (K) Order Carnivora-Raccoons, Ringtailed Cats, Kinkajous, Coatis, Cacomistles, Weasels, Ferrets, Skunks, Polecats, Stoats, Mongoose, Civets, Wolves, Foxes, Coyotes, Lions, Tigers, Ocelots, Bobcats, Servals, Leopards, Jaguars, Cheetahs, Bears, etc.
1. Family Felidae-All species (W) except:
    - a. *Acinonyx jubatus* (cheetahs)-(D)
    - b. Domestic cats and hybrids of domestic cats are not restricted.
  2. Family Canidae-All species (W)
    - a. Wolf hybrids *Canis familiaris* (domestic dog) x *Canis lupus* (wolf) are considered F1 generation wolf hybrids and are restricted (W).
      - i. No state permit is required to possess the progeny of F1 generation wolf hybrids, but cities and counties may prohibit possession or require a permit.
    - b. Domesticated dogs are not restricted.
  3. Family Viverridae-All species (D)
  4. Family Procyonidae-All species-(D), except:
    - a. *Ailuris fulgens* (Lesser panda)-(W)
    - b. *Ailuropoda melanoleuca* (Giant panda)-(W)
    - c. *Bassariscus astutus* (Ringtail or Ringtailed cat)-(W)
    - d. *Jentinkia sumichrasti* (Mexican and Central American cacomistle)-(W)
  5. Family Mustelidae-All species (D), except:
    - a. *Ambloynx cinerea* (Oriental small-clawed otter)-(W)
    - b. *Aonyx capensis* (African clawless otter)-(W)
    - c. *Pteronura brasiliensis* (Giant otter)-(W)
    - d. Genus *Lutra* (River otters)-(W)
  6. All other Families-(W).
- (L) Order Tubulidentata-Aardvarks: All species (W)
- (M) Order Proboscidae-Elephants: All species (W)
- (N) Order Hyracoidea-Hyraxes: All species (W)
- (O) Order Sirenia-Dugongs, Manatees: All species (W)
- (P) Order Perissodactyla-Horses, Zebras, Tapirs, Rhinoceroses, etc. All species (W), except Family Equidae are not restricted.



(Q) Order Artiodactyla-Swine, Peccaries, Camels, Deer, Elk, Moose, Antelopes, Cattle, Goats, Sheep, etc. All species (D) except:

1. *Bos taurus* and *Bos indicus* (Domestic cattle); *Bos grunniens* (Yak); *Bubalus bulalis* (Asian water buffalo); *Ovis aries* (Domestic sheep); *Capra hircus* (Domestic goat); *Sus scrofa domestica* (Domestic swine); *Llama glama* (Llama); *Llama pacos* (Alpaca); *Llama guanicoe* (Guanaco); Hybrids of llama, alpaca and guanacos; *Camelus bactrianus* and *Camelus dromedarius* (Camels); and *Bison bison* (American bison), are not restricted.
2. Permits may be issued for species of Elk (Genus *Cervus*) which are already maintained within California; and
3. Permits may be issued pursuant to Section 676 for importing, breeding, slaughter and sale of the meat and other parts of fallow deer (*Dama dama*) for commercial purposes

(3) Class Amphibia – Frogs, Toads, Salamanders

(A) Family Bufonidae-Toads

1. Genera *Rhinella* and *Rhaebo* (formerly *Bufo*) (giant/marine toad group and all other large toads from Mexico and Central and South America)-(D).

(B) Family Pipidae-Tongueless Toads

1. Genus *Xenopus* (clawed frogs)-(D)

(C) Family Ambystomatidae-Mole Salamanders

1. Genus *Ambystoma* (nonnative tiger salamander group)-(D)

(D) Family Eleutherodactylidae-Rain Frogs

1. *Eleutherodactylus coqui*-common coqu or coqu-(D)

(4) Class Agnatha – Jawless Fishes

(A) Family Petromyzontidae-Lampreys: All nonnative species (D)

(5) Class Osteichthyes – Bony Fishes

(A) Family Percichthyidae-Temperate Basses

1. *Morone americana* (White perch) (D)
2. *Morone chrysops* (White bass) (D)

(B) Family Clupeidae-Herrings: *Dorosoma cepedianum* (Gizzard shad) (D)

(C) Family Sciaenidae-Drums: *Aplodinotus grunniens*(freshwater drum) (D)

(D) Family Characidae-Characins

1. *Astyanax fasciatus* (Banded tetra) (D)
2. All species of the genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Tadyyella*, *Rooseveltiella*, and *Pygopristis* (Piranhas) (D)



3. *Hoplias malabaricus* (Tiger fish) (D)

(E) Family Salmonidae-Trouts: *Salmo salar* (Atlantic salmon)-Restricted in the Smith River watershed (D)

(F) Family Lepisosteidae-Gars: All species (D)

(G) Family Amiidae-Bowfins: All species (D)

(H) Family Poeciliidae-Livebearers: *Belonesox belizanus* (Pike killifish) (D)

(I) Family Channidae-Snakeheads: All species (D)

(J) Family Cyprinidae-Carps and Minnows

1. *Leuciscus idus* (ide)(D)

2. *Ctenopharyngodon idella* (Grass carp) (D), except that permits may be issued to a person, organization or agency for possession of triploid grass carp, under conditions set forth in Section 238.6.

3. *Hypophthalmichthys molitrix* (Silver carp) (D)

4. *Aristichthys nobilis* (Bighead carp) (D)

5. *Hypophthalmichthys harmandi* (Largescale Silver carp) (D)

6. *Mylopharyngodon piceus* (Black carp) (D)

(K) Family Trichomycteridae (Pygidiidae)-Parasitic Catfishes: All species (D)

(L) Family Cetopsidae-Whalelike Catfishes: All species (D)

(M) Family Clariidae-Labyrinth Catfishes: All species of the genera *Clarias*, *Dinotopterus*, and *Heterobranchus* (D)

(N) Family Heteropneustidae (Saccobranchidae)-Airsac Catfishes: All species (D)

(O) Family Cichlidae-Cichlids

1. *Tilapia sparrmani* (Banded Tilapia) (D)

2. *Tilapia zillii* (Redbelly tilapia) (D), except permits may be issued to a person or agency for importation, transportation, or possession in the counties of San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial.

3. *Oreochromis aureus* (Blue tilapia) (D)

4. *Oreochromis niloticus* (Nile tilapia) (D)

(P) Family Anguillidae-Freshwater Eels: All species of genus *Anguilla* (D)

(Q) Family Esocidae-Pikes all species (D)

(R) Family Percidae-Perches

1. *Perca flavescens* (Yellow perch) (D)

2. *Sander vitreus* (Walleye) (D)



- (S) Family Catostomidae-Suckers: All members of the genus *Ictiobus* (Buffalos) (D)
- (T) Family Cyprinodontidae-Killifishes: *Cyprinodon variegatus* (Sheepshead minnow) (D)
- (U) Family Latidae-Lates perches: *Lates calcarifer* (Barramundi also known as Barramundi perch or Silver barramundi) (D), except permits may be issued to a person or organization for importation, transportation, possession, or sales of barramundi under the following conditions:
  - 1. All live importation, possession, transportation and sales must also adhere to the conditions set forth in Section 671.7.
  - 2. Live retail sales for human consumption are allowed for barramundi that range from one to three pounds in weight or 300 mm (11.8 inches) to 500 mm (19.6 inches) in total length.

(6) Class Elasmobranchiomorphi – Cartilaginous Fishes

- (A) Family Carcharhinidae-Requiem Sharks: All species of genus *Carcharhinus* (Freshwater sharks) (D)
- (B) Family Potamotrygonidae-River stingrays: All species (D)

(7) Class Reptilia – Reptiles

- (A) Order Crocodylia-Crocodiles, Caimans, Alligators and Gavials: All species (D)
- (B) Family Chelyridae-Snapping Turtles: All species (D)
- (C) Family Elapidae-Cobras, Coral Snakes, Mambas, Kraits, etc. All species (D)
- (D) Family Viperidae-Adders and Vipers: All species (D)
- (E) Family Crotalidae-Pitvipers: All nonnative species (D)
- (F) Family Colubridae-Colubrids
  - 1. *Dispholidus typus* (Boomslang) (D)
  - 2. Genus *Thelotornis* (Bird, twig, or vine snakes) (D)
  - 3. Genus *Nerodia* (watersnakes) (D)
- (G) Family Helodermatidae
  - 1. *Heloderma suspectum suspectum* (reticulate Gila monster) (D)

(8) Class Crustacea – Crustaceans

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

(9) Class Gastropoda – Slugs, Snails

- (A) *Potamopyrgus antipodarum* (New Zealand mudsnail) (D)
- (B) All nonnative species of slugs and land snails (D), except:



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

(C) *Pomacea canaliculata* (Channel Apple Snail) (D)

(D) All species of genus *Haliotis* (Abalone) (D), except *Haliotis rufescens* (Red abalone), *Haliotis sorenseni* (White abalone), *Haliotis corrugata* (Pink abalone), *Haliotis fulgens* (Green abalone), *Haliotis cracherodii* (Black abalone), *Haliotis kamtschatkana* (Pinto abalone), *Haliotis walallensis* (Flat abalone) and *Haliotis assimilis* (Threaded abalone) are not restricted.

1. Note: Unpermitted nonnative abalone are determined to be detrimental to native populations, therefore the exemptions provided in Fish and Game Code subsection 2271(b) and subsection 236(b) of these regulations are not applicable.

(10) Class Bivalvia – Bivalves: All members of the genus *Dreissena* (zebra and quagga mussels) - (D).

(11) Transgenic Aquatic Animals: Includes freshwater and marine fishes, invertebrates, amphibians, and reptiles (D).

Note: Unpermitted transgenic aquatic animals are determined to be detrimental to native wildlife, therefore the exemption provided for in Fish and Game Code Section 2150(e) is not applicable.

### **§671.1. Permits for Restricted Species**

- (a) General. It is unlawful for any person to import, export, transport, maintain, sell, dispose of, or use for any purpose any animal restricted by Section 671 except as authorized in a permit issued by the department.
- (1) Limited Scope. A permit issued pursuant to this Section 671.1 does not supersede any federal, state, or local law regulating or prohibiting the animals or the activities authorized in the permit.
  - (2) Change of Address or Name. The permittee shall notify the department's License and Revenue Branch, in writing of any change of address or name related to the permit within five days of the change.
  - (3) Records. Any record, log, invoice, or other document required by this Section 671.1 shall be maintained at the facility by the permittee for at least three years from the date issued, and be made available to the department immediately upon demand. All required records shall be legible and in the English language.
  - (4) Transportation Records Required of Broker/Dealer and Importers. The permittee shall prepare and sign an invoice in duplicate prior to any animals leaving or being imported into their facility. The invoice shall contain the name and address of the Broker/Dealer or Importers, a phone number where the Broker/Dealer or Importers and the consignee can be reached, the name and address of the consignee, the date of the shipment, and the number or poundage, sex (if available) and scientific name of each animal. The invoice shall accompany the animals being shipped. The consignee shall sign and date the invoice receipt of the shipment and retain a copy.



- (5) **Permits for Business.** Any person (as defined in Fish and Game Code Section 67) can qualify for and be issued a permit, if the applicant or the applicant's full time employee possesses the qualifications for an applicant specified in subsections 671.1(c)(1), (c)(3)(B) and (c)(3)(D). Where a full time employee provides the qualifications, the applicant shall continue to employ such qualified person as long as the animals are possessed in California. The applicant who owns the business shall submit annual proof of continued employment for a full time employee if the applicant continues not to meet the qualifications specified in subsection 671.1(c)(1).
- (6) **Financial Responsibility.** The department may require an applicant for a nonresident permit to provide proof he/she will immediately cover all expenses incurred by the department for personnel, equipment, and facilities used to locate, capture, house, care for, and transport animals that escape or that are released or abandoned. The written proof shall be in the form of a department approved financial guarantee payable to the department, local government agency, or entity contracting for the animals.
- (7) **Health Certificates.** The department may require as a condition on any permit that restricted animals be approved for interstate shipment pursuant to applicable federal or state agency standards for diseases such as but not limited to tuberculosis, brucellosis, and pseudo rabies. Permit conditions may be more restrictive than federal standards.
- (8) **Transgenic Aquatic Animals.** The department may issue permits for importation, possession, transportation or rearing of, or research on, transgenic aquatic animals pursuant to the following terms and conditions:
  - (A) All transgenic aquatic animals shall be held, raised, and transported in a closed-water system or in a system which treats effluent discharge from the facility with a disinfection system adequate to ensure against the inadvertent release of live animals. A closed-water system means that there is no discharge to waters of the state. For purposes of this section, municipal treated sewage systems are not considered waters of the state. The commission may grant an exception to this subsection if it is determined that doing so shall not pose a significant risk to the waters or wildlife of the state.
  - (B) Access to facilities containing transgenic aquatic animals shall be restricted through means determined to be adequate by the department to assure against unauthorized removal of animals.
  - (C) Movement of live transgenic aquatic animals from facilities is prohibited unless specifically permitted by the department.
  - (D) Release of transgenic aquatic animals or their progeny into waters of the state is prohibited.
  - (E) If transgenic aquatic animals are held with non-transgenic animals of the same species, all such animals that commingle with transgenic animals shall be treated as transgenic for the purposes of regulation and may not be introduced into waters of the state. Nontransgenic animals that can be individually identified as nontransgenic may be exempt from this provision with prior department approval.
  - (F) In addition to any other penalty provided by law, any unauthorized release of transgenic aquatic animals or their progeny into the waters of the state may be subject to the penalties provided for under Fish and Game Code Sections 2125, 12007, and/or 12023.



