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901:1-4-01 Definitions and general considerations.

(A) "Animal" as used in this chapter refers to any "dangerous wild animal" as defined in divisions (C)(1) to (20) of section 935.01 of the Revised Code that is possessed by the holder of a wildlife shelter permit, a wildlife propagation permit, or a rescue facility permit issued under Chapter 935. of the Revised Code.

The nonhuman primates listed in division (C)(20) of section 935.01 of the Revised Code are exempted from rules 901:1-4-01.2 and 901:1-4-01.3, of the Administrative Code.

(B) "Animal caretaker" means a person with knowledge and experience of zoology, animal science, and biology sufficient for the daily care, maintenance, record keeping, and well-being of physical facilities and animals in their care.

(C) "Clean" means an environmental condition free of unwanted matter such as solids, liquids, gases or living organisms that have the potential to cause adverse effects to the health and well-being of animals and humans.

(D) "Dig barrier" means a deterrent that is part of a primary enclosure and that is of sufficient strength and design to prevent the enclosed animal from being able to dig under the walls of the primary enclosure.

(E) "Elevated platform" means a surface or structure positioned above the floor, or above the grade level of an enclosure, that will provide for the animal's welfare.

(F) "Equivalent" as used in this chapter means a material that is equal to or greater in strength than the materials specified for use by this chapter.

If permit applicants desire to use equivalent materials, they may request a determination from the department that their desired materials are of an equivalent strength.

(G) "Permit holder" means those persons possessing dangerous wild animals pursuant to a "wildlife shelter permit", a "wildlife propagation permit", or a "rescue facility permit" as set forth in Chapter 935. of the Revised Code.

(H) "Primary enclosure" means the enclosure that directly houses an animal and where the animal may come into direct contact with the enclosure material.

(I) "Safety entrance" means a secure area in the primary enclosure that can be entered by a caretaker that prevents an animal's escape and protects the caretaker, or a device that can be activated by the caretaker to prevent an animal's escape and safeguards the entry.

A safety entrance shall be constructed of material equivalent to the primary enclosure and include:

(1) A double door and locking mechanism;

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- (2) Interconnecting cages; or.
- (3) A lock down area or other comparable device.
- (J) "Secondary enclosure" means an enclosure that serves as a perimeter fence surrounding all primary enclosures, or an individual secondary enclosure built around each primary enclosure. A secondary enclosure must be constructed so that it protects the animals in the enclosure by restricting animals and unauthorized persons from outside of the facility from having contact with the animals in the facility.
- (K) "Shelter" means a structure or natural feature within or attached to the primary enclosure that protects the animal from adverse weather conditions and is appropriate for the animal's size.
- (L) "Shift cages" are enclosures that can temporarily contain the animal and be closed off from the primary enclosure to allow for servicing of the primary enclosure.
- (M) "Veterinary-Client-Patient-Relationship" (VCPR) has the same meaning as defined in section 4741.04 of the Revised Code.
- (N) Dead animals must be disposed of pursuant to section 941.14 of the Revised Code.
- (O) Distress occurs when animals are injured, sick, in pain, or are in inappropriate environmental conditions.
- (P) Devices, or any other related equipment used to handle, sort, or move animals, must minimize distress and must be maintained in proper working order at all times.
- (Q) Emergency lighting shall be available at each dangerous wild animal facility.
- (R) Euthanasia must follow the American veterinary medical association guidelines.
- (S) A person issued a restricted snake possession permit or restricted snake propagation permit shall comply with the standards adopted by the zoological association of America regarding care and housing.
- (T) Nothing in the rules adopted in this chapter shall be construed to prevent a licensed veterinarian, or other person acting under the veterinarian's supervision, from meeting the standards set forth in Chapter 4741. of the Revised Code or rules promulgated thereunder.

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901:1-4-01.1 Enclosures for dangerous wild animals.

Unless otherwise specified, all enclosures for dangerous wild animals as defined by division (C) of section 935.01 of the Revised Code must meet the minimum requirements listed in this rule.

(A) Animals shall be housed and kept in double containment, consisting of a primary and a secondary enclosure as specified by this chapter for the species being kept.

(B) Enclosures must be inspected and maintained daily and any deficits shall be corrected as soon as possible.

The animal may be moved to another secure area temporarily to correct any deficits. If a temporary move is required the facility veterinarian must be notified. If the temporary move is greater than twenty four hours, the veterinarian must concur with the selection of the temporary site and the duration of the move.

(C) A Primary enclosure shall:

(1) Be sufficiently strong to prevent escape;

(2) If roofed, the roof must be attached to and be of the same or equivalent strength as the sides of the primary enclosure;

(3) Protect the contained animal from injury;

(4) Provide species appropriate substrate for the health and well-being of the animals;

(5) Be equipped with a safety entrance;

(6) Have at least one elevated platform or bedding material for resting to accommodate all animals in the enclosure simultaneously;

(7) Provide a quiet birthing area as necessary and appropriate to the species;

(8) Be of a size and complexity to provide for the animal's physical welfare and behavioral and social enrichment;

(9) Include a shelter; and,

(10) Include a dig barrier unless the floor of the primary enclosure is concrete, bedrock, or another impervious material that is appropriate for the animal in the enclosure.

