Arkansas Game and Fish Commission

Code Book

The regulations in this Code Book are hereby adopted by the Arkansas State Game and Fish Commission under authority of Amendment 35 to the Constitution of the State of Arkansas. All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

F1.03 Wildlife Breeder/Dealer Permit Requirements

A. Wildlife Breeder/Dealer Permits may be issued to applicants complying with the following requirements:

1. The applicant must be at least 18 years old and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five years of the application date.

2. The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's facility shall be in compliance with all local ordinances; and

3. The applicant shall submit a written application (available from the Commission) for each facility to be permitted.

B. The requested permit shall be denied if:

1. The applicant fails to meet any of the issuance criteria set forth in this addendum chapter;

2. The applicant fails to disclose material information required, or makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;

3. The Commission finds, through further inquiry or investigation, the issuance of the permit may pose a significant risk to human health and safety, native fish and wildlife health or populations, or agriculture, or the proposed species cannot be safely confined in a humane manner.

4. The applicant is seeking to permit a new facility for the rearing, breeding, propagating, or distributing of large carnivores, mountain lions, or any member of the Cervidae family.

5. The applicant is seeking to permit a facility for a species listed in Addendum R1.03. However, the Director (or designee) may issue a permit for a species not listed in Addenda R1.02 or R1.03 should an evaluation by Commission staff determine the species does not pose a significant risk to human health and safety, native fish and wildlife health or populations, or agriculture and can be safely confined in a humane manner.

C. Permit Requirements:

1. The applicant shall supply satisfactory evidence stock has been/will be secured from a legal source.

2. Stock may be slaughtered in accordance with established husbandry practices for slaughter of domestic livestock. Purchasers of dressed game birds slaughtered at Wildlife Breeder/Dealer facility shall be issued by a permit holder a receipt with the name and address of the facility, date of sale, name of purchaser, and the number of and species of dress birds sold.

3. Fencing of enclosures in which deer, elk or other big game animals are to be held shall consist of a permanent deer-proof fence at least 8 feet tall and constructed in a manner that prohibits escape of captive wildlife and prohibits entry of native wildlife.

4. RESERVED.

5. Wildlife Breeder/Dealer Permit holders for species listed in Addendum R1.03 shall only sell individuals of those species to Arkansas residents who possess a current Wildlife Breeder/Dealer Permit for the respective species or to buyers outside of Arkansas. Additionally, Wildlife Breeder/Dealer Permit holders for cervids may sell cervids to Arkansas residents who possess a current Commercial Wildlife Hunting Resort Permit for cervids.

6. Live bobwhite quail sold to Arkansas residents who do not possess a Wildlife Breeder/Dealer Permit or Game Bird Shooting Resort Permit must be banded by the permit holder.

7. Rearing, breeding, propagating, producing or distributing primates shall not be permitted except facilities accredited by the Zoological Association of America.

8. A Wildlife Breeder/Dealer Permit holder is prohibited from moving cervids out of the permitted facility upon written notice by the Commission that a sample taken from a cervid within 25 miles of the facility tested positive for CWD.

9. Other conditions as set forth in the Wildlife Breeder/Dealer Permit.

D. Reporting and Record-keeping Requirements:

1. Legible records of all wildlife acquisitions and dispositions, including births, deaths, sales, slaughter and transport, shall be kept.

2. Records shall include evidence of legal possession of all wildlife kept under the permit, including licenses, bills of sale, bills of lading, receipts, invoices or other satisfactory evidence of ownership. Records shall include date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.

3. Records of sale shall include the name, address and telephone number of the person to whom the wildlife was sold, and the number of each species sold to each person.

4. Records must be retained throughout the time the wildlife is possessed by the permittee or for five years, whichever is longer.

5. Holders of Wildlife Breeder/Dealer Permits shall submit legible, complete quarterly reports (forms available from the Commission) of their inventory and any births, deaths, sales, purchases of wildlife or returned legally owned wildlife originating in Arkansas that has been out of the state for less than 30 days by the fifth day of the following months: March, June, September, and December.

6. Wildlife Breeder/Dealer Permit holders who possess cervids in facilities larger than 25 acres where the animals are allowed free range may report an estimated inventory number based on a Commission-approved survey technique.

7. Stock shall only be acquired from either a Commission-permitted Wildlife Breeder/Dealer or have been brought into the state in accordance with a Commission Wildlife Importation Permit. Permits will not be issued to and existing permits may be revoked for facilities that have acquired stock by any other method except for stock in possession, and not otherwise prohibited by this Code, for which an application was submitted to the Commission by July 1, 2021, and approved.

8. The Commission shall be notified within 24 hours of the escape of any animals from the facility.

E. Disease Testing and Control:

1. The director of the Commission, in consultation with the director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within Arkansas. Such mechanisms and procedures shall include, but not be limited to, examination, testing, quarantine and slaughter or destruction of individual animals and/or herds or flocks that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of Arkansas.

2. Examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner. As a condition of any permit issued under this addendum chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

3. All Cervids that die in captivity must be tested for chronic wasting disease. Copies of test results shall be forwarded to the Commission within seven days of receipt.

4. Captive Cervid facilities must be in compliance with all Arkansas Livestock and Poultry Commission requirements.

5. Permitted Wildlife Breeder/Dealer facilities in which birds are kept are required to adhere to Arkansas Livestock and Poultry Commission requirements regarding pullorum-typhoid disease tests and are encouraged to participate in the National Poultry Improvement Plan.