- (G) Any university, college, governmental research agency or other bona fide scientific institution, as determined by the department, may apply for an expedited permit review under subsection 671.1(b)(9) by demonstrating that they meet or exceed the requirements stipulated in subsections (A) through (F) as part of a federal program or permit, for example, National Institute of Health (NIH) guidelines administered by an Institutional Animal Care and Use Committee (IACUC).
- (H) The department shall provide written notice of the filing of all permit applications to any interested party who submits a written request for such notice. The department shall consider all written comments regarding a permit application that are received from any interested party prior to approval of that application. All approved applications shall be reviewed by the commission during a regularly scheduled public meeting; and the commission, following public comment, may deny the issuance of a permit if it finds that an applicant is or will be unable to meet all regulatory requirements for importation, transportation, possession, and confinement of transgenic aquatic animals.
- (9) Conferring. In addition to the departments of Food and Agriculture and Public Health, the department may confer with other state and federal agencies or any other person or entity in order to verify information on the application or to determine if the importation, transportation, or possession of any animal requested will be in the best interest of the state and animal.
- (b) Permits and Fees. The following permits have fees specified in Section 703 that shall be adjusted annually. The department may issue permits and amend existing permits with the conditions it determines are necessary to protect native wildlife, agriculture interests, animal welfare, and/or human health and safety for:
- (1) Animal Care. Issued to any person who is a resident and who has the demonstrated experience and ability to care for and house an animal, and who legally possessed the animal in California prior to January 1992. The permittee may only possess and provide care for the animal(s) specified on the department approved permit. No other activity is authorized except that which is medically necessary for the care of the animal. Additional requirements are specified in subsection 671.1(c)(3).
  - (2) Aquaculture. Issued to any person who is a registered aquaculturist, pursuant to Section 235. The permittee may import, transport, possess and sell only those species listed on the restricted species permit for aquaculture purposes. Additional requirements are specified in subsection 671.1(c)(3) and Section 671.7.
  - (3) AZA. Issued to any person accredited by the Association of Zoos and Aquariums (AZA) and who is in the business of exhibiting and breeding animals. The permittee may import, transport, breed, exhibit and possess for bona fide scientific or public health research only those species specified on the department approved permit. Additional requirements are specified in subsection 671.1(c)(3).
  - (4) Breeding. Issued to any person who is a resident who is in the business of breeding animals and possesses the qualifications listed in subsection 671.1(c)(1), and provides a breeding plan as specified in subsection 671.1(c)(3)(E). The permittee may import, transport, possess, and sell only those species specified on the department approved permit. Additional requirements are specified in subsection 671.1(c)(3).



- (5) Broker/Dealer. Issued to any person who is a resident or nonresident and acts as a broker or dealer in a transaction involving the buying and/or selling of restricted species, or who is in the business of transporting restricted species within the state between permittees, but who does not have any other permit issued pursuant to this section for the animal being purchased or sold. Additional requirements are specified in subsection 671.1(c)(3).
- (A) Special Restrictions.
1. Maximum Caging Period. Animals may be kept in transport caging for a period not to exceed 48 hours. One additional 48 hour extension may be approved by an enforcing officer in writing and attached to the transportation invoice and only after a United States Department of Agriculture (USDA) accredited veterinarian certifies in writing that the extension will not be detrimental to the health or welfare of the animals.
  2. Nonresident Restriction. Nonresident permittees shall only transport animals between permittees authorized by this section or between AZA accredited institutions and permittees or ship them out of state in compliance with Federal guidelines.
- (6) Exhibiting. Issued to any person who is a resident or nonresident who is in the business of exhibiting animals at least half-time, for commercial and/or educational purposes, and who possesses the qualifications listed in subsection 671.1(c)(1). The permittee may import, transport, and possess only those species specified on the department approved permit. Additional requirements are specified in subsection 671.1(c)(3).
- (7) Native Species Exhibiting. Issued to any person who is a resident, is in the business of exhibiting animals, and possesses the qualifications listed in subsection 671.1(c)(1) to transport and possess only those species specified on the department approved permit. For the purposes of this permit, native species are defined as the restricted birds and mammals that are found injured and/or orphaned in the wild in California and are not suitable for release into the wild, but are suitable for educational purposes. Native species shall only be acquired from the department or, upon approval by the department, from a California Wildlife Rehabilitation Facility that is permitted with the department. The department shall receive written documentation for each animal from a permitted California Wildlife Rehabilitation Facility's licensed veterinarian stating why the animal to be acquired is unsuitable for wildlife rehabilitation and release, but suitable for education purposes (USDA certification of veterinarian is not required to determine non-releasable status). The permit fee may be waived only if the AZA or exhibiting fee is paid and a permit specified in subsection 671.1(b)(3) or 671.1(b)(6) is issued. Additional requirements are specified in subsection 671.1(c)(3).
- (8) Nuisance Bird Abatement. Issued to any person who is a resident or nonresident, is in the business of using raptors to abate nuisance birds, and possesses the qualifications listed in subsection 671.1(c)(1) to import, transport, and possess only those species specified on the department approved permit and under the conditions that follow. Additional requirements are specified in subsection 671.1(c)(3).
- (A) The permit only authorizes the harassing of nuisance birds. Harassment is defined in Section 251.1.
- (B) The permit does not authorize the use for abatement purposes or intentional take of any bird protected by federal or state law, which includes but is not limited to the Federal Migratory Bird Treaty Act and Fish and Game Code Section 3500.



- (C) All birds imported into California shall be accompanied by a current interstate health certificate issued by a USDA accredited veterinarian stating that the veterinarian has examined the bird(s) and has found that they are not exhibiting any signs or symptoms of any infectious or contagious disease.
- (D) The permittee shall notify the department regional manager where abatement activities are to occur at least five days prior to the activity taking place. The notification shall include the following information:
1. Copy of the permit;
  2. Name(s) and address where the activity will be conducted;
  3. Date(s) the abatement will take place;
  4. The temporary housing location in California for the birds listed on the permit.
  5. The information shall also be provided to the department's License and Revenue Branch and attached to the permit.
- (E) A department regional manager, or regional manager designee, may restrict activities authorized by this permit at any time to address the biological issues occurring within his/her region.
- (F) Every effort shall be made to keep birds used for abatement from escaping into the wild and every effort shall be made to retrieve any that escape into the wild. The permittee must notify the department regional manager, or regional manager designee, and the department's License and Revenue Branch within 48 hours if a bird escapes and is not retrieved.
- (G) Birds used for abatement shall be housed in facilities that meet or exceed the permanent caging standards described in Section 671.3.
- (9) Research. Issued to any university, college, governmental research agency, or other bona fide scientific institution, as determined by the department, who engages in scientific or public health research and meets the requirement as specified in subsection 671.1(c)(3)(L). The permittee may import, transport, breed, and possess only those species specified on the department approved permit. Only persons asking for department determination as a bona fide scientific institution are required to meet the requirements specified in subsection 671.1(c)(3)(K). Additional requirements are specified in subsection 671.1(c)(3).
- (10) Shelter. Issued to any person who is a resident, who possesses the qualifications listed in subsection 671.1(c)(1), and who has a statement in writing signed by the department's regional manager with jurisdiction over the proposed facility verifying the need for a shelter or similar facility in the area, to transport and possess restricted species for humane purposes only. The permit fee may be waived upon recommendation of the regional manager when he/she determines it is in the best interest of the public, the animal, or the department to do so. Additional requirements are specified in subsection 671.1(c)(3).
- (A) Special Authorizations.
1. A permittee may exhibit animals at its facility for fund-raising purposes.



2. The department may authorize a permittee to import restricted species upon receipt of written verification that appropriate facilities outside of California were contacted and no housing was available, and that these specific animals would be euthanized if they cannot be imported into California.

- (11) Single Event Breeding for Exhibitor. Issued to any person who is a resident and permitted pursuant to subsection 671.1(b)(6), possesses the qualifications listed in subsection 671.1(c)(1), and provides a breeding plan as specified in subsection 671.1(c)(3)(E) to conduct a one time, single breeding of an animal specified on the department approved permit. The permit may be renewed annually, but only upon submitting written verification by a veterinarian accredited by the USDA that the breeding previously authorized was not successful. Additional requirements are specified in subsection 671.1(c)(3).
- (12) Fish. Issued to any person who is a resident and is in the retail, wholesale or importation business of selling fish or aquaculture products. The permittee may import, transport, possess and offer for sale only those species listed on the restricted species permit. Additional requirements are specified in subsection 671.1(c)(3) and Section 671.7.

(c) Qualifications, Application Fees, and Permit Information.

- (1) Qualifications. Applicants or the applicant's full-time employee shall be at least 18 years of age and possess the equivalent of at least two years, full-time, paid or volunteer, hands-on experience caring for restricted species at facilities engaged in a similar or directly related activity to the permit requested. Applicants or the applicant's full-time employee shall have at least one year full-time hands-on professional experience working with restricted species in the same family or closely related taxonomic family as each species being requested. Experience will be considered only for the periods the applicant or the applicant's full-time employee was directly involved in and responsible for the animals while engaged in the activity requested on the permit and only when acquired within five years of the date of the initial permit application. Any person who applies for an Animal Care, Aquaculture, AZA, Broker/Dealer, Fish or Research permit is exempt from this experience requirement. Applicants shall be residents of California, except that AZA, Exhibiting, Broker/Dealer and Nuisance Bird Abatement permits may be issued to nonresidents.
- (2) Fees. The following application and inspection fees specified in Section 703 are required and shall be adjusted annually.
  - (A) Application. The applicant shall pay a nonrefundable application fee when submitting an application for a new permit, amending an existing permit, or renewing a permit.
  - (B) Inspection. The applicant shall pay an inspection fee for the type of inspection as required in Section 671.8. Applicants for Aquaculture permits may have the inspection fee waived if a fish pathologist as defined in subsection 245(b)(5) has inspected the applicant's facilities within the last six months, determines that the facility's housing meets the minimum applicable requirements in Section 671.7 and no fish health issues have been identified in the past year. If not waived, the applicant for an Aquaculture permit shall pay an aquaculture inspection fee.
- (3) Application. The applicant for a new permit, amendment to an existing permit, or permit renewal shall submit the completed application or document, and fee, as specified in Section 703, to the address listed on the application.



Persons who apply for an Aquaculture or Fish permit are exempt from the application requirements (B) through (M) and shall instead follow the requirements in Section 671.7.

The following information and documents shall accompany an application for each permit, amendment, renewal, or upon change or expiration unless specified as exempt or as specifically required.

