

TEXAS ADMINISTRATIVE CODE
TITLE 25. HEALTH SERVICES
PART I. DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 169. ZONOSIS CONTROL
SUBCHAPTER G. CAGING REQUIREMENTS AND STANDARDS FOR
DANGEROUS WILD ANIMALS

§169.131. Caging Requirements and Standards for Dangerous Wild Animals.

(a) Definitions.

(1) Key components of facilities for confining dangerous wild animals and restricting public contact with the animals are the primary enclosure and the perimeter fence.

(A) Primary enclosure - Any structure used to immediately restrict an animal(s) to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

(B) Perimeter fence - A barrier surrounding the area containing the primary enclosure(s) that restricts public access to the area.

(2) Where specified in this section, primary enclosures for dangerous wild animals shall be equipped to provide for a safe, healthy, and humane environment for the animals; prevent escape by the animals; and protect and enhance the public's health and safety. Such equipment includes, but is not limited to:

(A) Safety entrance - A protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry.

(B) Shelter (including such structures as nest boxes or dens) - An enclosed structure that provides protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal(s). Such a structure may vary in size depending on the security and biological needs of the species; it shall be large enough to accommodate all the animals in the enclosure simultaneously. Such a structure shall be within, attached to, or adjacent to the primary enclosure and be readily accessible to the animal(s).

(C) Elevated platform or perching area - A surface or structure, either natural or manmade, positioned above the floor or above the grade level of the primary enclosure that will provide a resting area for the animal(s).

(D) Gnawing and chewing items - Natural or artificial materials that provide for the health of teeth, so as to keep teeth sharp, remove tartar, and promote general oral hygiene. Gnawing items include, but are not limited to, logs and trees. Chewing items include, but are not limited to, woody stems, knuckle bones, and rawhide objects. Suitability is dependent upon species of animal.

(b) General Requirements.

(1) Primary enclosures for housing dangerous wild animals shall be sufficiently strong to prevent escape and to protect the animal(s) from injury and shall be equipped with perimeter fences to prevent any public contact with the animal(s). Perimeter fences may be constructed from materials such as fencing, landscaping, or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(2) All primary enclosures less than or equal to 1,000 square feet shall be covered at the top to prevent escape.

(3) A perimeter fence, sufficient to deter entry by the public, shall be a minimum of 8 feet in height and shall completely surround the premises where the animal(s) is housed or exercised outdoors. Perimeter fences constructed of materials, such as chain link or welded wire, that allow objects to be passed through them shall be at least 3 feet from the primary enclosure or appropriately enclosed exercise area.

(c) Structural Requirements for Primary Enclosures. In addition to the size and equipment requirements for primary enclosures, dangerous wild animals shall be caged in accordance with the following requirements.

(1) All primary enclosures shall be equipped with a safety entrance. Such entrances shall include a double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength or greater than that prescribed for cage construction for that particular species. The area occupied by the safety entrance shall be in addition to the space requirements for the primary enclosure.

(2) All primary enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at or below ground level to prevent escape by digging or erosion. Metal clamps, ties, or braces used in the construction of enclosures shall be of strength equivalent to or greater than the material required for primary enclosure construction for the particular species.

(3) Additional minimum requirements for specific species and hybrids of those species shall be as follows.

(A) Chimpanzees, gorillas, and orangutans.

(i) Outdoor facilities - Construction material shall consist of steel bars, 2-inch galvanized pipe, masonry block, or their strength equivalent or greater. Shotcrete walls can also be utilized; if used in uncovered enclosures, it must be applied appropriately to avoid formation of any holds that could be used for climbing.

(ii) Indoor facilities - Potential escape routes shall be equipped, at minimum, with steel bars, 2-inch galvanized pipe, or equivalent.

(B) Baboons, jaguars, tigers, lions, leopards, cougars, cheetahs, bears, and hyenas.

(i) Outdoor facilities - Construction material shall consist of not less than 9-gauge chain link or equivalent. Shotcrete walls can also be utilized; if used in uncovered enclosures, it must be applied appropriately to avoid formation of any holds that could be used for climbing.

(ii) Indoor facilities - Potential escape routes shall be equipped with wire or grating of not less than 9-gauge or equivalent.

(C) Ocelots, servals, lynxes, bobcats, caracals, coyotes, and jackals.

(i) Outdoor facilities - Construction material shall consist of not less than 12-gauge chain link or equivalent. Shotcrete walls can also be utilized; if used in uncovered enclosures, it must be applied appropriately to avoid formation of any holds that could be used for climbing.

(ii) Indoor facilities - Potential escape routes shall be equipped with wire or grating not less than 12-gauge or equivalent.

