

## **CHAPTER 48.1-09-06 CATEGORY 3 SPECIES**

### Section

48.1-09-06-01 Housing, Handling, Health, and Importation Requirements

#### **48.1-09-06-01. Housing, handling, health, and importation requirements.**

1. Suidae including wild species of the family suidae (hogs and pigs), except swine considered domestic in the state by the board.
  - a. Importation requirements for wild species of the family suidae (hogs and pigs), except swine considered domestic in the state by the board.
    - (1) Certificate of veterinary inspection and importation permit number from the board.
    - (2) Negative pseudorabies serologic test approved by the state veterinarian within thirty days prior to entry into the state.
    - (3) Negative brucellosis test within thirty days of importation.
  - b. Housing requirements (perimeter fence aboveground) for a confinement or holding area:
    - (1) Perimeter fence at least six feet [1.83 meters] tall must be present.
    - (2) Twelve-gauge or stronger mesh is required and must be no greater than three inches by four inches [7.62 centimeters by 10.16 centimeters].
    - (3) Four-inch [10.16-centimeter] diameter treated posts or two-inch [5.08-centimeter] steel pipes must be no more than eight feet [2.44 meters] apart. Posts must be set three feet [.91 meter] deep.
    - (4) Fence must be attached on the inside.
    - (5) Two electric wires must be six inches [15.24 centimeters] inside the fence.
      - (a) The first wire must be six to eight inches [15.24 to 20.32 centimeters] above the ground.
      - (b) The second wire must be eight to twelve inches [20.32 to 30.48 centimeters] above the first wire.
      - (c) Generator backup is required.
      - (d) Snow that could affect the integrity of the fence must be removed before animals are allowed into the enclosure.
      - (e) Electric fence must be maintained in working order and be kept clear of foliage and debris.
    - (6) If a wooden structure is used, posts must be no more than eight feet [2.44 meters] apart with a gap no more than four inches [10.16 centimeters] between planks, except if young pigs are present, the fencing gaps must be no more than two inches [5.08 centimeters].
    - (7) In the confinement area, an underground fence must be constructed with concrete or imperviable surface comparable to concrete that meets the following requirements:

- (a) Same strength as perimeter fence.
    - (b) Buried two feet [.61 meter] below ground.
    - (c) Three feet [.91 meter] angled forty-five degrees toward interior of enclosure.
    - (d) Four to six inches [10.16 to 15.24 centimeters] aboveground overlapped and attached to aboveground fence to monitor and ensure proper connection.
  - c. Gates in confinement area must meet the following requirements:
    - (1) A gate at least six feet [1.83 meters] tall must be present.
    - (2) Any gaps must be less than four inches [10.16 centimeters] between the gate and ground, except if young pigs are present, the fencing gaps must be no more than two inches [5.08 centimeters].
    - (3) An electric wire must span across the gate. The electric fence must be constructed of twelve-gauge wire and consist of a minimum of a two-joules charge.
    - (4) An underground fence must span the gate opening and must anchor the gating to the ground with a two-inch [5.08 centimeter] steel pipe or equivalent.
2. Large felids and felid hybrids, including mountain lions, jaguars, leopards, lions, tigers, and cheetahs:
- a. Large felids that are in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
  - b. Importation for large felids requires a certificate of veterinary inspection and importation permit number from the board.
  - c. Housing requirements for large felids:
    - (1) Maintained in enclosures utilizing thick laminated safety glass, bars, or sturdy wire or in large outdoor exhibits employing barriers to separate animals and the public.
    - (2) A cage for a single animal must measure at least twenty feet [6.10 meters] wide by fifteen feet [4.57 meters] deep.
    - (3) Cages must be fifty percent larger per additional animal.
    - (4) Enclosures must have smaller shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages must measure at least eight feet by eight feet [2.44 meters by 2.44 meters].
    - (5) Enclosures must be made of steel chain link fencing of at least twelve-gauge strength, or material of adequate strength as approved by the state veterinarian, fastened to a cement floor. If a dirt floor is used, an underfencing must extend at least forty-two inches [106.68 centimeters] into the pen. The underfencing must be covered with adequate layers of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
    - (6) A guard rail or natural barrier must be in place which is at least three feet [.91 meter] in height, providing a minimum of a four-foot [1.22-meter] distance between the enclosure and people in areas where people, other than the owner or handler, have access to the enclosure.