- (A) An inventory of each animal requested including the common and scientific name, sex, and age of each animal. Any person who applies for an Aquaculture or Fish permit shall also provide the actual number of animals specified by either the weight, volume or count.
- (B) A resume which provides the dates and description of an applicant or their full-time employee's experience. The resume is required only when applying for the initial permit, an amendment, or when applying to add new species to the inventory upon renewing a permit. Any person who applies for an Animal Care, AZA, Broker/Dealer or Research permit is exempt from this requirement.
- (C) A copy of current license or registration document required by the USDA (for mammals only) and a copy of the most recent USDA facility inspection form completed for the facility shall be on file with the department at all times. The department may waive compliance for initial applications by California residents. However, a copy of the issued USDA license or registration document shall be provided to the department within 10 business days of receipt. Any person who applies for an Animal Care, Nuisance Bird Abatement or Shelter (non-exhibiting) permit is exempt from this requirement.
- (D) A letter of recommendation, written in the previous five years, on letterhead stationary with an original signature signed in ink by the owner or operator of a facility where the applicant or their employee gained his/her experience. The letter shall provide the printed name of the owner or operator and detailed information regarding the quality and extent of the applicant's or their employee's, knowledge and experience related to the permit requested. Any person who applies for an Animal Care, AZA, Broker/Dealer or Research permit is exempt from this requirement.
- (E) Breeding Plan. Only persons who apply for a Breeding or Single Event Breeding for an Exhibitor permit are required to comply with these requirements. A breeding plan shall include the items listed below and allow the department to determine that the breeding of the species will not result in risk to animal welfare, wildlife populations, livestock and poultry health, public health and safety; and there is an authentic and legitimate scientific, conservation, exhibition, or educational use certified by a recognized scientific, conservation or educational institution, or licensed professional in breeding or exhibition of restricted species. Breeding of restricted species is prohibited unless specifically authorized by the department. The breeding plan is required with the original application annually and when applying to add a new species to the breeding plan. The breeding plan shall include all of the following in order to be considered complete:
  - 1. An official signed document on letterhead from a bona fide scientific, conservation or educational institution, or licensed professional in the breeding or exhibition of restricted species, confirming that there is a legitimate scientific, conservation, exhibition, or educational need for the breeding in the coming year. The person confirming the need for the breeding shall demonstrate that they have at least five



years experience working with the species identified in the breeding plan. The statement shall contain the printed name and original signature and be signed in ink by an official representative of the organization providing the statement.

2. A plan of operation that includes the anticipated number of progeny produced in the coming year, caging availability, and veterinarian care.
3. A description of how the progeny will be uniquely identified if required under subsection 671.1(c)(3)(J).
4. The department may deny the renewal of a breeding permit if it determines that the use of a permitted animal was inconsistent with the breeding plan. The department may require a permittee seeking to renew a breeding permit to provide documents, including but not limited to client lists with contact information or contracts with clients, demonstrating that the use of a permitted animal was consistent with the breeding plan.

(F) Nonresident Exhibitors. Applicants shall submit a copy of a current and valid contract or other written confirmation that specifies each place and length of time where the exhibition will take place in California. If no contract is in effect at the time of application, copies of past contracts and/or written descriptions of anticipated performances being negotiated shall be substituted. Applicants shall submit a complete exhibiting itinerary using the Restricted Species Nonresident Exhibiting Permit Itinerary form specified in Section 703 with their initial or renewal application or upon change to its current itinerary. The department shall receive itinerary changes at least 72 hours prior to entry into California. The itinerary shall provide the location(s) and date(s) where the nonresident applicant or permittee intends to perform within this state. Only persons who apply for a Nonresident Exhibiting permit are required to comply with this requirement.

(G) A statement of purpose describing in detail the planned use for each animal. Applicants shall include relevant materials including, as appropriate, any lists of prospective clients with their contact information or contracts with clients or websites, scripts, brochures or flyers promoting or describing the planned use of the animals. If the animals will be used in an educational program, the applicant shall provide an explanation why live restricted species are necessary and samples of the educational material and message that will be distributed. The department may deny the issuance of a permit if it determines that the statement of purpose for the animal(s) does not sufficiently describe the planned use for each animal or is not supported by the permit application materials. The department may deny the renewal of a permit if it determines that the use of a permitted animal was inconsistent with the statement of purpose. The department may require a permittee seeking to renew a permit to provide documents, including but not limited to client lists with contact information or contracts with clients, demonstrating that the use of a permitted animal was consistent with the statement of purpose. Any person who applies for an Animal Care, AZA, Breeding, Research or Single Event Breeding For Exhibitor permit is exempt from this requirement.

(H) A copy of all current permits required by the United States Fish and Wildlife Service (USFWS) shall be on file with the department at all times. The department may waive compliance for initial applications by California residents. A copy of the issued USFWS license or registration document shall be provided to the department within 10 business days of receipt. Any person who is required to possess a USFWS permit for the restricted species



applied for or listed on a department-approved permit is required to comply with these requirements.

(I) Emergency Action Plan.

1. Every restricted species permittee shall have a written Emergency Action Plan readily available and posted in a conspicuous place in the event of an escape, an attack or an emergency evacuation, and shall submit a copy to the department upon initial application, renewal of a permit and addition of species. The Emergency Action Plan shall be titled, with a revision date, updated annually and include, but is not limited to the following:
  - a. List of the re-capture equipment available, including but not limited to darting equipment, nets, traps, and chemical immobilization drugs;
  - b. Description of humane lethal dispatch methods for various animals and a list of qualified personnel who are trained to carry out the methods;
  - c. List of medical supplies/first aid kits and where they are located;
  - d. Description of mobile transport cages and equipment on hand;
  - e. List of emergency telephone numbers that includes the local department regional office, 911, and animal control agencies; and
  - f. Written plan of action for emergencies.
2. Permittees are responsible for the capture, and for the costs incurred by the department related to capture or elimination of the threat, of an escaped animal or the use of humane lethal force required to capture an animal that escapes. If an escaped animal becomes a public safety threat, state, federal, or local law enforcement personnel have the authority to use appropriate lethal force required to end the threat.
3. Any incident involving an animal held under a restricted species permit that results in serious injury or death to a person shall be reported immediately to the department's regional office having jurisdiction over the area in which the serious injury and death has occurred. If the department determines that serious injury or death has occurred as a result of contact with an animal held under the authority of a restricted species permit, the authorizations and conditions of the permit may be reviewed and subject to change by the department. Additional conditions to the permit may be added at any time to provide for human health and safety.
4. Permittees shall immediately report by telephone the intentional or unintentional escape or release of a wild animal to the department regional office and the nearest law enforcement agency of the city or county in which the wild animal was released or escaped.

(J) Unique Identification.

1. Every elephant, non-human primate, bear, wolf, gila monster, and animal in the Family Felidae that is possessed under a restricted species permit shall be identifiable by an approved unique identifying method and reported to the department for inclusion in a registry. Approved methods include microchips, tattoos or any other alternative



method that is approved by the department. The department may approve an alternative method if the permittee provides written verification from a veterinarian accredited by the USDA explaining why it would be detrimental to the health of the animal to microchip or tattoo the animal and what alternative method of unique identification would be suitable.

2. Every permittee who possesses an animal that requires unique identifiers shall conform to the provisions of this section and provide documentation of an animal's unique identifier or proposed alternative method to the department on or before December 31, 2011. Each permittee must provide an animal's unique identification to the department within 10 business days of receipt or transfer of an animal, the birth or death of an animal, or change in unique identification for an animal.
3. The department shall continue to maintain a record of the unique identification for each animal until it is transferred out of state or until the death of the animal.

(K) Bona fide scientific research institutions, as identified in subsection 671.1(b)(9), shall submit the following with the initial application and for each additional new species (only required from persons who are not a university, college or governmental research agency and are asking for department determination as a bona fide scientific research institution):

1. At least one letter of recommendation from a university, college, governmental research agency or other bona fide scientific research institution, as recognized by the department, with expertise with the species and in the field of the proposed project. The letter shall contain specific reasons for the support and a statement verifying that the anticipated results are reasonably achievable using the species and techniques described.
2. A description of the proposed project stating the objectives, and if experimental or manipulative, a study plan based on the "Scientific Method".
3. The estimated completion date of the project.
4. The anticipated benefits of this research.

(L) Applicants for a research permit shall include proof that the applicant is part of a federal program or have a permit meeting or exceeding Federal Requirements such as those under the NIH guidelines administered by an IACUC. Only persons who apply for a Research permit are required to comply with these requirements.

(M) Each permittee shall keep accurate written records at the facility of all acquisitions, births, transfers and deaths of restricted species that are covered by their permit. Permittees shall retain all such records for a minimum of three years from the date of the acquisition, birth, transfer or death and make such records available to the department for inspection at all times.

(4) Term of Permit. Permits issued under the provisions of this Section 671.1 shall be valid for a term of one year from the date of issuance.

(5) Denial.

(A) The department may deny the issuance of a permit or amendment of an existing permit if:



1. the applicant or permittee has failed to comply with terms and conditions of a permit or any provision of the Fish and Game Code or regulations adopted pursuant thereto; or
2. the applicant or permittee has failed to comply with any provision of any statute, regulation, rule or ordinance existing in any other state or in any city, county, or other local governing entity in any other state, that is related to the care and permitting of restricted species listed in Section 671, so long as the failure to comply would constitute a violation of the Fish and Game Code or regulations adopted pursuant thereto if it had occurred in this state; or
3. the applicant or permittee has failed to comply with any provision of any federal statute, regulation, or rule that is related to the care and permitting of restricted species listed in Section 671, so long as the failure to comply would constitute a violation of the Fish and Game Code or regulations adopted pursuant thereto if it had occurred in this state; or
4. the department determines that the application or other documents submitted do not support the statement of purpose/use for the animal(s).

(B) The department shall deny the issuance of a permit or amendment of an existing permit if the applicant or permittee fails to demonstrate compliance with the conditions of subsections 671.1 (b) and (c). Before denying an application for this reason, however, the department shall notify the applicant that it has not received sufficient materials or information pursuant to subsections 671.1 (b) and (c). The applicant may amend or supplement an application with additional information or materials, but these supplemental materials shall be postmarked no later than 30 days after the date of the proof of service accompanying the department's notification. If the 30 day deadline falls on a weekend or holiday, the submission of additional information or materials will be accepted until the close of business on the first state business day following the deadline to submit additional information or materials. New applications may be submitted at any time.

(C) All notifications, denials, or other correspondence sent from the department to an applicant or permittee under subsections 671.1(c)(5), (c)(6) and (c)(7) shall include a proof of service that consists of a declaration of mailing, under penalty of perjury, indicating the date of mailing the department's notification, denial, or other correspondence.

- (6) Revocation. Any permit issued pursuant to these regulations may be suspended or revoked at any time by the department for failure to comply with the terms and conditions of the permit or for failure to comply with any provision of the Fish and Game Code or regulations adopted pursuant thereto. Unless the permittee has been convicted in a court of competent jurisdiction of violating one of these provisions, the suspension or revocation shall not take effect until the time to request an appeal pursuant to subsection 671.1(c)(7) has expired. A timely request for an appeal will stay the department's suspension or revocation if the permittee was not convicted of violating the Fish and Game Code or regulations adopted pursuant thereto.
- (7) Appeal. Any applicant or permittee who is denied a permit, an amendment to an existing permit or has a permit suspended or revoked by the department pursuant to these regulations may appeal that denial, suspension, or revocation by filing a written request for an appeal with the commission. The request for an appeal shall either be postmarked, if sent by the United States mail or overnight carrier, or received by the commission, if sent by electronic mail, or facsimile no



later than 30 days after the date of the proof of service accompanying the department's notice of denial, suspension, or revocation. The commission shall not accept a request for an appeal that is submitted after the 30 day deadline to request an appeal. If the 30 day deadline falls on a weekend or holiday, the request for appeal will be accepted until the close of business on the first state business day following the deadline to submit a request for appeal.

- (A) The commission's president may appoint a commissioner, a current or former executive director of the commission, a current employee of the commission, or a member of the state bar of California in the active practice of law to serve as a hearing officer.
- (B) No later than 30 days after filing an appeal request, a person requesting an appeal (appellant) shall submit a written statement to the commission that specifically identifies the legal and factual grounds for challenging the department's action. The appellant's written statement shall be signed by the appellant under penalty of perjury. Upon receipt, the commission shall forward to the department a copy of all appeal-related materials it receives from the appellant, including a copy of the request for an appeal, and the appellant's written statement. The appellant may receive an additional 30 days to submit a written statement if no later than 30 days after filing a request for an appeal the appellant either: (i.) receives a written stipulation from the department agreeing to an additional 30 days to submit a written statement and submits a copy of the stipulation to the commission, or (ii.) submits a written request to the hearing officer for a determination that good cause exists to grant an additional 30 days to submit a written statement. The hearing officer shall provide the department with a copy of the request for additional time and an opportunity to submit a written objection to the request.
- (C) No later than 30 days after receipt of the appellant's written statement, the department may submit a response to the commission, with a copy sent to the appellant, along with any supporting documentary evidence and/or declarations under penalty of perjury.
- (D) No later than 15 days after receipt of the department's response, the appellant may submit a reply to the commission signed by the appellant under penalty of perjury, with a copy sent to the department that addresses arguments and evidence raised in the department's response. The appellant's reply shall not contain any new evidence or new factual or legal grounds for challenging the department's action.
- (E) Following the appellant's and the department's submittals on the appeal, the hearing officer may request additional information, including testimony under oath, from either party, and may permit either party to present additional information or rebuttal if the hearing officer determines such to be helpful in reaching a correct decision.
- (F) In any appeal of the department's denial of an application for a permit or to amend an existing permit, if the hearing officer determines the appeal is based upon new evidence or factual information that was not included in the application or otherwise submitted to the department prior to the department's denial, the hearing officer shall direct the applicant or permittee to file a new application or seek reconsideration by the department, and the request for appeal shall be closed.
- (G) No later than 60 days after receipt of all submittals and any additional information or rebuttal permitted by the hearing officer under subsection 671.1(c)(7)(D), the hearing officer shall prepare and submit a proposed decision to the executive director of the commission. The decision shall contain proposed findings and reasons for the commission's action. Upon



receipt, the executive director of the commission shall provide both parties a copy of the hearing officer's proposed decision. A cover letter accompanying the proposed decision shall indicate the date when the commission will consider the proposed decision and a deadline for the parties to comment on the proposed decision. Copies of the proposed decision shall include a proof of service indicating the date the proposed decision is mailed to the parties. Each party may submit written comments on the proposed decision to the commission, however, these comments shall not exceed two pages, and they shall not refer to or introduce any new factual information or evidence that was not previously submitted to the commission.