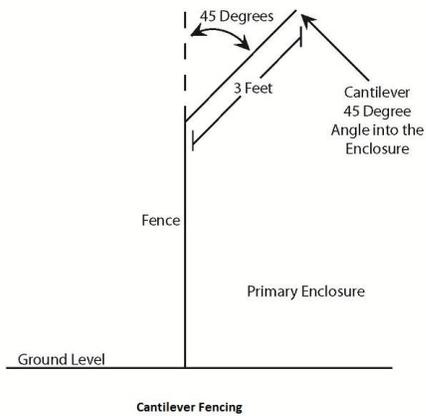
(D) If used to construct a primary enclosure, chain link fence must be secured on the inside of the primary enclosure's posts.

(E) Aggressive or incompatible animals shall be housed separately.

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- (F) Fecal and food waste shall be removed from the primary enclosure regularly, as appropriate for the species, and stored or disposed of in a manner to protect the health and well-being of the animals, owners, and staff.
- (G) Primary enclosures shall be cleaned daily and hard surfaces disinfected a minimum of once weekly.
- (H) New or diseased animals shall be housed separately and handled in a manner to minimize distress and the likelihood of spreading disease to other animals.
- (I) Non-injurious enrichment opportunities shall be provided to ensure the animal's physical stimulation and psychological needs are met, and shall be compatible with the species and number of animals.
- (J) Each primary enclosure shall have a shift cage sized appropriate to the number, size and compatibility of the animals.
- (1) Shift cages shall be constructed of material equivalent to the primary enclosure and be sufficiently strong to prevent escape.
- (2) The shift cage shall be separated from the primary enclosure by a door of equivalent material that can be locked in the closed or open position.
- (3) Shift cage door controls shall be protected from the animal in the primary enclosure.
- (K) Cantilever fencing, as required in this chapter, shall be:
- (1) Made of chain link or equivalent with an electrified top wire, high tension cables with an electrified top cable, or a combination thereof;
- (2) A minimum of three feet in width from the base of the cantilever to the top of the cantilever; and,
- (3) Attached to the top of the primary enclosure at a forty-five degree angle into the enclosure.

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(L) Electric fencing may be used in a primary enclosure, but it cannot be used as the sole method of containment in a primary enclosure.

(M) Secondary enclosures shall:

- (1) Be a minimum of eight feet in height;
- (2) Be a minimum of eight feet from the nearest primary enclosure; and,
- (3) Not have any wall in common with any primary enclosure.

(N) Electric fencing may be used in a secondary enclosure as appropriate for the species. Safety signs must be conspicuously displayed on any electrified section of the enclosure.

(O) A solid building may be used as part of the secondary enclosure if the following are true:

- (1) The building extends all the way to the ground for the entire length serving as a secondary enclosure; and,
- (2) The building meets the minimum height requirements for secondary enclosure fencing.

(P) Temperature, ventilation and lighting:

- (1) Adequate measures shall be taken so that climatic conditions do not pose a threat to the animal. The animal's age, overall health and acclimation shall be taken into consideration when taking measures to minimize these conditions;
- (2) A species appropriate means of thermo-regulating and an adequate UV source shall be provided;

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(3) Indoor housing ventilation shall provide for health, comfort and welfare of animals by minimizing drafts, odors, dust, ammonia levels, and moisture condensation; and

(4) Light intensity shall be sufficient for observation and cleaning.

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901:1-4-01.2 Food and water for dangerous wild animals.

- (A) As appropriate to the species, animals must receive food and water on a regular basis of sufficient quantity and quality to ensure maintenance of normal body condition and/or growth.
- (B) Food and water receptacles must be kept clean and sanitary.
- (C) Food provided shall be unspoiled and uncontaminated.
- (D) Perishable foods must be kept under refrigeration and all foods must be stored in a safe manner.
- (E) A nutritional plan must be developed with veterinary guidance.
- (F) Food and water receptacles shall be of a sufficient number and size for the animals being served.
- (G) All food and water equipment must be inspected and maintained in working condition.

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901:1-4-01.3 Health for dangerous wild animals.

- (A) Each owner of an animal shall have a valid veterinary-client-patient-relationship with a licensed veterinarian.
- (B) The veterinarian must visit each facility a minimum of one time per year and provide a written annual program of care for the animals in the facility.
- (C) Animals shall be monitored regularly for evidence of disease, injury, and parasites and corrective measures under veterinary guidance must be taken when evidence is found of such conditions.
- (D) A primary enclosure must provide the opportunity and space to exercise daily and have freedom of movement to reduce distress and maintain physical condition, unless directed otherwise by a veterinarian.
- (E) Each facility shall maintain a safe and effective program for the control of rodents, insects, ectoparasites and other pests.
- (F) Owners and any personnel in contact with nonhuman primates or elephants must annually have a negative tuberculosis test.
- (G) The introduction of new animals to a social group must be done in a manner to minimize distress, tension and aggression.
- (H) Euthanasia for animals must be performed when the likelihood for recovery is poor and the condition cannot be effectively relieved by best species management and medically appropriate procedures.
- (I) The director shall appoint a committee made up of three licensed veterinarians to evaluate the condition of an animal or restricted snake that is under the control of the department. The committee's purpose will be to evaluate the animal's condition as necessary following an initial evaluation by the department's veterinarian. The committee shall advise the director on the disposition of the animal based upon the initial evaluation of the animal's health, psychological well-being, and long term quality of life including population management.

