

(A) As of January 6, 2011, except as provided in paragraphs (B) and (C), it shall be unlawful to possess, sell, or transfer live restricted species. For purposes of this section, "restricted species" means any individual animal of the following scientific classifications:

(1) Class mammalia, order carnivora:

(a) Family canidae: coyote (Canis latrans), timber and gray wolf (Canis lupus), excluding wolf-dog hybrids;

(b) Family felidae: lions (Panthera leo), tigers (Panthera tigris), jaguars (Panthera onca), leopard (Panthera pardus), clouded leopard (Neofelis nebulosa), snow leopard (Panthera uncia), cheetah (Acinonyx jubatus), bobcat (Rufus rufus), lynx (Lynx rufus), cougars, pumas, or mountain lions (Puma concolor), including hybrids thereof;

(c) Family ursidae: all species of bears.

(2) All species of Class mammalia, order primates excluding humans.

(3) Class reptilia:

(a) Order crocodylia: all species of alligators, crocodiles, caimans, and gharials.

(b) Order squamata:

(i) Family atractaspidae: all species, such as mole vipers.

(ii) Family boidae: anaconda (Genus eunectes), Burmese python (Python molurus), reticulated python (Python reticulatus), amethystine python (Morelia amethystinus), scrub python (Morelia kinghorni), northern African python (Python sebae), southern African python (Python natalensis).

(iii) Family colubridae: boomslang (Dispholidus typus), twig snake (Genus thelotornis).

(iv) Family elapidae: all species, such as cobra, mamba, and coral snakes.

(v) Family hydrophiidae: all species, such as sea snakes.

(vi) Family viperidae: all species, such as rattlesnakes, pit vipers, and puff adders.

(B) The prohibitions in paragraph (A) shall not apply to any person possessing restricted species prior to January 6, 2011, provided that the following criteria are met and continue to be met:

(1) Such person may not acquire additional restricted species after January 6, 2011, whether by purchase, donation, trade, barter, gift, or breeding;

(2) Such person shall not have been convicted of an offense involving the abuse or neglect of any animal pursuant to any state, local, or federal law;

(3) Such person shall not have had a license or permit regarding the care, possession, exhibition, breeding, or sale of animals revoked or suspended by any state, local, or federal agency;

(4) Such person must register with, and pay a registration fee to, the state department of natural resources, division of wildlife on a form prescribed by the chief of the division of wildlife by May 1, 2011, and annually thereafter.

(a) The registration materials shall indicate the number of animals of each restricted species in their possession.

(b) The registry shall be housed by the department of agriculture, and the registration data is to be forwarded to the department of agriculture within thirty days of receipt by the department of natural resources, division of wildlife.

(c) The department of natural resources will notify the department of agriculture of any suspected dangerously contagious or infectious disease or residue relating to animals registered with the department of natural resources so that the department of agriculture may act pursuant to its authority in chapter 941. of the Revised Code.

(5) Such person may not allow members of the public any opportunity to come into physical contact with a restricted species;

(6) Such person may only sell or transfer existing restricted species to an institution accredited by the association of zoos and aquariums, a wildlife sanctuary as defined in paragraph (C), a family member with permission of the chief of the division of wildlife or the chief's designee and meeting all other requirements of paragraph (B), or, until January 6, 2016, to an out-of-state facility. At least seventy two hours prior to sale or transfer, such person must notify the chief of the division of wildlife, identifying the recipient of the animal. At all times, possession, sale, transfer, and transport of the restricted species must conform with all applicable state, local, and federal laws;

(7) It shall be unlawful to possess any restricted species not permanently implanted

with a unique passive integrated transponder with a frequency of one hundred twenty five kHz, one hundred thirty four and two tenths kHz, or four hundred kHz in each.

(C) The prohibitions in paragraph (A) shall not apply to:

(1) Institutions accredited by the association of zoos and aquariums, and facilities that have an active contractual relationship with an association of zoos and aquariums species survival plan for breeding of species listed as threatened or endangered pursuant to 16 U.S.C. 1533.

(2) Entities licensed by the United States department of agriculture, provided that such entities meet one of the following criteria:

(a) Operate as a circus, defined as a traveling show that features acrobats, clowns, and restricted animals as an integral part of the performances, that does not allow physical contact between a restricted species and any member of the public, and that is temporarily in the stat for less than forty five days per year.

(b) Operate an existing mascot program, defined as breeding or exhibition of a single restricted species for the purposes of a live representation of a mascot for a particular educational institution that established its mascot program before January 6, 2009.

(i) Entities engaged in exhibiting of a particular restricted species for purposes of an established mascot program are prohibited from possessing, breeding, exhibiting, acquiring, selling or transferring any restricted species other than that used in the established mascot program.

(ii) Entities engaged in breeding for an established mascot program are prohibited from possessing, breeding, exhibiting, acquiring, selling, or transferring any restricted species other than that used in the established mascot program.

(3) Research facilities, as defined in the animal welfare act (7 U.S.C. 2132(e)).

(4) Wildlife sanctuaries, defined as nonprofit organizations that the division of wildlife certifies meet the following criteria:

(a) Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal;

(b) Does not conduct any commercial activity with respect to restricted species, including, but not limited to:

(i) Sale, trade, auction, lease, or loan of restricted species or parts of restricted species; or

(ii) Use of restricted species in any manner in a for-profit business or operation;

(c) Does not use restricted species for entertainment purposes or in a traveling exhibit;

(d) Does not breed any restricted species; and

(e) Does not allow members of the public the opportunity to come into contact with restricted species.

(5) Wildlife rehabilitation facilities permitted by the chief of the division of wildlife pursuant to 1501:31-25-03 of the Administrative Code, provided that such facilities are engaged in the rehabilitation of native restricted species for purposes of reintroduction into the wild. Notwithstanding 1501:31-25-03 of the Administrative Code, such facilities may not possess, sell, barter, trade, gift, or transfer restricted species unless another exemption in this paragraph applies.

(6) Bona fide education and scientific institutions permitted under authority of section 1533.08 of the Revised Code or division of wildlife approved research projects under authority of section 1531.25 of the Revised Code.

(7) A person temporarily transporting a legally owned restricted species through the state if the transit time is not more than forty eight hours, the animal is not exhibited, and the animal is maintained at all times in a species appropriate enclosure such that there is no opportunity for physical contact with any member of the public.

(D) In the event that a restricted species escapes, the person or facility that possess the restricted species must comply with the provisions of section 2927.21 of the Revised Code and notify the division of wildlife.

Effective:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 1531.10
Rule Amplifies: 1531.08, 1531.01