- (H) At a meeting of the commission no later than 60 days after receipt of the hearing officer's proposed decision, the commission shall consider adoption of the proposed decision, unless good cause exists to delay consideration of the proposed decision. The commission may by order adopt, revise or reject the proposed decision. The commission shall serve both parties a copy of the commission's order and decision. The order is final.
- (I) A party may request judicial review by filing a petition for writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure within 30 days from the date of service (postmark) of the order. The record of the proceedings as designated by the petitioner shall be prepared by the commission and delivered to petitioner's counsel or, if appearing pro se, the petitioner within 30 days after petitioner's request and upon payment of the fee specified in Section 69950 of the Government Code.

## **§671.2. Humane Care and Treatment Standards**

(a) Care and Treatment. Except as provided by subsection (c) below, every person who imports, transports, or possesses a restricted species shall comply with the following provisions:

- (1) Food. Food shall be wholesome, palatable and free from contamination and shall be supplied in sufficient quantity and nutritive value to maintain the animal in good health. The diet shall be prepared with consideration for the age, species, condition, and size of each animal.
- (2) Feeding. Animals not in hibernation shall be fed at least once a day. Food receptacles shall be clean and sanitary. Food shall be accessible to all animals in the enclosure and placed to prevent contamination. If self-feeders are used, adequate measures shall be taken to prevent mold, contamination, deterioration or caking of food.
- (3) Water. Potable water must be accessible to the animals at all times or provided as often as necessary for the health and comfort of the animal as directed by a licensed veterinarian. All water receptacles shall be clean and sanitary.
- (4) Cleaning of enclosures. Excrement shall be removed from enclosures at least once per day or in the case of large pasture areas, large flight cages, breeding chambers or large natural habitat enclosures, as often as necessary to maintain animals in a healthy condition. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect confined animals from the direct spray.
- (5) Disinfection of enclosures. After an animal with an infectious or transmissible disease is removed from a cage, room, or pen/run, that enclosure shall be disinfected in compliance with the directions of a licensed veterinarian.
- (6) Pest control. Programs of disease prevention and parasite control, euthanasia and adequate veterinary care shall be established and maintained under the supervision of a licensed



veterinarian. The pest control program shall be reviewed annually by the veterinarian for the safe use of materials and methods.

- (7) Daily observation. Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his or her direct supervision. Sick or diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.
- (8) Handling. Animals shall be handled expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Except as provided below, an animal may be placed on a chain and collar only when being transported by an attendant between areas on a permittee's premises or between a mode of conveyance and a worksite or veterinarian's office, or when the handler is working or exercising the animal(s) within the compound. Care shall be exercised to avoid harm to the handler or the general public. Animals shall be kept under control at all times and shall not be allowed to roam free outside of a compound, except when under the control of the handler during filming or exhibition.

Exceptions: Elephants chained pursuant to subsection 671.3(b)(2)(M)4. (see Department of Fish and Game Manual No. 671- 2/25/92). Raptors may be jessed and tethered.

- (9) Chaining/staking. Animal(s) shall not be chained or otherwise tethered to a stake, post, tree, building or other anchorage, except during filming, training or exhibition, in an emergency situation or when repairs are being made to the cage. The animal(s) shall be under the direct supervision of the handler or his designee at all times.

Exceptions: Elephants chained pursuant to subsection 671.3(b)(2)(M)4. (see Department of Fish and Game Manual No. 671- 2/25/92). Raptors may be jessed and tethered.

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

(b) Log Requirement. Permittees shall maintain a written log in the English language for each animal in their possession which documents each animal's health care. The log shall contain the following information: date of acquisition, name and address of person from whom the animal was acquired, identifying marks or characteristics, date and description of illness and/or injury, health care treatment provided, name and signature of the person treating the animal, if applicable. This log shall be made available to department officers or its authorized agent on demand.

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



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

(a) General Housing Requirements and Specifications.

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

MINIMUM PEN, CAGE OR ENCLOSURE SIZE REQUIREMENTS				
Type of Animal	One Animal	Floor Space (Sq. Feet) Two Animals	Each Additional Animal	Interior Ceiling or Outside Fence Height (Feet)
CLASS AVES--Birds				
Ploceidae, Estrildidae, Zosteropidae	4	4	+3/animal	2 Ceiling
More than 2 birds requires a cage height of 6 feet.				
Alaudidae, Cuculidae, Turdidae, Sturmididae	6	6	+4/animal	4 ‘
More than 2 birds requires a cage height of 6 feet.				



Corvidae	12	24	+12/animal	5 ‘
More than 2 birds requires a cage height of 6 feet.				
Falconiformes, Strigiformes				
Eagle, Hawkeagle, Vulture	100	150	+50/animal	7 ‘
Red-tailed hawk. Grt Horn Owl	64	96	+32/animal	7 ‘
Peregrine falcon, Barn owl	48	72	+24/animal	7 ‘
Sparrow hawk, Screech owl,				
Burrowing owl	36	54	+18/animal	6 ‘
CLASS MAMMALIA-- Mammals				
PRIMATA				
NOTE: The cage size requirement for two primates also meets the cage size requirement for a pair and their progeny under the age of 2 years.				
Gorilla	300	500	+200/animal	8 Ceiling
Orangutans	200	400	+200/animal	10 ‘
Chimpanzees	200	300	+100/animal	8 ‘
Baboons	100	200	+100/animal	8 ‘
Gibbons, Langurs	100	200	+50/animal	9 ‘
Macaques	80	120	+40/animal	8 ‘



Woollys, Spiders, Howlers,				
Sakis, Capuchins	64	96	+32/animal	8 ‘
Marmosets	16	24	+8/animal	8 ‘
Squirrel, Titis, Owl	36	54	+18/animal	8 ‘
Tree Shrew	9	12	+3/animal	3 ‘
<b>EDENTATA</b>				
Sloth	30	40	+10/animal	8 Ceiling
Armadillo:				
(less than 15‘ length)	12	16	+3/animal	1.5 ‘
(15‘ to 36‘ length)	30	40	+10/animal	3 ‘
(greater than 36‘)	80	100	+20/animal	5 ‘
Tamandua	40	50	+10/animal	7 ‘
Giant Anteater	200	300	+100/animal	6 ‘
<b>MARSUPIALIA</b>				
Sm. Opossums	9	12	+3/animal	3 ‘
Lg. Opossums	20	30	+10/animal	5 ‘
Sm. Wallaby	60	90	+20/animal	5 Fence/Wall
Lg. Wallaby	200	300	+100/animal	6 Fence/Wall
Tree Kangaroo	80	100	+20/animal	8 Ceiling
Lg. Kangaroo	200	300	+100/animal	8 Fence/Wall



Wallaroo	200	300	+100/animal	6 Fence/Wall
INSECTIVORA				
Hedgehog, Shrew, Mole	3	6	+3/animal	1 Ceiling
DERMOPTERA				
Giliding Lemur	50	65	+15/animal	5 Ceiling
CHIROPTERA				
Bats	Use same cage dimensions as comparably sized finches, or hawks (see bird section).			
MONOTREMATA				
Spiny Anteater	25	35	+10/animal	5 Ceiling
Platypus	(See Monotrematadetaile in subsection (b)(2)(G))			
PHOLIDOTA				
Scaly Anteater				
Terrestrial forms	Same as armadillos			
Aboreal forms	Same as sloth			



LAGOMORPHA				
Wild Rabbit or Hare	20	28	+8/animal	5 Ceiling
RODENTIA				
Squirrel, Flying	20	40	+10/animal	8 ‘
Squirrel, Tree	20	40	+10/animal	8 ‘
Squirrel, Ground	20	40	+10/animal	5 ‘
	(Up to 4 animals may be held in 40 sq. feet)			
Chipmunk	20	30	+10/animal	5 ‘
	(Up to 3 animals may be held in 30 sq. feet.)			
Prairie Dog (males)	20	30+10/animal	5 ‘	
Acushi	20	30	+10/animal	5 ‘
Agouti	30	40	+10/animal	5 ‘
Paca	30	40	+10/animal	5 ‘
Crested Porcupine	40	80	+40/animal	6 ‘
N.A. Porcupine	30	40	+10/animal	7 ‘
S.A. Porcupine	20	30	+10/animal	7 ‘
Muskrat	30	40	+10/animal	6 ‘
Beaver	80	120	+40/animal	5 ‘
Capybara	100	150	+50/animal	5 ‘



CARNIVORA				
Canidae				
Fennec or Kit Fox	80	100	+40/animal	6 Ceiling
Bat-eared Fox/Artic Fox	80	100	+40/animal	6 ‘
Gray Fox	80	100	+40/animal	8 ‘
Red Fox	80	100	+40/animal	6 ‘
Jackal	150	200	+100/animal	6 ‘
Coyote	150	200	+100/animal	6 ‘
Wolf	200	300	+200/animal	6 ‘
Cape Hunting Dog	200	300	+100/animal	6 ‘
Ursidae				
Sun Bear	200	300	+100/animal	8 Ceiling
American Black Bear	300	450	+150/animal	8 ‘
Asiatic Black Bear	300	450	+150/animal	8 ‘
Sloth Bear	300	450	+450/animal	8 ‘
Spectacled Bear	300	450	+150/animal	8 ‘
Polar Bear	400	600	+200/animal	10 ‘
Grizzly Bear	400	600	+200/animal	8 ‘
Russian Brown Bear	300	450	+150/animal	8 ‘
Kodiak Bear	400	600	+200/animal	10 ‘
Procyonidae				



Kinkajou	40	50	+10/animal	7 Ceiling
Coatimundi	50	60	+10/animal	7 ‘
Raccoon	60	80	+20/animal	8 ‘
Mustelidae				
Weasel/Mink/Ferret	30	Up to 4 in 30 sq. feet	+10/animal	6 Ceiling
Tayra	40	50	+10/animal	6 ‘
Grison	30	40	+10/animal	6 ‘
Marten	40	50	+10/animal	7 ‘
Wolverine	100	200	+100/animal	6 ‘
Spotted Skunk	30	Up to 2 in 20 sq. feet	+10/animal	6 ‘
Striped Skunk	30	Up to 2 in 30 sq. feet	+10/animal	6 ‘
Otter	100	200	+100/animal	6 ‘
Badger	60	80	+30/animal	6 ‘
Viverridae				
Genet, Civet	40	50	+10/animal	7 Ceiling
Binturong	100	150	+50/animal	8 ‘
Mongoose	80	100	+40/animal	6 ‘
Hyaenidae				
Hyena	200	300	+100/animal	6 Ceiling
FELIDAE				



Lion, Tiger, Cheetah, Snow Leopard, and hybrids thereof	300	450	+150/animal	8 Ceiling
Black & Spotted Leopard, Jaguar, Clouded Leopard, Mountain Lion, European Lynx and hybrids thereof	200	300	+100/animal	8 ‘
Caracal, Bobcat, Canada Lynx, Golden Cat, Ocelot, Serval, Jungle Cat, Fishing Cat and hybrids thereof	80	120	+40/animal	8 ‘
Margay, Leopard Cat, Pallas Cat, Marble Cat, Geoffroy's Cat, African Wild Cat, European Wild Cat, Jaguarundi, Little Spotted Cat, African Black Footed Cat, Sand Cat, Flatheaded Cat, Pampas Cat and hybrids thereof	60	90	+30/animal	8 ‘
TUBULIDENTATA				
Aardvark	200	300	+100/animal	6 ‘
PROBOSCIDEA				
Elephant	1500	3000	+1500/animal	12 Barn height



HYDRACOIDEA				
Hyrax	16	20	+4/animal	4 Ceiling
PERISSODACTYLA				
Tapir	300	500	+300/animal	6 Fence/Wall
Rhinoceros	1500	3000	+1500/animal	5 Fence/Wall
Wild Ass	900	1300	+400/animal	6 Fence/Wall
ARTOIDACTYLA				
Peccary	100	150	+50/animal	4 Fence/Wall
Wild Pig	150	200	+50/animal	4 Fence/Wall
Pigmy Hippopotamus	700	1000	+300/animal	6 Fence/Wall
Hippopotamus	1500	3000	+1500/animal	7 Fence/Wall
Giraffe	1500	3000	+1500/animal	18 Barn height

(The following Artiodactyla may have a 6 foot fence if the facility's perimeter fence is 8 foot.)

