

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, AND PARKS
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Title 40: Wildlife, Fisheries, and Parks

Part 2: Wildlife

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

RULE 8.3 REGULATIONS FOR ANIMALS INHERENTLY DANGEROUS TO HUMANS.

A. INTRODUCTION

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

b. Effective December 20, 2022, with the enacting of the *Big Cat Public Safety Act*, 16 U.S.C. §3370 *et. seq.*, by the United States Congress, no new permits for the transfer or possession of members of the order *Carnivora*, family *Felidae*, or “big cats,” will be issued. Pursuant to the terms of the Act, all current permittees/owners of big cats must register the animals with the US Fish & Wildlife Service, by or before June 18, 2023. More information regarding registering big cats and/or exceptions to the prohibition contained in the Act, may be found on the US Fish & Wildlife Service’s website at: <https://www.fws.gov/what-you-need-know-about-big-cat-public-safety-act>.

c. All other provisions of this rule regarding *Carnivora Felidae* are and shall remain in full force and effect for current “big cat” permittees.

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

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

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

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

a. Order Primates:

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

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

b. Order Carnivora:

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

ii. Family Ursidae (bears) - all species;

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

iv. Family Hyaenidae (hyenas) - all species;

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

c. Order Proboscidea: Family Elephantidae (elephants) - all species;

d. Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) all species;

e. Order Artiodactyla:

i. Family Hippopotamidae: *Hippopotamus amphibius* (hippopotamus);

ii. Family Bovidae: *Syncerus caffer* (African buffalo).

B. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. TYPES OF PERMITS AND FEES

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

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

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

c. Ursids (includes all species of bears) - \$200.00.

d. Felids (includes lions, tigers, cheetahs, jaguars, leopards, cougars, snow leopards, clouded leopards or hybrids thereof) - \$300.00.

e. All species listed below - \$300.00

i. Wolverines

ii. hyenas

iii. elephants

iv. rhinoceroses

v. hippopotamuses, and

vi. African buffalo.

2. Exhibitor: \$100.00 for a period not to exceed 30 days, or \$300.00 for a period not to exceed 1 year.

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

D. PERMIT APPLICATION PROCEDURES

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

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

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

a. Applicant must be at least twenty-one (21) years of age.

b. Applicant must have at least two (2) years of experience in the care and handling of the species for which the applicant is applying.

c. In lieu of experience, applicant must take a written examination, developed and administered by the DWFP, evidencing knowledge in the basic biology, habits, and requirements, in regard to proper diet, health care, exercise needs and housing, of the species to be covered by the permit.

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

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

4. Personal Possession Permit:

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

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

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

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

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

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

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

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

5. Exhibitor's Permit

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

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

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

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

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

f. A signed statement by a licensed veterinarian stating that he/she is the veterinarian of record and including the veterinarian's complete address, phone number, and license number. The veterinarian shall certify that he/she has observed each of the applicant's

animals at least once during the prior year and that they have been appropriately immunized and cared for.

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

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

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

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

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

6. Elephant Ride Special Authorization

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

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

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

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

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

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

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

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

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

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

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

E. ANIMAL IDENTIFICATION AND RECORD-KEEPING

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

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

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

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

F. GENERAL HOUSING AND CARE REQUIREMENTS

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

1. All permanent facilities must be surrounded by a perimeter fence (secondary barrier) of at least eight (8) feet in height and a minimum of four (4) feet from the cage holding

the animal(s), or such other fencing, building, or other protection of the enclosure where the animal(s) is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal(s) and the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

G. SPECIFIC HOUSING REQUIREMENTS

1. Felines

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

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

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

d. Minimum cage size:

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

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

2. Canines

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

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

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

d. Minimum cage size:

i. Wolves, maned wolves, African hunting dogs, or hybrids thereof: (a) Single animal: 10 feet by 20 feet by 7 feet (or 200 square feet); (b) Each additional animal: increase cage size by 50 percent (or 100 sq. ft); (c) Accessories: A sheltered retreat or den(s) shall be provided to accommodate any and all animals in enclosure.