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901:1-4-02 Family – ursidae; common name - bears.

This rule applies exclusively to bears as dangerous wild animals as defined in division (C) of section 935.01 of the Revised Code.

- (A) Primary enclosures shall be constructed of at least six gauge diameter chain link or its equivalent.
- (B) The frame of the primary enclosure must be constructed using at least three inch diameter steel vertical posts or equivalent material, two inch diameter steel or equivalent material for cross bracing, door frames, and top and bottom rails.
- (C) For one animal, the primary enclosure shall be a minimum of four hundred square feet, eight feet high with a roof, or twelve feet high with a cantilever. For each additional animal, the primary enclosure must be increased by two hundred square feet.
- (D) Polar bears shall have at least one hundred square feet of pool space, five feet deep, and for each additional polar bear the surface area must be increased by forty square feet. The pool must be constructed so that the polar bear can easily enter the water, submerge, and exit from the water.

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901:1-4-03 Family – hyaenidae.

This rule applies exclusively to hyenas as dangerous wild animals as defined in division (C) of section 935.01 of the Revised Code.

- (A) Primary enclosure shall be constructed of at least nine gauge diameter chain link or its equivalent.
- (B) For one or two animals, the primary enclosure shall be a minimum of four hundred square feet, eight feet high, and either have a roof or have a cantilever. For each additional animal, the primary enclosure must be increased by two hundred square feet.
- (C) Permit holders possessing more than one of the animals regulated under this rule shall house them in stable pairs or groups of compatible individuals, except where single housing is justified based on social incompatibility resulting from inappropriate behavior or veterinary concerns regarding animal well-being.

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901:1-4-04 Family – canidae; common names – gray wolf (excluding hybrids) and african wild dog.

This rule applies exclusively to Gray wolves and African wild dogs as dangerous wild animals as defined in division (C) of section 935.01 of the Revised Code.

- (A) Primary enclosure shall be constructed of at least nine gauge diameter chain link or its equivalent.
- (B) For one or two animals, the primary enclosure shall be a minimum of four hundred square feet, eight feet high, and either have a roof or have a cantilever. For each additional animal, the primary enclosure must be increased by two hundred square feet.
- (C) Permit holders possessing more than one of the animals regulated under this rule shall house them in stable pairs or groups of compatible individuals, except where single housing is justified based on social incompatibility resulting from inappropriate behavior or veterinary concerns regarding animal well-being.

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901:1-4-05 Family – felidae; common names: cheetah, lion, tiger, jaguar, leopard, snow leopard, puma, caracal, serval, bobcat, canada lynx, eurAsian lynx, iberian lynx, sunda clouded leopard, and clouded leopard.

This rule applies exclusively to the species listed as dangerous wild animals in divisions (C)(3) to (C)(7) of section 935.01 of the Revised Code.

(A) Each enclosure shall have a claw log.

(B) Large felids- pantherids; common names: cheetah, lion, tiger.

(1) For one or two animals, the primary enclosure shall be at least six hundred square feet and twelve feet high with a cantilever. For each additional animal the primary enclosure must be increased by three hundred square feet.

(2) Primary enclosures shall be constructed of at least nine gauge diameter chain link or its equivalent.

(C) Medium felids- pantherids; common names: jaguars, leopards, snow leopards, sunda clouded leopard, clouded leopard, and puma.

(1) For one or two animals, the primary enclosure shall be at least four hundred square feet and eight feet high with a roof. For each additional animal the primary enclosure must be increased by two hundred square feet.

(2) Primary enclosures shall be constructed of at least nine gauge diameter chain link or its equivalent.

(D) Small felids; common names: caracal, serval, canada lynx, eurAsian lynx, iberian lynx, and bobcat.

(1) For one or two animals, the primary enclosure shall be at least one hundred square feet and six feet high with a roof. For each additional animal, the primary enclosure shall be increased by fifty square feet.

(2) Primary enclosures shall be constructed of at least eleven and one half gauge diameter chain link or its equivalent.

(3) Small felids as listed in this paragraph do not require safety entrances as part of the primary enclosure.

(4) Permit holders possessing more than one of a species of small felid regulated under paragraph (D) of this rule shall house them in stable pairs or groups of compatible individuals; except where single housing is justified based on social incompatibility resulting from inappropriate behavior or veterinary concerns regarding animal well-being.

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901:1-4-06 Family – hippopotamidae, elephantidae, rhinocerotidae, bovidae (cape buffalo only).