(d) Primary Enclosure Size and Equipment Requirements. No dangerous wild animal shall be confined in any primary enclosure that contains more individual animals than specified in this section, is smaller in dimension than specified in this section, or is not equipped as specified in this section. The area occupied by pools, ponds, or lakes shall be in addition to the space requirements for the primary enclosure. Specifications in this section also pertain to hybrids of designated species.

(1) Primates.

(A) In addition to species-related requirements of this section, each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be noninjurious and may include, but is not limited to, boxes, balls, mirrors, foraging items, or pools. The area occupied by pools shall be in addition to the space requirements for the primary enclosure.

(B) Each primary enclosure shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously.

(C) Each primary enclosure shall have horizontal and vertical climbing structures appropriate for the species.

(D) Primates shall not be kept in uncovered enclosures. However, for enclosures over 1,000 square feet in which a cover is not feasible, humane alternative measures shall be taken to prevent escape; these measures shall not compromise the health and safety of the public or the health, safety, and overall welfare of the animal(s). Such measures may

include, but are not limited to, increased fence heights; electrified wires on fences; fence placement distant from trees or other structures that an animal(s) can climb; and/or water moats surrounding the enclosure. The owner shall seek and provide proof of consultation with a zoological organization or association to confirm that the escape-prevention measure(s) implemented are appropriate and effective for the enclosed primate(s).

(E) Requirements for specific primate species are as follows:

(i) Baboons. For one animal, the primary enclosure shall have a minimum floor area of 100 square feet with a wall or fence at least 10 feet high. For each additional animal, primary enclosure size shall be increased by at least 100 square feet.

(ii) Chimpanzees, orangutans, and gorillas. For one animal, the primary enclosure shall have a minimum floor area of 400 square feet with a wall or fence at least 10 feet high. For each additional animal, primary enclosure size shall be increased by at least 350 square feet.

(2) Wild felines.

(A) In addition to requirements of this section, each primary enclosure shall be equipped with a shelter(s) large enough to accommodate all the animals in the enclosure simultaneously.

(B) Each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be noninjurious and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide materials, or pools. The area occupied by a pool shall be in addition to the space requirements for the primary enclosure.

(C) Each primary enclosure shall have an elevated platform(s) large enough to accommodate all animals in the enclosure simultaneously.

(D) Each primary enclosure shall have at least one claw log.

(E) Requirements for specific species of wild felines are as follows:

(i) Lions and tigers.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 8 feet high. For each additional animal, primary enclosure size shall be increased by at least 150 square feet.

(II) Primary enclosures over 1,000 square feet (if uncovered) shall have vertical jump walls at least 12 feet high with an attached 45-degree inward-angle overhang at least 3 feet wide or jump walls at least 16 feet high without an overhang. The inward-angle fencing shall be made of the same material as the vertical fencing.

(ii) Cheetahs.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 8 feet high. For each additional animal, primary enclosure size shall be increased by at least 150 square feet.

(II) Primary enclosures over 1,000 square feet (if uncovered) shall have vertical jump walls at least 10 feet high with an attached 45-degree inward-angle overhang at least 2 feet wide or 12 feet high without an overhang. The inward-angle fencing shall be made of the same material as the vertical fencing.

(iii) Jaguars, leopards, and cougars.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 12 feet high. For each additional animal, primary enclosure size shall be increased by at least 100 square feet.

(II) Jaguars, leopards, and cougars shall not be kept in uncovered enclosures.

(iv) Bobcats, lynxes, ocelots, caracals, and servals.

(I) For one animal, the primary enclosure shall have a minimum floor area of 100 square feet with a wall or fence at least 8 feet high. For each additional animal, primary enclosure size shall be increased by at least 50 square feet.

(II) Bobcats, lynxes, ocelots, caracals, and servals shall not be kept in uncovered enclosures. However, for enclosures over 1,000 square feet in which a cover is not feasible, humane alternative measures shall be taken to prevent escape; these measures shall not compromise the health and safety of the public or the health, safety, and overall welfare of the animal(s). Such measures may include, but are not limited to, increased fence heights; electrified wires on fences; overhangs on fences; predator guards on trees; and/or fence placement distant from trees or other structures that an animal(s) can climb. The owner shall seek and provide proof of consultation with a zoological organization or association to confirm that the escape-prevention measure(s) implemented are appropriate and effective for the enclosed feline(s).

(3) Bears.

(A) In addition to the requirements of this section, each primary enclosure shall be equipped with a shelter(s) that shall accommodate all animals in the enclosure simultaneously.

(B) Each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be

noninjurious and may include, but is not limited to, boxes, balls, bones, barrels, drums, climbing apparatus, or foraging items.

