

K.A.R. 115-20-5. Dangerous regulated animals; primary caging requirements. Each person possessing a dangerous regulated animal, as defined in L. 2006, ch. 131, sec. 1 and amendments thereto, shall confine, house, maintain, and transport the animal as follows:

(a) Mammals.

(1) Each primary holding cage shall meet the following requirements:

(A) Be constructed in a manner that prohibits physical contact with the animal by any person other than the owner, designated handler, or veterinarian providing medical attention or treatment; and

(B) be enclosed inside a perimeter fence, rail, or other physical structure that prohibits physical contact with the animal.

(2) Each gate allowing access through a perimeter fence, rail, or other physical structure surrounding any primary holding cage shall be locked at all times with a key or combination lock to prevent unauthorized entry into the area immediately surrounding the primary holding cage, except when authorized persons are present in the area.

(3) Each primary holding cage shall include a shift cage to isolate the animal from the primary holding cage to permit the feeding, cleaning, repair, or other activities that necessitate the separation or isolation of the animal. Each shift cage shall be constructed so that the animal to be isolated is able to stand, lie naturally, and turn around without touching the sides of the shift cage. If multiple animals are held within a primary holding cage, the shift cage shall be constructed so that multiple animals to be isolated are able to stand, lie naturally, and turn around without touching the sides of the shift cage.

(4) Each primary holding cage shall be accessed through a double-gated entry consisting of a completely enclosed structure, constructed of material of strength or specification equal to or greater than that of the primary holding cage, and equipped with one primary access gate or door and a secondary access safety gate or door. Each door shall be equipped with a latch of sufficient strength and design to prevent the gate from opening accidentally, shall open only inward, and shall be equipped with stops or blocks of sufficient strength to prevent an animal from escaping by charging or striking the door. The primary access door shall be locked with a key or combination lock, separate from the latch, to prevent unauthorized entry. Additionally, the secondary door shall be equipped with either an additional latch or safety chain of sufficient strength and design to secure the door temporarily. Each person entering the primary holding cage shall enter through the primary access door and securely close the door before passing through the secondary access door. The primary access door and secondary access door shall not be open simultaneously when an animal is present in the primary holding cage.

(5) Any primary holding cage may be equipped with a maintenance gate to allow large items, including claw logs and maintenance equipment, to enter the primary holding cage. Each maintenance gate shall be securely double-latched and locked when not in operation. In addition, no maintenance gate shall be open when an animal is present in the primary holding cage.

(6) Each primary holding cage utilizing electrical power on any perimeter fence, secondary barrier, or enclosure shall have a functional, backup electrical system in place that is powered by a gas generator, solar-charged batteries, or the functional equivalent, to be used if the electrical power fails or the primary electrical source malfunctions.

(7) Each primary holding cage for any lions, leopards, jaguars, cheetahs, or mountain lions, or any hybrids of these animals, shall be constructed of materials meeting the following minimum requirements:

(A) The fencing for lions and tigers shall have the strength of a nine-gauge chain-link fence.

(B) The fencing for leopards, cheetahs, jaguars, and mountain lions shall have the strength of an eleven-gauge chain-link fence.

(C) Break-resistant glass or plastic viewing panels may be used if the material is of sufficient strength to prevent breakage by the animals confined.

(D) Each wall shall be at least eight feet in height. Except for any primary cage holding cheetahs, each primary holding cage with walls at least eight feet but not more than 13 feet in height shall be topped with the same fencing material required for the walls for the species of animal held. Each wall greater than 13 feet in height shall be equipped with either a supported, inward-facing overhang of at least 36 inches or two electrified wires encompassing the entire perimeter of the walls, unless topped with fencing materials. Each primary holding cage for cheetahs, unless topped with

fencing materials, shall be equipped with either a supported, inward-facing overhang of at least 18 inches or two electrified wires encompassing the entire perimeter of the walls.

(E) Each primary holding cage for any feline species shall have either a concrete footing extending a minimum of one foot into the ground or chain-link or welded wire fencing buried horizontally, of the equivalent strength as that of the primary cage wall, extending a minimum of three feet around the inside of the primary holding cage. All fencing material shall be securely fastened to the primary holding cage framework or to adjacent fencing or footings, in order to prevent separation from the framework or adjacent fencing materials. All fencing that is buried shall consist of nonrusting material.

(F) The vertical and horizontal fencing framework shall be constructed to effectively support the fencing materials and prevent bending or breakage of the fencing materials by the animals held in the primary holding cage.

(G) The floor space of each primary holding cage shall be at least 288 square feet for any feline species if only one animal is confined in the primary holding cage. Each additional animal confined in the same primary holding cage shall require an additional 144 square feet for that animal.

(8) Each primary holding cage for all bear species or any bear hybrids shall be constructed of materials meeting the following minimum requirements:

(A) The fencing for black bears, sloth bears, sun bears, and spectacled or Andean bears shall have the strength of a nine-gauge chain-link fence and shall be eight feet in height.

(B) The fencing for grizzly bears, brown bears, and polar bears shall have the strength of a five-gauge chain-link fence and shall be 10 feet in height.

(C) Any wall may be constructed of vertical steel bars or rods measuring $\frac{5}{8}$ inch in diameter, spaced on four-inch centers, and welded at the end to angle iron measuring $1\frac{1}{4}$ inch by $\frac{1}{4}$ inch. The horizontal angle iron shall be welded to vertical posts. The bottom horizontal supports shall be not more than three inches above the concrete floor or footing and shall not be spaced more than four feet apart between the floor and the top of the cage.