This rule applies exclusively to the species listed as dangerous wild animals in divisions (C)(9) to (C)(12) of section 935.01 of the Revised Code.

(A) Primary enclosures:

(1) Shall be constructed of steel bars, masonry block, rock wall or equivalent.

(2) Vertical posts:

(a) If using horizontal cables, the vertical posts shall not be more than sixteen feet apart with horizontal cables not more than twelve inches apart; or,

(b) If horizontal cables are not used, the vertical posts shall not be more than twelve inches apart.

If wooden posts are used they must be a minimum of twelve inches in diameter, not be treated with creosote, and utilize a secondary deterrent.

(B) Family – hippopotamidae

(1) For one animal, the primary enclosure shall be a minimum of one thousand two hundred square feet, and be five feet high. For each additional animal, the primary enclosure shall be increased by six hundred square feet.

(2) A Nile hippopotamus shall be provided with a pool of water four hundred square feet, five feet deep, and equipped with a ramp or steps. For each additional animal, the pool surface area must be increased by two hundred square feet.

(3) A Pygmy hippopotamus shall be provided with a pool of water one hundred twenty square feet, five feet deep, and equipped with a ramp or steps. For each additional animal, the pool surface area shall be increased by sixty square feet.

(4) Pools shall be drained and cleaned at least one time daily, or filtered using a system approved by the director.

(C) Family – elephantidae

(1) For one female, the primary enclosure shall be a minimum of two thousand square feet. For each additional female, the primary enclosure shall be increased by one thousand square feet.

(2) For one male, the primary enclosure shall be a minimum of four thousand square feet. For each additional male the primary enclosure shall be increased by two thousand square feet.

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- (3) For one female with a calf, the primary enclosure shall be a minimum of four thousand square feet. For each additional animal the primary enclosure shall be increased by two thousand square feet.
- (4) If indoors, primary enclosures indoors shall have a twenty-five feet high ceiling.
- (5) Primary enclosures shall have access to a natural substrate.
- (6) Constant tethering shall not exceed fourteen days without veterinary consent. Tethering shall not prohibit normal postural movement.
- (7) If housed outdoors, elephants shall have available water, mud, dust, soil, or sand to allow elephants to thermo-regulation;
- (8) All elephant facilities shall have an elephant restraint device (ERD), or demonstrate a method of restraint that allows necessary husbandry, veterinary, and reproductive procedures to occur in a safe and efficient manner for all elephants in the facility. Use of the ERD shall not be weather dependent.
- (9) Permit holders possessing more than one of the animals regulated under paragraph (C) of this rule shall house them in stable pairs or groups of compatible individuals; except where single housing is justified based on social incompatibility resulting from inappropriate behavior or veterinary concerns regarding animal well-being.

(D) Family – rhinocerotidae

For one animal, the primary enclosure shall be a minimum of one thousand five hundred square feet, and eight feet high. For each additional animal, the primary enclosure shall be increased by seven hundred fifty square feet.

(E) Family – bovidae; common name: cape buffalo

- (1) For one animal, the primary enclosure shall be a minimum of seven hundred square feet and eight feet high. For each additional animal the primary enclosure shall be increased by three hundred fifty square feet.
- (2) The animal shall have access to a water source for swimming or mud wallowing.

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901:1-4-07 Species varanus komodoensis (komodo dragon).

This rule applies exclusively to komodo dragons as dangerous wild animals as defined in division (C) of section 935.01 of the Revised Code.

- (A) Primary enclosure shall be constructed of concrete, three eighths inch plexiglass, or a combination of these or other material equivalent to nine gauge diameter chain link in strength.
- (B) The primary enclosure shall be a minimum of two hundred square feet and shall be at least six feet high. For each additional animal, the primary enclosure shall be increased by one hundred square feet.
- (C) If the primary enclosure is unroofed, the enclosure shall have a cantilever with an electric secondary deterrent on the cantilever.
- (D) The primary enclosure is not required to have a shift cage as set forth in rule 901:1-4-01.1 of the Administrative Code.

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901:1-4-08 Order – crocodilia; family – alligatoridae (excluding dwarf caiman); family - crocodylidae; family – gavialidae.

This rule applies exclusively to the species listed as dangerous wild animals in divisions (C)(15) to (C)(18) of section 935.01 of the Revised Code.

- (A) Primary enclosure shall be constructed of concrete, three eighths inch plexiglass, or a combination of these or other material equivalent to nine gauge chain link in strength and be of sufficient height to prevent escape.
- (B) The primary enclosure is not required to have a shift cage as set forth in rule 901:1-4-01.1 of the Administrative Code.
- (C) Animals regulated by this rule shall have their length measured as the distance between snout and vent unless otherwise specified.
- (D) The dry space in the primary enclosure shall be at least two times the length and width of the largest animal in the enclosure. All animals shall be able to stretch out without touching each other.
- (E) The water space in the primary enclosure shall be at least two times the length of the largest animal in the enclosure and the animal shall be able to submerge at least six inches under water. All animals shall be able to submerge at the same time without touching each other.
- (F) Animals regulated by this rule that are less than four feet in total length, measuring snout to end of the tail, must be kept in a plexiglass or equivalent strength containment that prevents escape and ensures public safety.