White-tailed Deer	600	800	+200/animal	8 ‘
Fallow Deer	600	800	+200/animal	8 ‘
Elk/Red Deer	1000	1400	+400/animal	8 ‘
Bison, European	1000	1400	+400/animal	6 ‘
Buffalo	1000	1400	+400/animal	6 ‘
Impala, Eland	1000	1400	+400/animal	8 ‘
Other Antelope	600	800	+200/animal	6 ‘



Aoudad	600	800	+200/animal	6 ‘
Wild Goats & Sheep	600	800	+200/animal	6 ‘

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

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

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

(2) Class Mammalia

(A) Order Primates

1. A shelter or a den box shall be provided. All primates shall be provided with natural or artificial sunlight.
2. Nocturnal primates shall be provided with privacy during their daytime hours.
3. Nest boxes shall be provided for species that use them (e.g., tamarins, marmosets, owl monkeys). Raised perches and roost sites shall be provided for arboreal or semi-arboreal species.
4. For brachiating species (gibbons and spider monkeys), sufficient vertical space must be provided for this activity which means perches shall be above the floor at a height that is at least equivalent to twice the length of an adult. The ceiling shall be high enough to allow room for the animal to stand erect on its perch with arms extended overhead.
5. Primates shall be provided with objects or exercise systems appropriate to the age and species to promote physical and psychological well-being. These may include sturdy ropes, bars, branches, and chains and rings.
6. New World Monkeys such as squirrel, titis, and owl, medium and large South American monkeys, such as spiders, woollys, howlers, capuchins, and sakis held prior to August 3, 1989 may be kept in the currently approved housing so that the prior



social structure and environment of those animals may be maintained. All other housing requirements shall pertain to these animals.

7. Apes:

a. Gorilla, Orangutan and Chimpanzee

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

b. Gibbon

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

8. Old World Monkeys

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

- (i) 9 gauge wire or concrete construction.

9. New World Monkeys

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

- (i) Cage mesh no greater than 1' x 2'

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

- (i) 11 gauge wire or concrete construction.

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



1. The floor of the pen shall be at least 50% natural substrate. The walls of the pen shall be secured to a concrete footing or, if they are constructed of 11 gauge non-rusting chain link or welded wire, they shall be buried in the dirt deep enough to prevent escape by digging.
2. The pens for sloths may have a concrete floor and shall have limbs for climbing. One limb shall provide them an opportunity to get to a heat source.

(C) Order Marsupialia -Marsupial or Pouched Animal

1. The floor of the cage shall either be constructed of wood, or it shall be natural substrate. The surface of the paddock shall be natural substrate. Walls of the cage shall be secured to buried concrete or, if walls are constructed of 11 gauge non-rusting chain link or welded wire, they shall be buried in the dirt deep enough to prevent escape by digging.
2. Tree kangaroos and other arboreal marsupials shall be provided with limbs for perching, climbing and resting, a raised nest box or similar structure for seclusion and a heat source.
3. Kangaroos and wallabies shall be provided with a refuge area.

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

1. The bottom of the cage shall be dirt, wood shavings or similar material over an escape-proof flooring.
2. A hide box or other refuge and protection from strong light are required.

(E) Order Dermoptera -Gliding Lemur

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

(F) Order Chiroptera -Bat

1. Perching or other material shall be provided for the animal to suspend itself.
2. Protection from strong light shall be provided.

(G) Order Monotremata -Spiny Anteater, Platypus.

1. The floor of the cage shall be natural substrate. The walls of the cage shall be constructed of 11 gauge non-rusting chain link or welded wire, secured to buried concrete, or they shall be buried at least one foot below the surface.
2. Nest boxes with dry bedding or a natural burrow shall be provided for spiny anteaters. A heat source shall be provided.
3. A pool measuring at least 4 times the length of the animal(s) by 1-1/2 times the width of the animal by 2-feet deep shall be provided for platypuses for swimming and feeding. Each adult shall be provided with a dry land area equal to the surface area of the pool.
4. Platypuses require at least a 6-foot long, tunnel-like entrance to the nest box where water from the pool can be shed.



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

(H) Order Pholidota -Pangolin, Scaly Anteater

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

(I) Order Lagomorpha -Rabbit and Hare

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

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

1. Porcupine

- a. New World porcupines require climbing perches.
- b. A box shelter for seclusion is required.

2. Squirrel and Chipmunk

- a. Arboreal forms require climbing perches.
- b. Nest boxes are required for each animal.
- c. The cage shall be completely enclosed with a welded wire and have a concrete floor.
- d. The floor shall be covered with natural substrate, wood shavings or similar material.

3. Muskrat and Beaver

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

4. Prairie Dog

- a. The floor of a pen shall be constructed of 4-inch concrete, or 16 gauge, non-rusting woven wire or similar non-rusting material with mesh 1-inch in diameter. At least 1/4-inch diameter reinforcement rods shall be used along the outer edge of a concrete floor to help support concrete or concrete block walls. To



facilitate drainage, 6-inch floor drains shall be installed in a concrete floor at the rate of one per 16 square feet. Floor drains shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping. Floor drains are not required when wire is used for entire floor. The floor shall be a minimum of 3 feet below ground level and covered with permeable soil or other mixture to ensure adequate drainage.

- b. The walls of the pen below ground level shall be anchored to the floor and shall be of 4 inch concrete or concrete blocks or 9 gauge non-rusting woven wire or similar material with 1-inch mesh attached to the framework of steel or cedar posts. Above ground level the wall shall be of 18 gauge fur-farm netting with 1-inch mesh, 4-inch concrete or concrete blocks or similar material. The top shall be covered or the walls shall be at least 3-1/2 feet high and provide a non-climbable escape-proof barrier.

5. Acushi, Agouti, Paca and Capybara

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

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

1. Procyonidae -Raccoon, Coatimundi and Kinkajou

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

2. Mustelidae

- a. Weasel, Ferret, Mink, Marten, Tayra, Grison, and Skunk
  - (i) Limbs shall be required (except skunk).
  - (ii) A nest box shall be provided for each animal, except neutered European ferrets may have a large communal nest box.
  - (iii) The floor of the cage shall be constructed of one inch square or one inch by two inch mesh, 4-inch concrete, wood, 11 gauge non-rusting chain link or equivalent material with a covering of dirt or similar natural substrate.
- b. Wolverine and Badger



- (i) A natural or artificial den area shall be provided for each animal.
    - (ii) The floor of the cage shall be constructed of two inch by six inch wood or 4-inch concrete or non-rusting 9 gauge chain link or welded wire covered with 3 feet of permeable soil. Six-inch floor drains shall be installed in the concrete floor at the rate of one per 16 square feet. Floor drains shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping.
    - (iii) Walls of the cage shall be constructed of 9 gauge chain link or welded steel wire, 4-inch concrete, or concrete block. If no top is provided, walls shall be of sufficient height and shall be constructed in a manner which makes them non-climbable to prevent escape.
  - c. River Otter. (Sea otters shall be housed according to 9 CFR Sections 3.100-3.118.)
    - (i) A den area shall be provided for each animal.
    - (ii) A pool with fresh running water covering at least 1/2 of the required floor space and at least 2-1/2 feet deep shall be provided.
    - (iii) The floor of the cage shall be constructed of 4 inch concrete or dirt over such concrete or 9 gauge chain link or welded steel wire or the side walls shall be anchored to equal materials deep enough underground to prevent escape by digging. If concrete floor is used, 6 inch floor drains shall be used and they shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping.
    - (iv) The walls of the cage shall be constructed of 11 gauge chain link or welded steel fabric or equivalent construction.
- 3. Viverridae -Genet, Civet and Mongoose, Binturong
  - a. Limbs shall be provided.
  - b. A nest box or platform is required. A heat source shall be provided for genet, civet and mongoose.
  - c. The floor of the cage shall be constructed of 4-inch concrete or for civets and binturongs, it may be 11 gauge non- rusting welded steel fabric with 2-inch mesh and the cage for genets and mongooses shall be of 16 gauge welded steel fabric with 3/4-inch mesh which is covered with soil.
  - d. The walls of the cage for civets and binturongs shall be of 11 gauge welded steel fabric with 2-inch mesh and the cage for genets and mongooses shall be of 16 gauge welded steel fabric with 3/4-inch mesh, 4-inch concrete or concrete block.
- 4. Hyaenidae -Hyena



- a. The floor of the cage shall be constructed of 4-inch concrete, or 2 by 6 inch or larger wood flooring or buried non-rusting 9 gauge chain link or welded wire with mesh no larger than 2 inches by 4 inches.
  - b. The walls of the cage shall be constructed of 9 gauge chain link or welded wire with mesh no larger than 2 inches by 4 inches, or 6-inch concrete or concrete block. If an animal is kept in a large enclosure in lieu of a cage, the floor shall be of natural substrate and the walls shall be anchored and extend at least 5 feet underground. If no top is provided, the walls shall be at least 10 feet high and constructed to be non-climbable by the animal or the walls shall be 8 feet high and shall have, in addition, a 2-foot overhang angling 45 degrees inward at the top.
  - c. A sheltered retreat and either a den or elevated wood platform shall be provided.
5. Canidae -Wolf, Coyote, Fox and Other Members of the Dog Family
- a. Limbs shall be provided for gray and red foxes.
  - b. The floor of the cage shall be either natural substrate or constructed of two inch by six inch wood or 4-inch concrete or buried non-rusting 9 gauge chain link or welded wire. In lieu of the above, either the walls shall be buried at least 8 feet deep to prevent escape by digging, or a buried 3-foot wide concrete, chain link, or welded wire apron shall be provided which shall be attached to the inside of the bottom of the perimeter walls to prevent escape by digging at the walls. All buried chain link or welded wire shall meet the gauge requirements for walls.
  - c. The walls of the cage shall be constructed of 6-inch concrete or concrete block, chain link or welded wire. If chain link is used, it shall be 9 gauge for wolves and 11 gauge for other canids. If an animal is kept in a large enclosure in lieu of a cage, the floor shall be of natural substrate and the walls of the cage shall be anchored and extend at least 5 feet underground or a buried 3-foot wide concrete, chain link or welded wire apron shall be provided which shall be attached to the inside of the bottom of the perimeter walls to prevent escape by digging at the walls. If no top is provided, the walls shall be at least 10 feet high and constructed to be non-climbable by the animal or the walls shall be 6 feet high (except that the walls for the gray fox shall be 8 feet high) and shall have, in addition, a 2-foot overhang angling 45 degrees inward at the top.
  - d. A sheltered retreat and either a den or elevated wood platform shall be provided.
6. Felidae -Cat Family
- a. Dens shall be provided and shall be adequate in size to provide privacy and comfort for all animals in the enclosure.
  - b. An elevated wooden loafing platform or an elevated dry natural substrate loafing area, adequate in size for all animals within the enclosure, shall be provided. The top of the den or den box may be designed to meet this requirement.



