

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person April M. Soman

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Name of Rule 9.02 Possession of Non-Native Wildlife In Captivity Restricted

Newspaper Name Arkansas Democrat Gazette

Date of Publishing March 22, 23, and 24, 2020 and April 19, 20, and 21, 2020

Final Date for Public Comment May 21, 2020

Location and Time of Public Meeting AGFC Auditorium, 2 Natural Resources Drive, Little Rock AR 72205,  
at 10:00 a.m.

## 9.02 Possession of Non-Native Wildlife In Captivity

### Restricted

- A. It is unlawful to possess captive non-native wildlife not excepted under Code 09.01 or Addendum R1.01, unless the possessor can produce written documentation that such wildlife was legally obtained in accordance of Section G of this regulation and has been certified by an accredited veterinarian to be free of diseases and parasites that may pose an adverse risk to native wildlife.
- B. It is unlawful for any person to possess mountain lions (*Puma concolor*) except in compliance with Codes 09.07, ~~09.13~~.
- C. It is unlawful to possess tigers, African lions, and all species of bears not in compliance with Ark. Code Ann. §§ 20-19-501 through 20-19-511 or Code 09.07.
- D. It is unlawful to keep non-native wildlife under inhumane or unhealthy conditions.
- E. All non-native wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are sufficiently strong to prevent escape of the wildlife and that will protect the wildlife from injury. Birds shall be kept in buildings or covered pens.
- F. Males and females of the same species must be kept in separate enclosures, or if kept in the same enclosure, the owner shall provide proof that all males or all females within the enclosure have been neutered.
- G. Animals shall either be acquired from either a Commission-permitted Wildlife Breeder/Dealer, acquired in accordance with Code 9.07 Exception I, or have been brought into the state in accordance with a Commission Wildlife Importation Permit. Owners shall maintain records of proof of legal ownership of such animals including licenses, bills of sale, bills of lading, receipts, invoices and copies of Wildlife Importation Permits or other satisfactory evidence. The date of acquisition, place of origin, and the name, address, and telephone number of the person from whom the wildlife was acquired shall be recorded. Owners shall provide these records to the Commission upon demand.
- H. It is unlawful for any person to possess a primate except in compliance with Ark. Code Ann. §§ 20-19-601 through 20-19-610.
- I. Medically significant venomous reptiles must be kept in accordance with a Venomous Reptile Possession Permit (Code 09.17).

#### **PENALTY: Class 2**

- A. Any person convicted of violating this regulation shall be liable for the costs incurred in the storage, care, and maintenance of any equipment, wildlife, and/or fish seized in connection with the violation.
- B. Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegally possessed wildlife, and also shall be liable for the costs of destruction and/or disposal of the illegally possessed wildlife, as deemed necessary by the Commission for the protection of native wildlife.