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901:1-4-09 Nonhuman primates.

This rule applies exclusively to the species listed as dangerous wild animals in divisions (C)(19) to (C)(20) of section 935.01 of the Revised Code.

(A) Each primary enclosure shall have multiple elevated platforms that shall accommodate all animals in the enclosure simultaneously.

(B) Each primary enclosure shall have a visual barrier that provides a retreat area for the animal.

(C) A primary enclosure that is within a solid secondary enclosure is not required to have a shelter as defined in paragraph (F) of rule 901:1-4-01 of the Administrative Code.

(D) A primary enclosure housing the species described in paragraphs (I) to (L) of this rule is not required to have a shift cage or safety entrance as set forth in rule 901:1-4-01.1 of the Administrative Code.

(E) Permit holders possessing more than one of the animals regulated under this rule shall house them in stable pairs or groups of compatible individuals; except where single housing is justified based on social incompatibility resulting from inappropriate behavior or veterinary concerns regarding animal well-being.

(F) Sub-family – cercopithecinae; common names: guenons, vervets, baboons, macaques; sub-family – colobinae; common names: colobuses, langurs, proboscis monkeys; family – hylobatidae; common names: gibbons, siamangs.

(1) The primary enclosure shall be constructed of at least nine gauge wire mesh or its equivalent.

(2) The primary enclosure shall be a minimum of one hundred square feet with a roof, and have eight feet of useable climbing vertical height. For each additional animal the primary enclosure shall be increased by twenty five square feet.

(G) Sub-family – homininae; common names: chimpanzees, bonobos; sub-family – ponginae; common name: orangutans.

(1) The primary enclosure shall be constructed of steel bars, two inch diameter galvanized pipe, six gauge diameter chain link, masonry block or their equivalent.

(2) The primary enclosure shall be a minimum of three hundred square feet with a roof, and have eight feet of useable climbing vertical height. For each additional animal the primary enclosure shall be increased by seventy five square feet.

(H) Sub-family – gorillinae; common name: gorilla

(1) The primary enclosure shall be constructed of steel bars, two inch diameter galvanized pipe, six gauge diameter chain link, masonry block or their equivalent.

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(2) The primary enclosure shall be a minimum of four hundred square feet with a roof, and have eight feet of useable climbing vertical height. For each additional animal the primary enclosure shall be increased by seventy five square feet.

(I) Family – callitrichidae; common names: golden lion, black faced lion, golden-rumped lion, cotton top, emperor, saddleback, black mantled, and geoffroy’s tamarin; family – aotidae; common names: southern and northern night monkey;

(1) The primary enclosure shall be constructed of at least eleven and one half gauge wire mesh or its equivalent.

(2) The primary enclosure shall be a minimum of nine square feet with a roof, and have six feet of useable climbing height. For each additional animal the primary enclosure shall be increased by two and one fourth square feet.

(J) Family – pitheciidae; common names: dusky titi and masked titi.

(1) The primary enclosure shall be constructed of at least eleven and one half gauge wire mesh or its equivalent.

(2) The primary enclosure shall be a minimum of sixteen square feet with a roof, and have six feet of useable climbing height. For each additional animal the primary enclosure shall be increased by four square feet.

(K) Sub-family – pitheciinae; common names: white faced, black bearded, white-nose bearded, and monk sakis; bald urakis.

(1) The primary enclosure shall be constructed of at least eleven and one half gauge wire mesh or the equivalent.

(2) The primary enclosure shall be a minimum of sixteen square feet with a roof, and have six feet of useable climbing height. For each additional animal the primary enclosure shall be increased by four square feet.

(L) Family – atelidae; common names: mariqui; black-handed, white-bellied, brown-headed, black spider; red, black and mantled howler; sub-family – atelinae; common name: common woolly; sub-family – pitheciinae; common name: black uakaris

(1) The primary enclosure shall be constructed of at least nine gauge wire mesh or the equivalent.

(2) The primary enclosure shall be a minimum of sixty-four square feet with a roof, and have six feet of useable climbing height. For each additional animal the primary enclosure shall be increased by 16 square feet.

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901:1-4-10 Recordkeeping.

(A) Permit holders shall monitor and maintain records appropriate to the species documenting cleaning and feeding schedules, veterinary care, pest control, unique identification for each animal, and the disposition of each animal.

(B) An owner applying for permit renewal forms will identify animals not on the original registration permit.

(C) Identifying information for each animal shall be provided to the department for a permit holder data base.

(D) Records required by division (A) of section 935.15 of the Revised Code shall be:

(1) Kept at the facility at which the animal is housed; and,

(2) Retained for one year past the expiration of the permit and any subsequent renewals.

(E) Records required by divisions (A)(6) and (A)(7) of section 935.15 of the Revised code shall be sent to the department within thirty days of the creation of the record.

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901:1-4-11 Transportation.