- (7) A perimeter fence at least eight feet high [2.44 meters] and at least four feet [1.22 meters] from the primary enclosure must be in place to keep animals and persons out of the enclosure and to act as a secondary security measure should an animal escape.
  - d. Additional housing requirements for very large pantherids (lions and tigers):
    - (1) Outdoor cages must have vertical walls at least sixteen feet [4.88 meters] high, or thirteen feet [3.96 meters] high with a minimum three-foot [.91-meter] overhang, or be provided with tops at least ten feet [3.05 meters] high.
    - (2) Raised shelves or ledges for sleeping and resting and large logs for claw sharpening.
  - e. Additional housing requirements for cheetahs. Cages must have vertical walls at least eight feet [2.44 meters] high.
  - f. Additional housing requirements for other large felids (leopards, jaguars, and mountain lions (pumas or cougars)):
    - (1) Elevated ledges or perches for sleeping and resting.
    - (2) Wood logs or other such materials for claw sharpening.
    - (3) Enclosures housing leopards and jaguars, whether indoors or outdoors must have secure tops.
    - (4) An outdoor cage housing mountain lions must be at least eight feet [2.44 meters] high with an additional overhang of fencing angling into the pen at least three feet [.91 meter] or six feet [1.83 meters] high with a ceiling.
3. Bears.
- a. Bears, which are in the presence of persons other than the owner, handler, or immediate family, must be under the direct control and supervision of the owner or handler at all times.
  - b. Importation requirements for all bears are a certificate of veterinary inspection and importation permit number from the board.
  - c. Housing requirements for bears:
    - (1) Outdoor enclosures employing barriers, thick laminated safety glass, or bars. When used, dry moats must be at least twelve feet [3.66 meters] wide and twelve feet [3.66 meters] deep.
    - (2) A dry resting and social area, pool, and den.
    - (3) The use of electric wires or other means to discourage fence climbing.
    - (4) In addition to the primary enclosure:
      - (a) Den space for a single bear must measure at least six feet [1.83 meters] in width and depth and be at least five feet [1.52 meters] in height.
      - (b) Visual barriers, such as logs or boulders, added to enclosures housing more than one animal.

- (c) Adequate shade provided to simultaneously accommodate all individuals housed within the enclosure.
    - (d) Smaller shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages must be at least eight feet by eight feet [2.44 meters by 2.44 meters].
    - (5) Fences for all species must be fastened to a cement floor, or if a dirt floor is used, underfencing with a strength equal to the primary fencing must extend at least forty-two inches [106.68 centimeters] into the pen.
    - (6) The underfencing must be covered with a minimum of two feet [.61 meter] of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
  - d. Additional housing requirements for polar bears, brown bears, and grizzly bears:
    - (1) If vertical walls are used as a primary barrier, they must be at least twelve feet [3.66 meters] high.
    - (2) Adjoining facilities to permit safe cleaning and additional separation.
    - (3) The dry resting and social area for one or two adult bears must measure at least four hundred square feet [37.16 square meters] with an additional forty square feet [3.72 square meters] provided for each additional bear.
    - (4) Fencing must be a minimum of four-gauge steel chain link or equivalent.
  - e. Additional housing requirements for American black bears, Asiatic black bears, sloth bears, spectacled bears, and sun bears:
    - (1) Three hundred square feet [27.87 square meters] of dry resting and social area must be provided for one or two animals and be increased by fifty percent for each additional animal.
    - (2) Fencing must be minimum of nine-gauge steel chain link or equivalent.
    - (3) Fencing height must be a minimum of ten feet [3.05 meters] with a top or twelve feet [3.66 meters] with an additional three-foot [.91-meter] overhang.
4. Wolves and wolf hybrids.
- a. Any wolf that is in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
  - b. Importation requirements for wolves:
    - (1) A certificate of veterinary inspection and importation permit number from the board.
    - (2) A statement on the certificate of veterinary inspection that the animal has not been exposed to rabies.
    - (3) The animal cannot be imported from an area that is quarantined for rabies, unless approved by the state veterinarian.
  - c. Outdoor housing or holding facility requirements for wolves:
    - (1) Minimum floor space per animal must be two hundred square feet [18.58 square meters] and floor space must be increased by one hundred square feet [9.29 square