(C) Each primary enclosure shall have an elevated platform(s) for resting that will accommodate all animals in the enclosure simultaneously.

(D) Bears should be kept in covered enclosures or enclosures with an attached 45-degree inward-angle overhang at least 3 feet wide.

(E) Requirements for specific types of bears are as follows:

(i) Sun bears.

(I) For one animal, the primary enclosure shall have a minimum floor area of 300 square feet with a wall or fence at least 8 feet high if covered or at least 12 feet high if uncovered. For each additional animal, primary enclosure size shall be increased by at least 150 square feet.

(II) Each primary enclosure shall have, as a minimum, a 3-foot by 4-foot pool of water, 2 feet deep. The area occupied by the pool shall be in addition to the space requirements for the primary enclosure.

(ii) Black bears and Asiatic bears.

(I) For one animal, the primary enclosure shall have a minimum floor area of 400 square feet with a wall or fence at least 8 feet high if covered or at least 12 feet high if uncovered. For each additional animal, primary enclosure size shall be increased by at least 175 square feet.

(II) Each primary enclosure shall have, as a minimum, a 4-foot by 6-foot pool of water, 3 feet deep. The area occupied by the pool shall be in addition to the space requirements for the primary enclosure.

(iii) Brown bears and polar bears.

(I) For one animal, the primary enclosure shall have a minimum floor area of 500 square feet with a wall or fence at least 10 feet high if covered or at least 12 feet high if uncovered. For each additional animal, primary enclosure size shall be increased by at least 200 square feet.

(II) Each primary enclosure for brown bears shall have, as a minimum, a 6-foot by 10-foot pool of water, 4 feet deep. The area occupied by the pool shall be in addition to the space requirements for the primary enclosure.

(III) Each primary enclosure for polar bears shall have, as a minimum, a 10-foot by 10-foot pool of water, 5 feet deep. The area occupied by the pool shall

be in addition to the space requirements for the primary enclosure.

(4) Coyotes, jackals, and hyenas.

(A) In addition to the requirements of this section, each primary enclosure shall be equipped with a shelter(s) that shall accommodate all the animals in the enclosure simultaneously.

(B) Each primary enclosure shall have accessible devices to provide physical stimulation or manipulation compatible with the species. Each device shall be noninjurious and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide materials, or pools. The area occupied by a pool shall be in addition to the space requirements for the primary enclosure.

(C) For one animal, the primary enclosure shall have a minimum floor area of 150 square feet (200 square feet for hyenas) with a wall or fence at least 6 feet high. For each additional animal, primary enclosure size shall be increased by at least 100 square feet.

(D) Each primary enclosure shall have an elevated platform(s) large enough to accommodate all animals in the enclosure simultaneously.

(E) Uncovered primary enclosures shall have vertical jump walls at least 8 feet high with an attached 45-degree inward-angle overhang at least 2 feet wide or jump walls at least 10 feet high without an overhang. The inward-angle fencing shall be made of the same material as the vertical fencing.

The provisions of this §169.131 adopted to be effective March 14, 2002, 27 TexReg 1798; amended to be effective September 14, 2006, 31 TexReg 7352; amended to be effective February 10, 2011, 36 TexReg 550; amended to be effective July 26, 2017, 42 TexReg 3643

§169.132. Registration, Fee.

(a) Texas Health and Safety Code, §822.103, requires that a person must obtain a certificate of registration for a dangerous wild animal issued by an animal registration agency. The animal registration agency must include the following information on the certificate of registration:

(1) issuance date;

(2) certificate number;

(3) filing fee (\$20 per animal) along with the department's mailing address as listed in subsection (b) of this section and a statement that the fee must be submitted to the department along with a copy of the certificate;

(4) name, address, and phone number of the owner of the dangerous wild animal;

(5) name and address of the animal registration agency;

(6) species, sex, age, color, distinguishing marks, and other features (for example, ear notch, tattoo, sterilization status) of the dangerous wild animal;

(7) the address of where the dangerous wild animal is kept;

(8) the expiration date (or a statement that the certificate expires one year from the issuance date) unless the certificate is revoked, that the certificate is non-transferable, and that the certificate must be displayed at the location where the dangerous wild animal is kept; and

(9) the signature of the authorized person at the animal registration agency.

(b) Texas Health and Safety Code, §822.106, requires that not later than the 10th day after the date a person receives the certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the Texas Department of State Health Services, Zoonosis Control, P. O. Box 149347, Mail Code 1956, Austin, Texas 78714-9347. The fee for filing the certificate is \$20 per animal, submitted with the copy of the certificate.

The provisions of this §169.132 adopted to be effective February 10, 2011, 36 TexReg 550; amended to be effective July 26, 2017, 42 TexReg 3643