- (A) Transportation of animals shall comply with the United States Animal Welfare Act Transportation Standards or the International Air Transportation Association standards.
- (B) Certificates of veterinary inspection and required transport permits must accompany the shipment and must be in compliance with all applicable state, national, or international requirements.
- (C) The animal's cage or enclosure shall be of sufficient strength and security to prevent escape and large enough to ensure that each animal has sufficient space to turn, stand erect, and lie naturally. However, certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.
- (D) Animal transportation must be conducted in a manner that is safe, well-planned, coordinated, and minimizes distress to the animal.
- (E) Animals in transit must be checked on every four hours to assure they are receiving sufficient air for normal breathing and they are being protected from adverse weather conditions.
- (F) Animals must be transported in double containment (primary and secondary enclosures.) The vehicle, if fully enclosed, may serve as the secondary enclosure. The primary enclosure must be constructed so that no body part can protrude from the enclosure.
- (G) The animal containment area shall be free of engine exhaust fumes.
- (H) Only one nonhuman primate, including a female in estrus, shall be transported in a primary enclosure, except for:
- (1) A mother and nursing infant;
 - (2) A male/female pair or a family group; and
 - (3) A compatible pair of juveniles that have not reached puberty.
- (I) Animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups.
- (J) Animals that have not reached puberty shall not be transported in the same primary enclosure with adult animals other than their dams.
- (K) Animals must be placed in a primary enclosure that prevents the leaking of excreta with floors that:
- (1) Have a solid, leak proof bottom; which contains a sufficient amount of clean absorbable litter which is safe and non-toxic to cover the excreta; or,

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- (2) Have a removable leak proof collection tray under a slatted or wire mesh floor.
- (L) Animals shall be watered within four hours prior to being transported and every twelve hours thereafter and fed every twenty four hours unless directed by a licensed veterinarian.
- (M) Nonhuman primates that are more than one year of age must be fed every twenty four hours; and if less than one year, they must be fed every twelve hours. They must be watered every twelve hours.
- (N) The transporter must have an emergency plan.

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901:1-4-12 Signs.

(A) Signs required by this rule shall be in capital letters, measuring at least three quarters of an inch in width and height; and, all lettering shall be black or red print on a white background.

(B) At each normal entrance onto property on which any dangerous wild animal or restricted snake is confined, the owner shall have continuously posted and displayed a conspicuous sign, clearly visible, and easily readable by the public, warning that there is a dangerous wild animal or restricted snake on the premises.

Signs shall state as appropriate:

(1) “WARNING: DANGEROUS WILD ANIMAL (S) ON PREMISES”;

(2) “WARNING: VENOMOUS SNAKE (S) ON PREMISES”; or,

(3) “WARNING: LARGE CONSTRICTOR SNAKE (S) ON PREMISES”.

(C) On each primary enclosure in which a dangerous wild animal is confined, the owner shall have continuously posted and displayed a conspicuous sign, clearly visible, and easily readable.

Signs shall state “WARNING: _____” with the last word to indicate the type of dangerous wild animal that is being confined. The type of animal may be preprinted on the sign or handwritten.

(D) On each primary enclosure in which a restricted snake is confined, the owner shall have continuously posted and displayed a conspicuous sign, clearly visible, and easily readable.

Signs shall state:

(1) “WARNING: _____” with the last word to indicate the type of restricted snake that is being confined. The type of snake may be preprinted on the sign or handwritten.; and,

(2) If the snake is venomous, the sign must also state “VENOMOUS SNAKE: If bitten, antivenom: _____. TAKE THIS SIGN WITH YOU TO ASSIST IN MEDICAL TREATMENT.”, and state the antivenom to be used in the case of a bite and the location of antivenom. If antivenom is kept at a hospital, the sign shall list emergency contact information for the hospital.

In case of venomous snake bite, the sign specified in this paragraph may be removed and taken with person requiring medical treatment. Sign must be replaced as soon as practical after medical emergency.

(E) Anytime a dangerous wild animal or restricted snake is transported by vehicle, the vehicle must have a sign conspicuously displayed that meets the same requirements for the signs posted outside the animal’s cage or container in paragraphs (B) and (C) of this rule.

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(F) Nothing in this rule precludes the dangerous wild animal owner or restricted snake owner from posting other signs, so long as the signs required by this rule are not obscured or rendered inconspicuous.

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901:1-4-13 Examinations.

- (A) As provided for in division (B)(6) of section 935.05 of the Revised Code and division (B)(5) of section 935.08 of the Revised Code, an applicant for a wildlife shelter permit, a wildlife propagation permit, a restricted snake possession permit, or a restricted snake propagation permit may take a written examination in lieu of proving two years experience in the care of the dangerous wild animals or restricted snakes that are the subject of the application.
- (B) Opportunity to take examinations will be provided at such times and places as determined by the director in consideration of the number and location of requests, but there shall be at least four opportunities to take an examination per year.
- (C) No less than thirty days prior to an examination, the dates and locations will be announced on the department's website and pending applicants shall be informed by first-class mail.
- (D) Registration for exams shall be on a form provided on the department's website.
- (E) Registration forms must be received by the department two business days prior to the examination, and may be returned to the department by mail, email, or fax.
- (F) Applicants who fail to pass an examination may apply to be re-tested at the next scheduled examination.
- (G) Each examination shall consist of a core examination that will assess the applicant's knowledge of the duties and responsibilities of permit holders specific to the type of permit for which the applicant is applying.
- (H) All examinations will contain a species specific section, which will assess that applicants have sufficient knowledge to provide for the proper diet, health care, exercise needs, and housing of the dangerous wild animals or restricted snakes listed on the permit application.