- c. A tree limb or other suitable scratch block shall be provided.
- d. The floor of the cage shall be natural substrate or constructed of wood or 4 inches of concrete or welded wire or the walls shall be buried deep enough to prevent escape by digging. All buried chain link or welded wire shall be non-rusting and shall meet the gauge requirements for walls.
- e. Group I -Lion, Tiger, Cheetah, Snow Leopard, and Hybrids Thereof:
  - (i) A minimum of 100 square feet shall be of concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
  - (ii) Walls and top of the enclosure shall be constructed of at least 9 gauge chain link. The framework for the walls and top shall be constructed of 1-5/8 inch schedule 40 steel pipe. Vertical posts shall be bolted to or anchored in concrete 1-1/2 feet deep by 10 inches in diameter spaced no more than 10 feet apart. Horizontal pipe supports shall be spaced no more than 4 feet apart and welded at the ends to the vertical posts. The above chain link fencing shall be secured to the vertical and horizontal framing on all sides using tension bars which shall be welded or bolted to the framework every 18 inches. Welded wire shall be welded to the framework every 12 inches on all sides. The bottom horizontal cross bar shall be no more than 3 inches above the concrete floor. If a bottom horizontal cross bar is not used, the walls shall be secured against the natural substrate or a wooden flooring in a manner which precludes escape. Corner posts shall be two 1-5/8-inch schedule 40 steel posts or one 2-3/8-inch schedule 40 steel post. The top cross members shall be spaced no more than 5 feet apart.
- f. Group II -Black and Spotted Leopard, Jaguar, Clouded Leopard, Mountain Lion, European Lynx and Hybrids Thereof:
  - (i) At least 70 square feet of the floor space must be of concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
  - (ii) Walls and tops shall be the same as for Group I cats.
- g. Group III -Caracal, Bobcat, Canada Lynx, Golden Cat, Ocelot, Serval, Jungle Cat, Fishing Cat and Hybrids Thereof:
  - (i) At least 25 square feet of floor space shall be concrete or wood planking as a sanitary area for feeding, unless a secured food receptacle which is cleaned daily is provided.
  - (ii) Walls and top of the enclosure shall be constructed of at least 12 gauge chain link or equivalent. Corner posts shall be either one 2-3/8-inch schedule 40 steel pipe or two 1-5/8-inch schedule 40 steel pipes and anchored as provided for Group I cats.



- h. Group IV -Margay, Leopard Cat, Pallas Cat, Marble Cat, Geoffroy's Cat, African Wild Cat, European Wild Cat, Jaguarundi, Little Spotted Cat, African Black Footed Cat, Sand Cat, Flatheaded Cat, Pampas Cat and Hybrids Thereof:
  - (i) At least 20 square feet of floor space shall be concrete or wood planking as a sanitary area for feeding, unless a secured food receptacle which is cleaned daily is provided.
  - (ii) Wall and top of the enclosure shall be constructed of at least 12 gauge chain link or equivalent. Corner posts shall be either one 2-3/8-inch schedule 40 steel pipe or two 1-5/8-inch schedule 40 steel pipes and anchored as provided for Group I cats.

## 7. Ursidae-Bear Family

Bears shall be classified into 3 groups: Group I= Sun Bears, Asiatic Black bears, Sloth bears and Spectacled bears; Group II= American Black bears and European brown bears; and Group III= Polar bears and Brown bears.

- (i) Floors of the enclosure shall be constructed of reinforced concrete 4 inches thick or they shall be of natural substrate or wood with the walls secured to a concrete footing deep enough below grade to preclude escape by digging (at least 5 feet for Group III).
- (ii) Vertical corner posts shall be made of either one 2-3/8- inch schedule 40 steel pipe or two 1-5/8-inch schedule 40 steel pipe. Other vertical, horizontal, and top cross member supports shall be made of 1-5/8-inch schedule 40 steel pipe for Group I and 1-7/8-inch schedule 40 steel pipe for Groups II and III. All horizontal pipe supports shall be spaced no more than 5 feet apart for any group. The bottom horizontal pipe shall be no more than 3 inches above the concrete floor.
- (iii) The framework for the walls and top of the cage shall be constructed of materials that are equal or greater in strength than the corner posts with all upright members set 2-1/2 feet in concrete and spaced no more than 10 feet apart for Group I and II or 5 feet apart for Group III. The cross members (stringers) forming the framework for the top shall be spaced no more than 5 feet apart for any group. Iron pipe shall be standard grade for Groups I and II and structural strength grade for Group III.
- (iv) For groups I and II the walls of the cage shall be constructed of 9 gauge chain link or welded wire with mesh no greater than 2 inches in diameter. For Group III bears the walls of the cage shall be constructed of 5 gauge chain link or welded wire. Welded wire shall be welded to the framework every 4 inches.

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



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

- (v) The top of the cage shall be constructed of material equal to the wall requirements for the particular group of bears enclosed. Shade shall be provided by covering 1/4 to 1/2 of the top with exterior grade plywood, fiberglass, or similar material.
- (vi) A concrete or concrete block den at least 4 feet high by 4 feet wide by 6 feet long or an equivalent shall be provided for each animal; or one den at least 4 feet high by 6 feet wide by 8 feet long for 2 animals or for a female and her offspring of the year. The top of the den shall be constructed of concrete which may be covered on top with wood for laying. A den shall be provided with shavings, straw, or a wooden platform or flooring for reclining. The den shall be provided with adequate ventilation to prevent condensation of moisture. The den box may be of wood if the den is completely within the cage.
- (vii) A bear shall be provided with a suitable scratching post.
- (viii) A pool deep enough for complete immersion shall be required for polar bears and the pool surface area shall be in addition to the minimum cage size requirement.

(L) Order Tubulidentata-Aardvarks

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

(M) Order Proboscidea-Elephant

1. A heated barn shall be provided in any geographical area where the ambient air temperature drops below 40 degrees Fahrenheit. The floor of the barn shall be constructed of at least 6 inches of reinforced concrete. All lights and other such objects and obstacles in the barn shall be kept outside the reach of the elephant.
2. Elephants shall be provided free exercise unchained on dirt for a minimum of 5 hours per each 24-hour period.
3. An enclosure constructed of 6-inch reinforced concrete, 2- inch diameter steel bars or 4-inch diameter schedule 40 galvanized steel pipe shall be provided. No roof is required.
4. Chaining requirements:
  - a. Chains shall be secured to a concrete floor, concrete “dead man,” or other immovable anchor.
  - b. A covered chaining area shall be provided.



- c. An elephant may be chained by only one rear leg and the opposite front leg and in such a manner as to restrict movement but still allow the animal to easily lay down and rise again. Chains shall be rotated to the other 2 legs daily.
  - d. Elephants chained for any extended period shall have their leg chains padded and shall be checked regularly to insure they are secure and to detect any injury to the leg.
  - e. Snaps and clips may be used only within a primary enclosure. A clevis or stronger type chain attachment shall be used outside the primary enclosure.
5. Either a pool shall be provided or the elephant shall be washed with water daily, as weather or temperature permit.

(N) Order Hyracoidea -Hyrax

1. Limbs shall be provided for arboreal species.
2. Nest box or sheltered retreat shall be provided.
3. The floor of the cage shall be constructed of 4 inch concrete which shall be covered with dirt or natural substrate.
4. The walls of the cage shall be constructed of 1/2 inch by 1 inch mesh welded wire.

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

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

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

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

1. Wild Pigs and Peccaries
  - a. A shelter with a roof and three walls shall be provided.
  - b. The floor of the pen shall be dirt or natural substrate.
  - c. The animals shall be precluded from escape by digging.
2. Hippopotami
  - a. A heated barn shall be provided in any geographical area where the ambient air temperature drops below 40 degrees Fahrenheit.
  - b. A pool shall be provided for the Nile hippopotamus which shall have surface area of at least 300 square feet and a 35-degree nonskid ramp. The pool shall be not less than 5 feet deep. For each additional animal there shall be a 25% increase in the required pool area.



- c. A pool shall be provided for the pygmy hippopotamus which shall have a surface area of at least 100 square feet with a 35-degree nonskid ramp. The pool shall be not less than 3 feet deep. For each additional animal there shall be a 25% increase in the required pool area.
    - d. The walls of the corral or paddock enclosure shall be constructed of 5-inch reinforced concrete or 5-inch structural grade schedule 40 galvanized steel pipe.
  3. Deer, Elk, Giraffes, Wild Cattle, Antelope, and Wild Goats and Sheep.
    - a. The floor of the pen shall be dirt or other natural substrate.
    - b. All animals shall be provided with a shelter which has a roof and three walls.

Shelters for giraffes shall provide at least 140 square feet of floor space for each giraffe. A heat source shall be provided for giraffes.
    - c. Fences for giraffe, elk and wild cattle shall be constructed of 9 gauge woven wire or chain link with mesh not more than 6 inches in diameter or equivalent. Posts shall be of structural grade schedule 40 quality steel pipe or structurally sound 4 x 4 wood, spaced not more than 12 feet apart. A 6-foot vertical fence, with or without overhang, shall be required; a 7-foot vertical fence is required for elk.
    - d. Fences for deer, antelope and wild goats and sheep shall be constructed of 11 gauge woven wire with mesh not more than 6 inches in diameter or equivalent. Posts shall be of structurally sound 4x4 wood or equivalent, spaced not more than 12 feet apart. A 7-foot vertical fence is required for elk, red deer, bison, buffalo, impala, eland, antelope, goats and sheep; a 6-foot vertical fence is required for white-tailed deer, fallow deer, auodad and sika deer.

### (3) Class Amphibia -Frogs, Toads, Salamanders

#### (A) General Requirements:

1. The animal's enclosure shall be kept within a closed and locked room or building which has covers over all drains and openings to prevent escape of the amphibians from the building. All doors shall be equipped with sweeps. Containers or exhibits shall be labeled with the identification of current species and the number of animals contained inside.
2. The rock or aquarium substrate shall be non-abrasive and shall be kept clean.
3. Any transfer containers shall have locked tops and shall be constructed in a manner which shall prevent the likelihood of escape.

#### (B) Family Bufonidae

1. One ten-gallon standard commercial aquarium shall be provided for one animal and an additional three-fourths of a square foot (equivalent to one 5 gallon aquarium) shall be provided for each additional animal.



2. At least one-third of the bottom of the aquarium shall be covered with water and two-thirds shall be dry.
3. Animals shall be kept at a temperature of between 60-80 degrees Fahrenheit.

(C) Family Pipidae

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

(4) Class Reptilia

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

1. The minimum cage length and width dimensions for one animal shall be equal to one and one-half times the length of the animal by one and one-half times the length of the animal. This space requirement shall be doubled for two animals and shall be increased by a factor of two-thirds for each additional animal thereafter.
2. One-third of the minimum cage space shall be water that is deep enough for the animal to immerse itself. If more than one animal is present in the pen, the pool shall be of sufficient size that all animals can immerse themselves simultaneously. Pool surfaces shall be made of non-abrasive material and the pool shall have a drain.
3. That portion of the pen not occupied by the pool shall be covered with non-abrasive material such as dirt or grass.
4. Crocodylians, except alligators and caimans less than 4 feet in length, shall be kept in a totally enclosed building or exhibit. Animals shall be confined in a manner which precludes their coming in contact with the public. The walls of an open pen for other crocodylians shall be equivalent to at least one foot in height for every one foot in length of the largest animal up to a maximum of 6 feet high. If any of the walls are made of a climbable material such as fencing, the top 1-1/2 feet of the wall shall be constructed of a slippery, nonclimbable material for all crocodylians except alligators. The walls for all species shall be buried deep enough to prevent escape by digging, or a buried apron shall be used. The walls of an open alligator pen shall be at least 4 feet high, and the corners shall be covered to prevent climbing. The upper one-half of the walls of the enclosure shall be constructed of either concrete or concrete block or 9 gauge chain link or welded wire with no greater than 2-inch x 4-inch size mesh. Concrete or concrete block shall be used for the bottom half of the enclosure. All chain link or welded wire edges shall be smoothly secured in a manner which will prevent injury to the animals.
5. Alligators may be kept outdoors if:
  - a. An external heat source is provided, and the pool temperature is maintained above freezing;
  - b. The pool is at least three feet deep; and



- c. The nighttime temperature does not fall below freezing for more than 2 consecutive nights.
6. Crocodylians other than alligators may be confined outdoors between sunrise and sunset if:
  - a. The air temperature is above 65 degrees Fahrenheit.
7. Crocodylians other than alligators shall not be confined outdoors between sunset and sunrise.