meters] for each additional animal. The enclosure must be at least eight feet [2.44 meters] high with an additional overhang of fencing angling into the pen or six feet [1.83 meters] high with a ceiling.

- (2) The enclosure must be made of steel chain link fencing of at least twelve-gauge strength, or fencing of adequate strength as approved by the state veterinarian, fastened to a cement floor. If a dirt floor is used, underfencing must extend at least forty-two [106.68 centimeters] inches into the pen. The underfencing must be covered with adequate layers of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
  - (3) Gates must have locks to prevent unauthorized entry of individuals.
  - (4) Shade and shelter from elements and inclement weather must be provided.
  - (5) A perimeter fence meeting the requirements of title 9, Code of Federal Regulations, sections 3.75, 3.77, and 3.78, must be required if the animal is kept within the city limits or other populated areas as determined by the state veterinarian.
5. Venomous reptiles and nonvenomous injurious reptiles.
- a. A license to possess a venomous reptile may only be issued if the applicant seeking the nontraditional livestock license demonstrates an educational purpose for and the ability to appropriately house, feed, care for, handle, and, if necessary, dispose of the reptile. An educational purpose includes research and displays at schools, institutions of higher education, wildlife preserves, zoos, and other bona fide educational displays approved by the state veterinarian.
  - b. A license to possess a nonvenomous injurious reptile may only be issued if the applicant seeking the nontraditional livestock license demonstrates the ability to appropriately house, feed, care for, handle, and, if necessary, dispose of the reptile.
  - c. The permittee shall provide documentation to the state veterinarian of the permittee's experience with these types of animals and the permittee's ability to safely maintain and control the animals.
  - d. Importation for venomous reptiles or nonvenomous injurious reptiles requires a certificate of veterinary inspection and importation permit from the board.
  - e. Premises where venomous reptiles are kept on display to the public must be posted with a notice clearly and conspicuously posted to provide the location of the nearest, most readily available source of appropriate antivenin and a written plan of action in the event of a venomous reptile bite.
    - (1) This plan of action must receive the written approval of a local medical facility, and a copy of the plan of action and the approval of the medical facility must be provided to the board.
    - (2) The person possessing the venomous reptile shall arrange for appropriate antivenin to be readily available through a local hospital, the name, address, and telephone number of which must be affixed to the enclosure.
  - f. Written animal escape emergency procedures must be clearly and conspicuously posted in the building housing venomous reptiles or nonvenomous injurious reptiles and must be supplied to the board at the time the permit application is initially submitted.