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901:1-4-14 Species Survival Program.

Wildlife propagation permit applicants shall include with the permit application or renewal a species survival program plan as defined by this rule.

(A) A species survival program shall be developed in cooperation with a veterinarian and approved by the chief of the division of animal health.

(B) The wildlife propagation permit shall include the veterinarian's approval of the species survival program.

(C) The species survival program shall be for animals designated as endangered by the convention on international trade in endangered species of wild fauna and flora (CITES).

(D) The species survival program shall be based on generally accepted scientific understanding and include protocols for at least:

(1) A population of sufficient number for a breeding program;

(2) Sufficient genetic diversity for expansion of the species;

(3) Breeding as a means of increase the species population and maintaining genetic diversity; and,

(4) Placement of surplus breeding stock.

(E) The species survival program shall be reviewed annually with the permit holder's veterinarian, and the permit renewal form shall include the veterinarian's approval of the continuing program.

(F) Animals bred through the species survival program may be placed into a species survival program:

(1) As permitted by the United State fish and wildlife service or CITES; or,

(2) Approved by the association of zoos & aquariums or zoological association of America.

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901:1-4-15 Wildlife shelter and wildlife propagation permits.

(A) An applicant for a wildlife shelter permit or wildlife propagation permits shall file an application for a permit with the director of agriculture on a form prescribed and provided by the director. In addition to the information required by section 935.05 of the Revised Code, the application shall include all of the following:

- (1) A declaration as to whether the applicant will have employees working on their behalf;
- (2) A declaration as to whether the applicant has used equivalent materials as defined in rule 901:1-4-01 of the Administrative Code;
- (3) An opportunity for the applicant to request the department make a determination as to the suitability of equivalent materials used in the applicant's facility.

(B) An application for a wildlife shelter permit or wildlife propagation permit shall not be considered complete until all of the following have been submitted to the director:

- (1) The completed and signed application form;
- (2) A completed and signed Background Check and Permission and Release Form and applicable fee;
- (3) Proof of financial responsibility as required in division (A)(5) of section 935.05 of the Revised Code;
- (4) If applicable, the written proof of experience with each dangerous wild animal required by division (A)(6) of section 935.05 of the Revised Code;
- (5) The written plan of action required in division (A)(7) of section 935.05 of the Revised Code;
- (6) The appropriate fee as required in division (C) of section 935.05 of the Revised Code for wildlife shelter permits or division (B) of section 935.07 for wildlife propagation permits;
- (7) The affidavit attesting that the applicant will not allow members of the public to be in contact with a dangerous wild animal required by division (A)(5) of section 935.06 of the Revised Code; and,
- (8) The affidavit attesting that the applicant will maintain the facility in which the dangerous wild animals are to be kept in accordance with section 935 of the Revised Code and Chapter 901:1-4 of the Administrative Code, as required by division (A)(8) of section 935.06 of the Revised Code.
- (9) The applicant has signed an affidavit attesting that each dangerous wild animal that is possessed by the applicant has been sterilized. However, a dangerous wild animal is not required to be sterilized if a veterinarian that is qualified to provide veterinary care to the

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dangerous wild animal determines that the sterilization is medically contraindicated and the applicant has submitted a copy of the veterinarian's written determination with the applicant's application.

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901:1-4-16 Rescue facility permit.

(A) An applicant for a rescue facility permit shall file an application for a permit with the director of agriculture on a form prescribed and provided by the director. An applicant need apply for only one permit regardless of the number of dangerous wild animals that the applicant possesses. The application shall include all of the following:

- (1) The name, date of birth, address, social security number, and federal employer identification number, if applicable, of the applicant;
- (2) If different from the information provided under paragraph (A)(1) of this rule, the name and address of the location where each dangerous wild animal will be confined;
- (3) A description of each dangerous wild animal, including the scientific and common names, the name that the applicant has given the animal, the animal's sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal;
- (4) The identification number of a microchip that is implanted in each dangerous wild animal and the frequency of the passive integrated transponder contained in the microchip;
- (5) A plan of action to be undertaken if a dangerous wild animal escapes;
- (6) Proof that the applicant has established a veterinarian-client relationship as described in section 4741.04 of the Revised Code with regard to each dangerous wild animal;
- (7) A declaration as to whether the applicant has ever been convicted of a felony, or any crime related to cruelty to animals, escape of dangerous animals, or prohibitions concerning companion animals;
- (8) A declaration as to whether the dangerous wild animals have previously been registered with the department;
- (9) A declaration that each dangerous wild animal has been sterilized, or that such sterilization is medically contraindicated;
- (10) A declaration as to whether the applicant will have employees working on their behalf;
- (11) A attestation as to whether the applicant has used equivalent materials as defined in rule 901:1-4-01 of the Administrative Code;
- (12) An declaration as to whether the applicant is in compliance with the housing and care standards set forth in Chapter 901:1-4 of the Administrative Code; and,
- (13) A declaration that the applicant will not allow public contact with the dangerous wild animals.