(B) Family Chelydridae -Snapping turtles

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

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

1. The container or exhibit for venomous snakes shall be labeled with the common and scientific name of the species and the subspecies, if known, and the number of animals contained inside. The label shall be legibly marked with the warning "Poisonous" or "Venomous."
2. The perimeter of the enclosure for snakes less than 6 feet shall be 1-1/2 times the length of the snake. The perimeter of the enclosure for snakes over 6 feet shall be twice the length of the snake.
3. All venomous snakes shall be kept in a locked exhibit or container which shall be located within a locked building, compound or enclosure.
4. The floor of the enclosure shall be constructed of non-abrasive material and hiding areas shall be provided.
5. At least two fully trained people shall be present when an occupied enclosure is opened or when one of these snakes is handled. The names of the trained handlers shall be listed with the department's Wildlife Protection Division in Sacramento.
6. Written animal escape "emergency procedures" shall be clearly and conspicuously posted in the building housing these snakes and shall be supplied to the department at the time the permit application is initially submitted.
7. A notice shall be clearly and conspicuously posted on the premises which shall provide the location of the nearest most readily available source of appropriate antivenin and a written plan from a hospital stating how a venomous bite should be treated. Each enclosure shall be clearly and conspicuously labeled with the appropriate antivenin to be used for the species in the cage.



8. If a snake is transported or removed from its primary enclosure for feeding or in order to clean the enclosure, the snake shall be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation.
  9. Snake hooks shall be present for caring for these snakes.
  10. The permittee shall telephonically notify the department of any snake bite on humans or escapes of any snakes within 24 hours and shall provide a written report of the incident to the department's Wildlife Protection Division in Sacramento within one week.
- (5) All other Classes, Orders, Families, Genera and species for which specific caging and/or enclosure requirements have not been provided in sections (b)(1) - (4) above shall be humanely confined in a manner which precludes escape.
- (c) Incorporation by reference of the Federal Animal Welfare Regulations and Federal "Guide for the Care and Use of Laboratory Animals." Except as otherwise provided in subsections (a) and (b) above, permittees shall follow the requirements of the Federal Animal Welfare Regulations contained in 9 Code of Federal Regulations (CFR), Sections 2.33; 2.40; 3.75-3.85; 3.101(a)(3); and 3.136-3.142, as amended from time to time, as the United States Department of Agriculture adopts regulations pursuant to the Laboratory Animal Welfare Act and its Amendments as found at 7 United States Code (USC), Sections 2131-2157. The Commission hereby incorporates by reference the cited Federal Animal Welfare Regulations and the "Guide for the Care and Use of Laboratory Animals," (NIH Publication No. 86-23, Revised 1985) as if they were set out in full.
- (d) Variances to Minimum Caging and Enclosure Requirements.
- (1) The general requirements set forth in subsections (a) and (b) above are minimum standards for permanent facilities. Any deviation from these specifications because of the age of the animal being housed, the use of an unusual facility design, such as moats, islands, outdoor natural habitat enclosures, pits or barriers shall be subject to the approval of the inspecting officer with concurrence of the director. In granting any variance of the minimum caging and enclosure requirements, the inspecting officer and the director shall make a finding that the overall welfare of the animal(s) involved has been maintained.
  - (2) Those cat cages which substantially conform to the provisions of Section 671.3(b)(2)(K)6 on or before August 3, 1989, shall be "grandfathered in." Existing cages, except currently approved cat cages, will be given three calendar years or until February 25, 1995 to comply with the new caging requirement set forth herein. The department may approve nonstandard cages on a case by case basis, if they substantially conform to the spatial requirements. The Regional Manager shall make a recommendation to the Chief of Patrol who will make the department's final decision. The department's final decision may be appealed to the commission.
  - (3) These minimum facility and caging standards do not apply to wildlife temporarily maintained pursuant to Section 251.5(f) as provided by Fish and Game Code Section 3005.5.
- (e) Care of Laboratory Animals. With the approval of the department, prohibited wild animals used for research purposes may be confined and cared for pursuant to the provisions of the "Guide for the Care and Use of Laboratory Animals" adopted by the U.S. Department of Health and Human Services (NIH Publication No. 86-23, Revised 1985).



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

#### **§671.4. Transportation Standards for Exhibition of Live Restricted Animals**

- (a) Responsibility of Permittee. Permittees shall provide a copy of these regulations to any carrier or intermediate handler transporting wild animals. Permittees shall not transport or possess wild animals within the state for periods exceeding their exhibiting itinerary unless they provide facilities which meet the caging standards of Section 671.3 for each animal listed on their permit.
- (b) Requirements for Carriers and Intermediate Handlers. (Also see subsections (d) and (f) of this Section regarding holding and food and water requirements.)
- (1) Carriers and intermediate handlers shall not accept any animal presented by any person for shipment more than four hours prior to the scheduled departure of the primary conveyance on which it is to be transported.
  - (2) Carriers or intermediate handlers shall accept wild animals for transportation only if the transport cages are constructed in accordance with the provisions of subsection 671.4 (e)(1) below.
  - (3) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by these regulations may not accept for transportation any live animal consigned by any person unless the consignor furnishes to the carrier or intermediate handler a certificate executed by a licensed veterinarian on a date which shall not be more than 10 days prior to delivery of such animal for transportation, stating that such live animal is acclimated to air temperatures lower than 7.2° C. (45° F.). A copy of such certificate shall accompany the shipment to its destination. The certificate shall include at least the following information: Name and address of the consignor; the number of animals in the shipment; a certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C (45° F)"; and the signature of the accredited veterinarian, assigned accreditation number, and date.
  - (4) Carriers and handlers shall not commingle animal shipments with inanimate cargo. All animal holding areas of any carrier, handler, or any mode of conveyance shall be cleaned and sanitized often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program shall be provided and maintained by the owner or operator of the holding facility for the control of insects, ectoparasites, and avian and mammalian pests for all animal holding areas. All animal-holding areas containing live animals shall be provided with fresh air by means of windows, doors, vents or an air conditioning system to minimize odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal-holding area containing live animals when the air temperature within such animal-holding area is not compatible with the health and comfort of the animal. The temperature shall be regulated to protect the animals from temperature extremes. Animals shall not be placed in a direct draft.



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

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

- (1) The cargo space of any conveyance used to transport live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live animals contained therein at all times.
- (2) The animal space shall be constructed and maintained to prevent the ingress of direct engine exhaust fumes and gases from the conveyance.
- (3) No live animal shall be placed in any cargo space that does not have sufficient air for normal breathing for each animal contained therein, and the transport cages shall be positioned in the animal cargo space so that each animal has sufficient air for normal breathing.
- (4) Transport cages shall be positioned in the conveyance so that the animals can be quickly removed in an emergency.
- (5) The interior of the animal cargo space shall be kept clean and sanitary.
- (6) Live animals shall not be transported with any material, substance, (e.g., dry ice) or device which may be injurious to their health and well-being unless proper precaution is taken to prevent such injury.

(d) Handling Provisions.

- (1) Carriers and handlers shall move live animals from animal holding areas to conveyances and from the conveyances to animal holding areas as expeditiously as possible. Carriers and handlers holding live animals in an animal holding area or transporting live animals from the animal holding area to the primary conveyance and from the primary conveyance to the animal holding area, including loading and unloading procedures, shall provide the following:
  - (A) Shelter from sunlight. Shade shall be provided to protect the animals from the direct rays of the sun. Animals shall not be subjected to surrounding air temperatures which exceed 29.5° C. (85° F.). The temperature shall be taken outside of the primary enclosure at a distance not to exceed 3 feet from any one of the external walls and on a level parallel to the bottom of the enclosure at a point which approximates half the distance between top and bottom of the enclosure.
  - (B) Shelter from rain or snow. Protection shall be provided so animals remain dry during rain or snow.
  - (C) Shelter from cold weather. Transport cages shall be covered to provide protection for animals when the air temperature falls below 10° C. (50° F.) and animals shall not be subjected to surrounding air temperatures which fall below 7.2° C. (45° F.). The temperature shall be taken at a distance not to exceed 3 feet from any one of the external walls of the transport



cage unless such animals are accompanied by a veterinarian's certificate of acclimation to temperatures lower than 7.2° C. (45° F.).

- (2) The transport cage shall not be handled in a manner that may cause physical or emotional trauma to the animal contained therein. Transport cages with animals inside shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.
- (e) Transport Caging Provisions. No person shall offer for transportation any live animal in a cage which does not conform to the following requirements:
- (1) Cages used to transport live animals shall be constructed in such a manner that:
    - (A) the structural strength of the cage shall be sufficient to contain the animal and to withstand the normal rigors of transportation;
    - (B) the interior of the cage shall be free from any protrusions that could injure the animal contained therein;
    - (C) the openings of such cages shall be easily accessible at all times for emergency removal of live animals;
    - (D) when a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90% of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

If there are ventilation openings located on two opposite walls of the primary enclosure, the ventilation openings on each wall shall be at least 16 percent of the total surface area of each such wall; or, if there are ventilation openings located on all four walls of the primary enclosure, the ventilation openings on each such wall shall be at least 8 percent of the surface area of each such wall. At least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure. Projecting rims or other devices shall be placed on the exterior of the outside walls to prevent obstruction of ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and
    - (E) adequate handholds or other devices for lifting shall be provided on the exterior of the cage to enable lifting of the enclosure without tilting and to ensure that the person handling the cage will not be in contact with the animal.
  - (2) Animals transported in the same cage shall be of the same species and maintained in compatible groups. Animals that have not reached puberty shall not be transported in the same cage with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) shall be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same cage with any male animal.



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

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

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

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

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

(B) Primates Traveling for Performance and Exhibition.

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

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

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

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

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

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

(4) Transport cages shall have solid bottoms to prevent leakage in shipment and shall be cleaned and disinfected pursuant to subsections 671.2(a)(4) and (5). Transport cages shall contain clean



litter of a suitable absorbent material, which is safe and nontoxic to the animals, in sufficient quantity to absorb and cover excrement.

- (5) Transport cages consigned to carriers and intermediate handlers shall be clearly marked on top and on all sides with the words “Live Wild Animal” in letters not less than 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container.
  - (6) Documents accompanying the shipment consigned to carriers and intermediate handlers shall be attached in an accessible location on the outside of one transport cage.
- (f) Care in Transit.
- (1) To minimize the distress to animals during surface transportation, the driver shall visually inspect the animals at least once every 4 hours to assure that the animals are not in obvious physical distress and to provide for any needed veterinary care as soon as possible. When transported by air, animals shall be observed if the cargo space is accessible during flight. If the cargo space is not accessible during flight, the carrier shall visually observe the animals whenever the cargo space is accessible to assure that all applicable standards are being complied with and to determine whether any of the live animals are in obvious physical distress.
  - (2) Animals shall not be taken from their cage except under extreme emergency.
  - (3) Food and water requirements while in transit.
    - (A) All live animals shall be offered potable water within 4 hours prior to being transported. Any person who transports live animals shall provide potable water to all animals being transported at least every 12 hours after such transportation is initiated except as directed by a veterinarian or in the case of hibernation. Animals requiring more water shall be treated appropriately.
    - (B) Each animal shall be fed at least once in each 24-hour period, except as directed by a veterinarian. Predators are to be separated when feeding. Animals requiring more food shall be treated appropriately.
    - (C) Any person who offers animals to any carrier or intermediate handler for transportation shall comply with the provisions of subsection 671.1(a)(4) and shall affix to the outside of the transportation cage written instructions pursuant to subsections 671.4(f)(3)(A) and (B) concerning the food and water requirements of each animal.
    - (D) No carrier or intermediate handler shall accept any live animals for transportation unless written instructions concerning the food and water requirements of each animal are affixed to the outside of the cage.

### **§671.5. Disposition of Violations Related to Possession of Wild Animals**

- (a) Any live bird or mammal that is (1) designated as a furbearer, game, nongame, fully protected, threatened, or endangered animal or is of a species native to California, and (2) possessed in violation of Fish and Game Code section 3005.5 or regulations adopted pursuant thereto, shall be seized by the department. An animal that is seized may be taken to another location by the department or seized in place.
- (b) Any person who, in violation of the provisions of the Fish and Game Code or regulations adopted pursuant thereto, brings into this state or transports or possesses within this state any live wild animal other than those specified in subdivision (a) may, upon written notice from an enforcing officer, be



authorized to exercise one of the following options within the time and by the method specified by the enforcing officer, to have the animal (1) transferred to an appropriately permitted facility, (2) transferred out of the state, or (3) humanely destroyed. The exercise of any such option shall be under the direction and control of the enforcing officer and at the expense of the owner or possessor. If the owner or possessor fails to exercise such option within the time specified by the enforcing officer, the department shall thereafter seize the animal. An animal that is seized may be taken to another location by the enforcing officer or seized in place.

- (c) Once an animal is seized pursuant to subsection (a) or (b), the enforcing officer may: (1) transfer the animal to an appropriate facility, (2) transfer the animal out of the state, (3) humanely destroy the animal, or (4) for animals specified in subsection (a) only, release the animal to the wild. Costs associated with the seizure, care, holding, transfer and destruction of the animal will, at the discretion of the department, be at the expense of the owner or possessor. Failure to pay these costs may result in an action for cost recovery and civil penalties pursuant to Fish and Game Code section 2125.