(D) Break-resistant glass or plastic viewing panels may be used if the material is of sufficient strength to prevent breakage by the animals confined.

(E) Each primary holding cage with walls at least eight feet but not more than 13 feet in height shall be covered with the same fencing material as that required for the walls for the species of animal held. Each wall greater than 13 feet in height, unless topped with fencing material, shall be equipped with either a supported, inward-facing overhang of at least 36 inches or two electrified wires encompassing the entire perimeter of the walls.

(F) Each primary holding cage for all bear species shall have a reinforced concrete floor at least four inches thick or a concrete footing extending at least five feet in the ground.

(G) The vertical and horizontal fencing framework shall be constructed to effectively support the fencing materials and prevent bending or breakage of the fencing materials by the animals held in the cage.

(H) The floor space of each primary holding cage shall be at least 288 square feet for black bears, sloth bears, sun bears, and spectacled or Andean bears if only one animal is confined in the cage. Each additional animal confined in the same cage shall require an additional 144 square feet for that animal.

(I) The floor space of each primary holding cage shall be at least 432 square feet for grizzly bears, brown bears, and polar bears if only one animal is confined in the cage. Each additional animal confined in the same cage shall require an additional 288 square feet for that animal.

(9) Any animal held for sale by a person with a valid license from the United States department of agriculture and any animal held for veterinary care or quarantine may be temporarily held or caged for not more than 60 days in a cage or enclosure that does not meet the primary cage space requirements.

(A) Upon written request to the local animal control authority, this temporary holding or caging period may be extended if conditions certified by a licensed veterinarian necessitate a longer holding period for the health, safety, or welfare of the animal or the public.

(B) The medical records for any animal for which an extension is requested shall be maintained at the facility and available for review upon request.

(C) A cage for temporary care shall not be used if the animal being held is not able to stand, lie naturally, and turn around without touching the sides of the cage. In addition, each animal or cage shall be permanently marked to correlate with records indicating the date on which the animal was placed in confinement.

(10) Any newborn animal may be temporarily confined in incubation and rearing facilities that do not conform to primary cage standards.

(11) Any nursing animal may be temporarily maintained with the animal's parents without regard to primary cage standards that require increases in the square footage of the cage until the nursing animal is weaned. This period may be extended to a date certain, on the recommendation of a licensed veterinarian for the health, safety, or welfare of the animal.

(12) Any juvenile animal may be confined in an enclosure or cage smaller than a primary holding cage, if the cage is large enough for the animal to stand, lie naturally, and turn around without touching the sides of the cage.

(13) Each juvenile animal that is confined in any cage other than a primary holding cage shall be marked or clearly identifiable to prove the date on which the animal was placed in confinement and the age of the animal and shall be provided space for exercise on a daily basis.

(14) Each juvenile animal shall be transferred permanently to a primary holding cage upon reaching six months of age or twenty-five pounds in weight, whichever occurs first.

(15) Each animal that must be transported to a location other than the primary holding cage shall be transported in a fully enclosed cage that is constructed of materials meeting a standard equivalent to the minimum standard for the primary cage for the species, is not injurious to the animal, and does not allow physical contact between the animal and any person.

(b) Nonnative venomous snakes.

(1) Each primary holding container for snakes shall have an access door or opening that is securely latched and locked, have joined surfaces that meet tightly, and be structurally sound to prevent separation of the surfaces and the escape of the confined snake or snakes.

(2) Each primary holding container for snakes shall be locked within a building or other structure that is inaccessible to unauthorized persons and that is constructed and maintained to prevent the escape of each confined snake.

(3) Each primary holding container for snakes shall be constructed from material meeting one of the following minimum requirements:

(A) Laminated safety glass, plate glass, or tempered glass at least 3/16 inch thick;

(B) break-resistant plastic with strength equivalent to the strength of laminated safety glass that is at least 3/16 inch thick;

(C) wire-reinforced concrete;

(D) sheet metal;

(E) molded fiberglass; or

(F) plywood or interlocking lumber that has been treated to be impervious to moisture and is at least 1/2 inch thick.

(4) Each primary holding container shall have adequate ventilation. Each ventilation opening shall be securely covered with double walls made of wire or fiberglass mesh measuring at least 1/16 inch.

(5) The perimeter of each primary holding container for snakes less than six feet in length shall be at least 1 1/2 times the length of the snake. The perimeter of each container for snakes more than six feet in length shall be at least twice the length of the snake.

(6) Each primary holding container shall be labeled with the common and scientific names of the species and subspecies of snakes held and the number of snakes held. The label shall be legibly marked with the warning “poisonous” or “venomous” and the name of the appropriate antivenin for the snake species.

(7) Each primary holding container used for public exhibit or display shall have double-pane glass panels.

(8) Written emergency procedures to be followed if a snake escapes shall be posted in a prominent location in the building or structure housing the snakes, along with a written plan from a hospital stating the way that a venomous bite should be treated and a notice of the location of the nearest, most readily available source of appropriate antivenin.

(9) Each snake removed from the primary holding container for feeding or for cleaning the container shall be held in a fully enclosed and ventilated container with a secure and locked lid.

(10) Each snake that must be transported from its primary holding container to another location shall be transported in a cloth sack placed inside a break-resistant, ventilated, and locked box that is made of wood, fiberglass, or plastic and that is clearly marked with the contents of the box. In addition, the box used shall not be injurious to the snake, shall not be subject to breaking from impact or dropping, and shall prohibit physical contact between the snake and any person. (Authorized by and implementing L. 2006, ch. 131, sec. 6; effective Nov. 27, 2006.)