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(14) An opportunity for the applicant to request the department make a determination as to the suitability of equivalent materials used in the applicant's facility.

(B) Not later than ninety days after receipt of an application under section 935.101 of the Revised Code, the director of agriculture shall issue or deny a rescue facility permit. The director shall issue a permit to an applicant only if all of the following apply:

(1) The applicant is eighteen years of age or older.

(2) The applicant is in compliance with the standards of care established in this chapter.

(3) The applicant has signed an affidavit attesting that each dangerous wild animal that is possessed by the applicant has been sterilized. However, a dangerous wild animal is not required to be sterilized if a veterinarian that is qualified to provide veterinary care to the dangerous wild animal determines that the sterilization is medically contraindicated and the applicant has submitted a copy of the veterinarian's written determination with the applicant's application.

(4) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a dangerous wild animal possessed by the applicant. This paragraph does not apply to an employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code possessed by the applicant if the care is provided under the direction of the applicant.

(5) The applicant has signed an affidavit attesting that the facility at which a dangerous wild animal or dangerous wild animals will be maintained under the permit and the conditions in which each dangerous wild animal will be kept in that facility are in compliance with this chapter and rules.

(6) The applicant has submitted a complete application that meets the requirements established in section 935.101 of the Revised Code and this rule.

(7) The applicant has submitted the applicable fee under section 935.101 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(C) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit.

(D) Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies

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with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.101 of the Revised Code.

(E) If a renewal permit is denied, two hundred fifty dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant.

(F) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under Chapter 119. of the Revised Code.

(G) If a person does not appeal the determination of the director to deny an application for a permit or a renewal of a permit or if the determination of the director is affirmed under Chapter 119. of the Revised Code, not later than thirty days after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the dangerous wild animal or animals that the person possesses to a humane society, wildlife sanctuary, rescue facility, facility that is an accredited member of either the association of zoos and aquariums or the zoological association of America, or facility that is located in another state and that complies with that state's applicable laws. After the transfer has occurred, the person shall submit proof to the director that the dangerous wild animal or animals were transferred and shall specify the society, sanctuary, or facility to which the animal or animals were transferred.

The person is responsible for all costs associated with the transfer of the dangerous wild animal or animals.

(H) If a person that has been issued a rescue facility permit under section 935.101 of the Revised Code dies, the person's next of kin shall do one of the following:

(1) If the next of kin wishes to possess the dangerous wild animal or animals, obtain a rescue facility permit under section 935.101 of the Revised Code. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee.

(2) If the deceased person has a last will and testament that specifies that the dangerous wild animal or animals possessed by the person are to be transferred to another person that has been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit issued under this chapter, transfer the dangerous wild animal or animals to the applicable permit holder;

(3) Transfer the dangerous wild animal or animals that were possessed by the deceased person in accordance with paragraph (G) of this rule.

(I) All fees collected under this section shall be credited to the dangerous and restricted animal fund created in section 935.25 of the Revised Code.

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901:1-4-17 Civil penalties.

Pursuant to division (B)(1) of section 935.24 of the Revised Code, the following schedule of fines for violations of sections 935.02 to 935.24 of the Revised Code and Chapter 901:1-4 of the Administrative Code is established.

- (A) After notice and opportunity for hearing pursuant to Chapter 119. of the Revised Code, all fines are assessed on the owner of the dangerous wild animal or restricted snake, and shall be paid by the owner within thirty days of receipt of order imposing the fine from the director of the department.
- (B) Any violation of the prohibitions listed in paragraphs (A), (B), (C), (E), (F), and (G) of section 935.18 of the Revised Code shall be subject to a fine of not more than one thousand dollars for the first violation and not more than ten thousand dollars for each subsequent violation of the same section or rule that occurs within two years of the first violation or preceding subsequent violation.
- (C) Any violation of the prohibition listed in paragraph (D) of section 935.18 of the Revised Code shall be subject to a fine of not more than five thousand dollars for the first violation, and not more than ten thousand dollars for each subsequent violation of the same section or rule that occurs within two years of the second violation or preceding subsequent violation:

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901:1-4-18 Compensation of a facility.

- (A) Pursuant to division (K) of section 935.20 of the Revised Code, the director shall maintain a list of facilities that are determined by the director to be eligible to accept dangerous wild animals and restricted snakes for the purposes of section 935.20 of the Revised Code.
- (B) Facilities that accept dangerous wild animals and restricted snakes pursuant to paragraph (A) of this rule may be compensated for the expenses of transportation to and stabilization of the dangerous wild animal or restricted snake at the facility.
- (C) Compensation is at the sole discretion of the director and must be requested by the facility before transfer of the animal to the facility.

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