#### **§671.6. Release of Animals into the Wild**

- (a) No person shall release into the wild without written permission of the commission any wild animal (as defined by Section 2116 of the Fish and Game Code), including domestically reared stocks of such animal, which:
- (1) is not native to California;
  - (2) is found to be diseased, or there is reason to suspect may have the potential for disease;
  - (3) may be genetically detrimental to agriculture or to native wildlife; or
  - (4) has not been successfully introduced prior to 1955.
- (b) no permission will be granted to any person to release to the wild state turkeys that have been domestically reared for propagation or hunting purposes, except as provided in subsection 600(i)(4) of these regulations. Only wild trapped turkeys trapped from the wild by the Department may be released into the wild.
- (c) Every person who releases Barbary partridges, Turkish or Greek chukar partridges; French, Spanish or Arabian red-legged partridges; and/or bobwhite or coturnix quail into the wild shall have a valid permit signed by the director of the department before making such a release. Persons desiring to release such birds shall submit an application showing the number and sex of birds to be released, the location of the proposed release, and the proposed date of such release.

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

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

#### **§671.7. Permit Requirements for Aquaculture and Fish**

All persons who apply for or have an Aquaculture permit (subsection 671.1(b)(2)) or a Fish permit (subsection 671.1(b)(12)) are subject to the following requirements and conditions. Aquatic species importations operating under these permits do not require the importation permit specified in Section 236.



(a) Definitions

- (1) “Closed-water system” is defined as a closed system or systems that treats holding water and sediments sufficiently to ensure against the release of live organisms, including parasites, pathogens and viruses, into the waters of the state. For purposes of this section, municipal treated sewage systems are not considered waters of the state.
- (2) “Terminal market” is defined as a retail sale location holding live restricted species aquaculture product for human consumption following the sales requirements of subsection 671.7(g).

(b) General Requirements.

- (1) All live restricted species shall be held, raised, and transported in closed-water systems. The department may inspect these systems at any time to determine if they are adequate for the specific restricted species being held.
- (2) Facilities and transport systems must be designed so that biosecurity is maintained in the case of failure of the primary containment system.
- (3) Access to facilities and transport systems containing restricted species shall be restricted through means determined to be adequate by the department to assure against unauthorized removal of restricted species.
- (4) Co-mingling or hybridization of restricted and non-restricted species is prohibited unless authorized by the department. If restricted species are co-mingled or hybridized with non-restricted species, all such animals shall be considered restricted species for the purpose of these regulations. Such co-mingled restricted species that can be individually identified as non-restricted and that can be separated from the restricted species may be exempt from this provision with prior department approval.
- (5) Every restricted species permittee shall have a written Emergency Action Plan readily available and posted in a conspicuous place in the event of an escape or a containment failure involving a restricted species.

(A) The Emergency Action Plan shall be titled, with a revision date, updated annually and include, but is not limited to the following:

1. Written plan of action for emergencies including a description of emergency measures in the event of a containment failure.
2. List of the re-capture and mobile transport equipment available and where they are located, including but not limited to nets and temporary containers.
3. List of emergency telephone numbers that includes the local department regional office and other contacts as specified on the permit.

(B) Permittees are responsible for the capture and for the costs incurred by the department related to capture of escaped animals or a containment failure.

- (6) Aquaculture and Fish permits are subject to the department's authority to deny, suspend, or revoke a permit pursuant to subsection 671.1(c), but the department may also suspend or amend any Aquaculture or Fish permit if the department determines that additional permit



conditions are necessary to mitigate or avoid unexpected adverse impacts to natural resources arising from the permitted activities.

(c) Permit Application Requirements. The following information shall accompany an application for each new restricted species permit, amendment of an existing permit, or renewal:

(1) New Applicants and Permittees Requesting Amendments.

(A) An inventory of all restricted species requested including the common and scientific name of each species, and the weight, volume, or count of each species.

(B) A written statement detailing the type of business that will be conducted with the restricted aquaculture species requested.

(C) A copy of the applicant's current aquaculture registration issued by the department, if a restricted species aquaculture permit is being requested.

(D) A copy of their Emergency Action Plan.

(2) Renewals.

(A) An inventory of all restricted species presently held at their facility including the common and scientific name of the each species, and the weight, volume, or count of each species.

(B) The permittee shall provide the following informational report to the department:

1. the weight, volume or count of all restricted species imported under their restricted species permit in the past year;
2. the weight, volume or count of all restricted species sold and/or shipped under their restricted species permit in the past year;
3. the weight, volume or count of all restricted species produced under their restricted species permit in the past year (for Aquaculture permits only) and;
4. Any other information as specified in the permit.

(C) A written statement detailing the type of business that will be conducted with the restricted species requested.

(D) A copy of the applicant's current aquaculture registration issued by the department, if a restricted species aquaculture permit is being requested.

(E) A copy of their Emergency Action Plan.

(d) Importation of Live Aquatic Restricted Species.

With the exception of those importations described in subsections 236(a), (b) and (c) of these regulations, restricted species listed in subsection 671(c) may be imported into the state only in accordance with the following terms and conditions:

- (1) No importations of restricted species into the state may be made prior to the issuance of the importer's restricted species permit.
- (2) All importations of restricted species shall be accompanied by an invoice or bill of lading, showing the name and address of the producer, date of shipment, the common and scientific



names of the species being transported, the weight, volume, or count of each species in the shipment, the name, address, and restricted species permit number of the intended receiver. A copy of the importer's restricted species permit shall accompany each shipment.

- (3) Source of restricted species is an authorized seller who has a good record of husbandry and health management, as determined by the department.
  - (4) Notification of each restricted species importation(s) shall reach the department regional office or other specified office by letter, fax, or telephone at least five days in advance of the importation date. Under special circumstances, the department may waive this five day notice requirement.
  - (5) All restricted species imported into California under these regulations may be inspected by the department at either the place of entry into the state or at another location as specified by the department. The person importing restricted species may be required to provide facilities for inspection and sorting and shall be required to pay the department inspection costs including salary and travel expenses of the inspector.
- (e) Transportation of Live Aquatic Restricted Species within the State.
- (1) Restricted species cannot be moved alive from an aquaculture or any holding facility unless specifically authorized in the restricted species permit issued by the department.
  - (2) All shipments of live restricted species by a permittee shall be accompanied by an invoice or bill of lading, showing the name and address of the permittee, date of shipment, the common and scientific name of the species being transported, the weight, volume, or count of each species in the shipment, the name, address, and restricted species permit number of the intended receiver. A copy of the shipper's restricted species permit shall accompany each shipment. The contents of the shipment and all applicable documentation shall be immediately made available to the department upon request.
  - (3) Notification of restricted species shipment(s) shall reach the department regional office or other specified office by letter, fax, or telephone at least 48 hours in advance of the shipment date.
  - (4) Both the seller and intended receiver restricted species permittees shall retain a copy of the invoice, bill of lading or similar accountable document for three years and make it available to the department upon request.
- (f) Sales by Restricted Species Permittees.
- (1) Live restricted species may be sold by Aquaculture or Fish permittees if both the seller and buyer hold a restricted species permit issued by the department for the species being sold and only if the permit(s) specifically authorize live sales.
  - (2) All shipping containers of live restricted species shall be labeled as restricted aquaculture product unless specifically authorized differently in the restricted species permit issued by the department.
  - (3) All live or processed restricted species sold shall be accompanied by a sales invoice, showing the name and address of the permittee, the permittee's restricted species permit number, date of sale, the common and scientific name of the species, and the weight, volume, or count of each species sold. The restricted species and all applicable documents shall be immediately made available to the department upon request.



(4) No live restricted species shall be stocked in private, public or fish-for-fee facilities or released in the waters of the state.

(g) Terminal Market Sales.

(1) All restricted species sold or leaving the premises of a terminal market shall be dead and accompanied by a sales receipt showing the date of purchase and name of business where purchased or be packaged in accordance with subsection 240(c) of these regulations.

(2) It is unlawful for any person to allow any live restricted species to leave a terminal market or be released in the waters of the state.

**§671.8. Inspection of Facilities**

(a) The department may approve an application prior to facilities being built, inspected and approved. The department shall not issue a restricted species permit until a determination that an applicant meets the qualifications to obtain a permit is verified, and the applicant's facility(ies) have been inspected by the department and the department determines that the applicant's facility(ies) meets the minimum standards for humane care, treatment, and housing of wild animals.

(b) The applicant for a restricted species permit shall submit payment of the inspection fee to the department, as specified in Section 703, for the inspection of the applicant's caging or holding facility(ies) and animal(s) each permit year.

(c) Every applicant shall submit to the department with the inspection fee, a current map of all enclosures housing restricted species in California listed on their inventory. Each enclosure shall be numbered both on the map and physically on the enclosure. The number on the enclosure should be a minimum of two inches high, permanently attached, and clearly visible for ease of identification. The map shall also include identification of the species residing in the enclosure and the dimensions (Length x Width x Height) of the enclosure for ease of identification. An enclosure is defined as the structure where a restricted species is confined. If a structure or enclosure is divided into more than one confined area, each area is considered a separate enclosure and shall be shown as a separate enclosure on the map. If an enclosure houses more than one species that co-exist, and is not divided, it shall be considered one enclosure.

(d) The department's law enforcement staff may enter any place including, but not limited to, any holding facility, vehicle or vessel, where restricted species are kept or may be kept, to: inspect animals, facilities or animal equipment; inspect, audit, or copy any permit, book or record required to be kept for such species; or to otherwise monitor or enforce compliance with state and federal statutes, and regulations adopted pursuant to state and federal statutes, related to restricted species. Inspections may be made at any time with or without prior notification.

(e) Types of Inspections.

(1) Initial.

a. Before the department issues a new restricted species permit to any resident applicant, the applicant shall arrange for an initial inspection of an applicant's caging and holding facility(ies), as described in paragraphs (b) and (c), and arrange for another inspection after the animal(s) arrive.



- b. Before the department issues a new permit to a nonresident applicant for exhibition purposes, the applicant shall arrange for an inspection of the facility(ies) prior to the applicant's first performance at the first location listed on the Restricted Species Nonresident Exhibiting Permit Itinerary. The applicant shall not proceed with a performance, show, or appearance prior to submitting to, and passing, an inspection.
- c. Before the department issues a new permit to a nonresident applicant for nonexhibition purposes, the applicant shall arrange for an initial inspection of an applicant's caging and holding facilities, as described in paragraphs (b) and (c).

(2) Renewal.

- a. Before the department renews a restricted species permit, the applicant shall pass an annual renewal inspection, based on the permit year, as described in paragraph (b).
- b. Before the department renews a permit for a nonresident applicant, the applicant shall arrange for an inspection of the facility(ies) prior to the first performance at the first location listed on the Restricted Species Nonresident Exhibiting Permit Itinerary. The applicant shall not proceed with a performance, show, or appearance prior to submitting to and passing an inspection and receiving a permit.
- c. Before the department renews a permit to a nonresident for non-exhibiting purposes the applicant shall pass an annual renewal inspection based on the permit year as described in paragraph (b).

(3) Amendment. Prior to an amendment of an existing permit, the permittee shall notify the department and provide photo documentation of the enclosure that includes all required elements of the minimum standards as specified in 671.3. If the amendment is approved, the permittee may add the species to their inventory. Upon renewal, the permittee shall include the new amended species and enclosure information.

- (f) Re-inspection. If the department identifies a non-compliant item or violation during an inspection, as described in paragraphs (1), (2) and (3), the department may require that the applicant/permittee provide for one or more additional inspections within a specified time period at the applicant/permittee's expense prior to issuing a permit or permit amendment.
- (g) Research Entities as Eligible Local Entities. Applicants for research permits shall submit the annual research-detrimental species fee and the ELE/MOU fee to the department as specified in Section 703, and the department may enter into a memorandum of understanding (MOU) with the applicant as an eligible local entity (ELE) to inspect facilities. With annual renewal and the annual ELE/MOU renewal fee paid, an MOU may be valid for up to five permit years, at which time, a new MOU will be required. Until the department enters into an MOU, a research facility shall submit an annual statement from a USDA accredited veterinarian certifying that the animals and their housing have been inspected at least twice during the year, at six month intervals, and that the animals are being cared for and housed in accordance with applicable requirements in subsections 671.1(a)(8)(A)-(F), and sections 671.2 through 671.4 to satisfy the inspection requirement.