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

3. Primates

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

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

c. Gorillas, orangutans, and chimpanzees.

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

ii. Minimum cage size:

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

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

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

d. Gibbons and siamangs.

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

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

e. Baboons.

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

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

f. Macaques.

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

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

4. Bears

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

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

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

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

c. Brown and polar bears:

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

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

5. Hyenas

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

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

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

6. Wolverines

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

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

7. Pachyderms

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

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

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

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

8. African Buffalo

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

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

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

H. INSPECTION OF FACILITIES

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

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

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

I. DISPOSITION. SEIZURE. AND PENALTIES

1. Disposition:

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

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

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

2. Seizure:

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

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

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

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

J. ESCAPE AND LIABILITY FOR ESCAPE

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

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

3. Neither the State of Mississippi nor any agency, officer, official employee or agent thereof shall be liable for any wild animal that expires, or is injured or destroyed. Neither the State of Mississippi nor any agency, officer, official employee, or agent thereof shall be liable for any damage or injury caused by a wild animal held under a permit issued pursuant to this act.

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

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

M. As noted in Paragraph A.1.a., b., and c., this rule and the provisions contained herein, as well as state law or provisions contained in the Mississippi Code, may, from time to time, be superseded and/or pre-empted by Federal law, as enacted by the United States Congress.

History: Revised May 2024.

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

RULE 8.3 REGULATIONS FOR ANIMALS INHERENTLY DANGEROUS TO HUMANS.

A. INTRODUCTION

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

b. Effective December 20, 2022, with the enacting of the *Big Cat Public Safety Act*, 16 U.S.C. §3370 *et. seq.*, by the United States Congress, no new permits for the transfer or possession of members of the order *Carnivora*, family *Felidae*, or “big cats,” will be issued. Pursuant to the terms of the Act, all current permittees/owners of big cats must register the animals with the US Fish & Wildlife Service, by or before June 18, 2023. More information regarding registering big cats and/or exceptions to the prohibition contained in the Act, may be found on the US Fish & Wildlife Service’s website at: <https://www.fws.gov/what-you-need-know-about-big-cat-public-safety-act>.

c. All other provisions of this rule regarding *Carnivora Felidae* are and shall remain in full force and effect for current “big cat” permittees.

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

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

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

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

a. Order Primates:

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

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

b. Order Carnivora:

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

ii. Family Ursidae (bears) - all species;

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

- iv. Family Hyaenidae (hyenas) - all species;
- v. Family Felidae: Genus Leo or Panthera or Neofelis (lions, tigers, jaguars, and leopards) - all species; Acinonyx iubatus (cheetah); Felis concolor (cougar) - all subspecies;
- c. Order Proboscidea: Family Elephantidae (elephants) - all species;
- d. Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) all species;
- e. Order Artiodactyla:
 - i. Family Hippopotamidae: Hippopotamus amphibius (hippopotamus);
 - ii. Family Bovidae: Syncerus caffer (African buffalo).

B. DEFINITIONS

1. Fee Exempt - A permit issued to a public zoo, university research facility, governmental agency, or rehabilitation/sanctuary facility, as defined herein, if such exemption is approved by the Commission.
 - a. Any facility not meeting the definition of one of the above but that was in existence on or before January 1, 1999, may apply for a fee-exempt permit.
 - b. Such application must be made on or before May 1, 1999.
 - c. Such facility may temporarily exhibit permitted animals "off premises" provided such exhibition is educational in nature and permittee obtains an Temporary Exhibitor permit.
 - d. Fee-exempt facilities must comply with all other requirements contained herein.
2. Personal possession - A non-commercial type permit issued to a citizen for ownership or possession of a wild animal or animals. Such permit does not authorize the public display or exhibition of permitted animal(s).
3. Public zoo - Public zoos and zoological gardens shall be defined as a permanent cultural institution which owns and maintains captive wild animals that represent more than a token collection and, under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. TYPES OF PERMITS AND FEES

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

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

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

c. Ursids (includes all species of bears) - \$200.00.

d. Felids (includes lions, tigers, cheetahs, jaguars, leopards, cougars, snow leopards, clouded leopards or hybrids thereof) - \$300.00.

e. All species listed below - \$300.00

i. Wolverines

ii. hyenas

iii. elephants

iv. rhinoceroses

v. hippopotamuses, and

vi. African buffalo.