- g. Written notice of the presence on the premises of venomous or nonvenomous injurious reptiles must be provided to the local police, firefighters, and emergency medical personnel, including an identification of the animals possessed and the location of the animals within the premises.
  - h. If a venomous or nonvenomous injurious reptile is transported or removed from its primary enclosure for feeding or in order to clean the enclosure, the reptile must be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation.
  - i. Snake hooks must be present for caring for venomous snakes.
  - j. The permittee shall telephonically notify the board of any reptile bite on humans or escapes of any reptiles within twenty-four hours and provide a written report of the incident to the board within seven days.
  - k. Housing requirements for venomous reptiles:
    - (1) An enclosure or container containing venomous reptiles must be clearly labeled as "Venomous" and be labeled with the common and scientific name of the species as well as the number of animals contained inside.
    - (2) Venomous reptiles in captivity must be kept in a cage or in a safety glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animal's escape and with double walls sufficient to prevent penetration of fangs to the outside. All enclosures and access to them must be locked.
  - l. Housing requirements for nonvenomous injurious reptiles:
    - (1) An enclosure or container containing nonvenomous injurious reptiles must be clearly labeled with safety concerns and be labeled with the common and scientific name of the species as well as the number of animals contained inside.
    - (2) Nonvenomous injurious reptiles in captivity must be kept in a cage or in a safety glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animal's escape. All enclosures and access to them must be locked.
6. Primates:
- a. Any primate that is in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
  - b. Importation for primates requires a certificate of veterinary inspection and an importation permit number issued by the board containing the following:
    - (1) Negative tuberculosis test within thirty days of importation into the state, with mammalian tuberculin used in testing.
    - (2) Negative hepatitis A test.
    - (3) Fecal sample tested negative for parasites, shigella, and salmonella.
    - (4) Statement that a primate has not shown signs of or been exposed to infectious disease in the last one hundred eighty days.
  - c. Requirements for maintaining a primate after importation:

- (1) Negative tuberculosis test prior to renewal of license.
  - (2) Negative tuberculosis test within thirty days of change of ownership.
  - d. General housing requirements for primates:
    - (1) Primate housing must comply with title 9, Code of Federal Regulations, section 3.75.
    - (2) Primates must have a dedicated primary enclosure area, such as a room or cage-type enclosure, separate from other living areas of human occupants.
  - e. Space requirements for primates:
    - (1) Indoor primate enclosures must be at least two square feet [.19 square meter] per pound [.45 kilogram] of adult body weight per animal. This figure must be increased by fifty percent for each additional animal. The height of the primate primary enclosure area must be at least four times taller than the animal's body length.
    - (2) Primates kept outdoors must have a dedicated enclosure with a perimeter fence. The enclosure must include a roof, shelter from the elements, fence, and a lock on the enclosure. The dimensions of the outdoor enclosure must be at least as large as required for the indoor enclosure.
7. Nondomestic sheep and hybrids and nondomestic goats:
- a. Import requirements for category 3 nondomestic sheep and nondomestic goats in addition to those listed in section 48.1-09-02-01:
    - (1) A certificate of veterinary inspection and importation permit number from the board.
    - (2) Official identification approved by the state veterinarian.
    - (3) Negative tuberculosis test within thirty days.
    - (4) Animals must be free of any signs of scrapie as determined by an accredited veterinarian. The certificate of veterinary inspection must contain a written statement, signed by the consignor, stating that:
 

"To the best of my knowledge, the sheep listed on this certificate originate from a flock that has not been diagnosed as a scrapie-infected, source, or exposed flock in the past sixty months."
    - (5) Special permission must be obtained from the board to possess nondomestic sheep and hybrids and nondomestic goats and hybrids south and west of the Missouri River.
  - b. Fencing requirements for category 3 nondomestic sheep and nondomestic goats:
    - (1) Fencing must be at least eight feet [2.44 meters] high and made of twelve-gauge or heavier woven wire, or other material of similar strength.
    - (2) The bottom of the fence must be at or below ground level.
    - (3) Gates in the perimeter fence must be locked and there must not be more than six inches [15.24 centimeters] below or between gates.
    - (4) A handling and holding facility, adequate to handle nondomestic sheep or goats, or both, must be in place.

**History:** Effective July 1, 2016; amended effective July 1, 2024.

**General Authority:** NDCC 36-01-08

**Law Implemented:** NDCC 36-01-08, 36-01-12, 36-01-31