F. Facility and Caging Requirements:
All wildlife possessed under a Wildlife Breeder/Dealer Permit in Arkansas shall be maintained in a permanent enclosure, pen, or cage strong enough to prevent escape of the wildlife and protect them from injury and live wildlife shall not leave this permanent facility except upon sale, for veterinary care, or for temporary exhibition. All wildlife shall be maintained in humane and healthy conditions. Birds, other than ratites, must be kept in buildings or covered pens that prevent escape and that do not allow entry of wild birds. Enclosures shall be kept in good repair at all times and gates shall be securely fastened with latches or locks. Enclosures, pens or cages considered unsafe by Commission personnel must be repaired or reconstructed within 10 days or as specified by the Commission.

1. Facilities containing large carnivores and mountain lions shall meet the following requirements:

   i. A written plan of action shall be prepared and a copy submitted with permit application for use in the following events: Severe damage to enclosures from fire, wind, floods or other natural forces; animals attacking and/or injuring humans, and animals escaping enclosures. Plans should identify the location of temporary holding facilities and necessary mechanisms to safely transport large carnivores to these facilities. Recapture plans shall outline procedures for handling and recapturing escaped large carnivores. Plans should include a list of safety equipment which shall be available for use. The Commission shall immediately be notified upon the escape of any large carnivores or mountain lions. In the event of sickness, the name, address, phone number, and signature of the veterinarian who has agreed to care for the animal shall be provided.

   ii. A perimeter fence sufficient to deter entry by the public, at least 8 feet tall shall completely surround cages where animals are housed or exercised outdoors. Perimeter fences that allow objects to be passed through them, such as chain link or welded wire, shall be at least 3 feet from cages or exercise areas.

   iii. Warning signs must be posted at the entrance to the property.

iv. All cages or enclosures shall be equipped with an entrance or device that allows a keeper to enter or exit a cage without providing an avenue of escape to an animal (such as a double-gated entry door, interconnected cages that can be isolated from each other, a lock-down area, or other comparable device). Safety entrances shall be constructed of materials of equivalent strength as those prescribed for cage construction. Doors or gates in perimeter fences shall be locked when unattended.

v. Cages shall be equipped with a lockout area that allows the keeper access while the animal is contained in a separate area.

vi. Cages shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. The fasteners and fittings used in construction shall be of equivalent strength to the material required for cage construction.

vii. In facilities containing tigers, African lions and bears cage construction materials shall consist of at least 9-gauge chain link or equivalent materials. In facilities containing mountain lions, cage construction materials shall consist of at least 11-gauge chain link or equivalent materials. Juvenile animals may be kept in incubation or rearing facilities not meeting these standards until they weigh more than 25 pounds.

viii. Cages containing a single African lion, tiger or bear shall have a cage floor at least 300 square feet and shall be at least 8 feet tall. For each additional animal the cage size shall be increased 100 square feet.

ix. Cages containing a single mountain lion shall have a cage floor at least 200 square feet and shall be at least 8 feet tall. For each additional animal the cage size shall be increased 100 square feet.

x. Large carnivores and mountain lions may temporarily be housed in cages or enclosures smaller than specified in this chapter while being transported, while in veterinary care or while being quarantined provided temporary caging is large enough for the animal to stand up, lie down and turn around without touching the sides of the enclosure or another animal.

xi. Open-top outdoor exercise areas are allowed providing they have vertical walls at least 12 feet tall, topped by either: an inward-angled overhang at an angle between 35 and 55 degrees, which is at least 2 feet long and of equal strength as the cage walls; or, two strands of electric fencing, one of which is 1 foot below the top of the vertical wall, and the other at the top of the wall or the upper 3 feet of the interior of the fence consists of sheer, solid metal. Animals may not be left in exercise areas overnight with the exception of those facilities accredited by the Global Federation of Animal Sanctuaries.

xii. Permit holders whose facility, including enclosures, pens and cages, is not in compliance with this Commission Addendum Chapter shall be notified in writing and shall have 10 days to correct the violation.

xiii. If the violation has not been corrected in 10 days of notification, the Commission may revoke any existing permit and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

2. Facilities containing medically significant venomous reptiles shall meet the requirements in Addendum F1.08.

3. Animals being exhibited under a Wildlife Breeder/Dealer permit must either meet the above requirements or the following:

   i. Cages, enclosures, or pens holding animals for temporary exhibition must be strong enough to prevent escape of the wildlife and protect them from injury;

   ii. Enclosures shall be kept in good repair at all times and gates shall be securely fastened with latches or locks;

   iii. Enclosures, pens, or cages deemed unsafe by Commission personnel must be repaired or reconstructed immediately or animals must be returned to their permanent Wildlife Breeder / Dealer facility; and

   iv. A permit holder or a trained representative must be on-site at all times when permitted animals are in a temporary exhibition area; when such an individual is not present, permitted animals must be kept in locked enclosures.

G. **I**nspection:

1. Any person issued a Wildlife Breeder/Dealer Permit shall allow entry, at any reasonable hour, to Commission employees or their agents to inspect any wildlife and/or facilities kept under authority of the permit.

2. Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by the employee or agent.

H. Renewal, Expiration, Transfer, Suspension and Revocation:

1. Permits may be revoked for failure to comply with the terms of the permit or with the terms of this Commission Addendum Chapter.

2. Persons in violation of the terms of this permit, violation of the Commission Addendum, or upon conviction or entry of a plea of guilty or nolo contendere for violation of any federal, state or municipal law

governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals, shall be notified in writing of such violations and shall have 20 days to respond.

3. If, at the end of 20 days, just cause has not been given, the Commission may suspend or revoke any existing permit and refuse to issue any future permit. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed.

4. Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

5. No existing permit can be transferred to another person, firm or corporation rearing, breeding, propagating, producing or distributing any member of the Cervidae family.

6. Holders of Wildlife Breeder/Dealer Permits for any species included on the Prohibited Captive Wildlife Species list (Addendum R1.03) whose facilities are void of their permitted species for one (1) year shall not have their permit renewed.