2. ~~Temporary~~ Exhibitor: \$100.00 for a period not to exceed 30 days, or \$300.00 for a period not to exceed 1 year.

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

D. PERMIT APPLICATION PROCEDURES

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

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

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

a. Applicant must be at least twenty-one (21) years of age.

b. Applicant must have at least two (2) years of experience in the care and handling of the species for which the applicant is applying.

c. In lieu of experience, applicant must take a written examination, developed and administered by the DWFP, evidencing knowledge in the basic biology, habits, and requirements, in regard to proper diet, health care, exercise needs and housing, of the species to be covered by the permit.

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

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

4. Personal Possession Permit:

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

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

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

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

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

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

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

h. Applicant shall be provided a copy of the regulations governing the possession of a wild animal upon request for a permit application. Before such a permit is issued,

all animals records, and facilities shall be inspected by DWFP to ensure compliance with the regulations. Inspection procedures are found under Section VIII of these regulations. Any false statement made by applicant on the permit application will render such application null and void, and subject applicant to the penalties provided by law.

5. Temporary Exhibitor's Permit

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

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

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

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

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

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

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

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

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

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

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

6. Elephant Ride Special Authorization

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

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

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

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

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

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

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

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

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

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

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

E. ANIMAL IDENTIFICATION AND RECORD-KEEPING

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

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

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

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

F. GENERAL HOUSING AND CARE REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. SPECIFIC HOUSING REQUIREMENTS

1. Felines

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

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

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

d. Minimum cage size:

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

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

2. Canines

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

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

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

d. Minimum cage size:

i. Wolves, maned wolves, African hunting dogs, or hybrids thereof:
(a) Single animal: 10 feet by 20 feet by 7 feet (or 200 square feet); (b) Each additional animal: increase cage size by 50 percent (or 100 sq. ft); (c) Accessories: A sheltered retreat or den(s) shall be provided to accommodate any and all animals in enclosure.

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

3. Primates

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

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

c. Gorillas, orangutans, and chimpanzees.

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

ii. Minimum cage size:

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

(b) Orangutan: Single animal - 20 feet by 10 feet by 10 feet high (or 200 square feet); Each additional animal - increase cage size by 50 percent (or 100 sq. ft);

Accessories - Each cage shall have elevated perching areas that will accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal and vertical climbing structure.

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

d. Gibbons and siamangs.

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

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

e. Baboons.

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

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

f. Macaques.

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

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

4. Bears

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

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

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

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

c. Brown and polar bears:

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

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

5. Hyenas

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

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

6. Wolverines

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

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

7. Pachyderms

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

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

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

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

8. African Buffalo

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

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

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

H. INSPECTION OF FACILITIES

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

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

3. If, upon inspection of all animals, facilities and records, applicant or permittee is found not to be in compliance with the regulations of this act, such applicant or permittee may be allowed a reasonable period of time to correct the deficiencies found to be in noncompliance,

after which a follow-up inspection will be scheduled to ensure such deficiencies have been corrected.

I. DISPOSITION. SEIZURE. AND PENALTIES

1. Disposition:

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

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

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

2. Seizure:

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

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

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

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

J. ESCAPE AND LIABILITY FOR ESCAPE

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

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

3. Neither the State of Mississippi nor any agency, officer, official employee or agent thereof shall be liable for any wild animal that expires, or is injured or destroyed. Neither the State of Mississippi nor any agency, officer, official employee, or agent thereof shall be liable for any damage or injury caused by a wild animal held under a permit issued pursuant to this act.

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

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

M. As noted in Paragraph A.1.a., b., and c., this rule and the provisions contained herein, as well as state law or provisions contained in the Mississippi Code, may, from time to time, be superseded and/or pre-empted by Federal law, as enacted by the United States Congress.

History: Revised May ~~2023~~2024.

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