

**RULES
OF
THE TENNESSEE WILDLIFE RESOURCES AGENCY
WILDLIFE RESOURCES**

**CHAPTER 1660-1-18
RULES AND REGULATIONS OF LIVE WILDLIFE**

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1660-1-18-.01 GENERAL PROVISIONS GOVERNING POSSESISON OF LIVE WILDLIFE.

- (1) All wildlife possessed within the State of Tennessee must be held in accordance with provisions of Public Chapter No. 487 of 1991, except in those instances where species are addressed under other existing statutes.
 - (a) All imported wildlife must be legally obtained in the State of origin. Applicants must provide sources of wildlife being imported.
- (2) The possession of any state or federally threatened or endangered species is permitted only when such species have been legally obtained in the state or country or origin.
- (3) No wildlife may be taken from the wild in Tennessee except as provided for by statute, proclamation, and/or rule.
- (4) All individuals possessing wildlife must be able to produce proof of legal ownership. Legal documentation may consist of evidence of legal importation (importation permit), purchase receipts from licensed propagation facility, or possession and/or evidence of disposition of parent animals.
- (5) The following species may be legally released if approval is obtained in advance from TWRA:
 - (a) Bobwhite Quail
 - (b) Red Fox
 - (c) Grey Fox
 - (d) Raccoon
 - (e) Non-native game birds
 - (f) Mallard ducks
 - (g) Native species of fish in private lakes and ponds
 - (h) Cottontail rabbit

Authority: T.C.A. §§70-1-206, 70-4-403, 70-4-404, and 70-4-405. **Administrative History:** Original rule filed July 25, 1986; effective September 8, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1992; effective June 4, 1992.

1660-1-18-.02 PERMITS.

- (1) A propagation permit is not required for holders of a fish farming license.
- (2) While all other permits do apply, a possession permit is not required for the following species regulated as Class II wildlife:
 - (a) Bobwhite Quail
 - (b) Non-native game birds that are released in Tennessee or other states for the purpose of hunting (chukar, ringneck pheasant....etc.)
 - (c) Waterfowl defined in Part 1, Title 50, of the U. S. Code of Federal regulations as in North American migratory game birds.
 - (d) Legally obtained native aquatic species held in aquaria.
 - (e) Legally obtained nonpoisonous reptiles and amphibians indigenous to the state of Tennessee.
- (3) All information requested on application for permits must be completed accurately.
- (4) Permits shall expire on the 30th day of June each year.
- (5) An importation permit is required for all fish species except the following:
 - (a) Any species (including their hybrids) native to Tennessee
 - (b) Triploid grass carp
 - (c) Goldfish
 - (d) Rainbow trout
 - (e) Brown trout
 - (f) All species of salmon
 - (g) Golden orfe
- (6) Class I and Class II species not listed on the permit issued for a facility other than a zoo may not be possessed at the facility until approved and added to the permit by letter from the director of TWRA.
- (7) Permanent exhibitors cannot engage in the commercial trade of captive wildlife without a valid commercial propagators permit.
- (8) All temporary exhibitors must submit a completed application and an itinerary of intended dates and locations of their exhibition twenty-one (21) days prior to first scheduled exhibition.

Authority: T.C.A. §§70-1-206, 70-4-401, 70-4-403, 70-4-404, and 70-4-405. **Administrative History:** Original rule filed July 25, 1986; effective September 8, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed February 3, 1995; effective April 19, 1995.

1660-1-18-.03 CLASSES OF WILDLIFE.

- (1) The following species or groups of wildlife are added to the existing listing designated by legislation as Class I:
 - (a) Hybrids resulting from the cross of two Class I species shall be considered Class I.
- (2) Native species of wildlife are considered to be Class II unless specifically designated otherwise by *T.C.A. §70-4-403* or rules and regulations authorized therein.
- (3) The following species or groups of wildlife are added to the existing listing designated by legislation as Class III:
 - (a) All waterfowl species except those defined in Part I, Title 50, of the U. S. Code of Federal regulations as North American migratory game birds.
 - (b) Ostriches, cassowaries, caimans, and gavials.
- (4) The following species or groups of wildlife are added to the group of animals designated by legislation as Class V:
 - (a) Nandaya or Black-Hooded parakeets (*Nandayus nenday*)
 - (b) Quaker or Monk parakeets (*Myiopsitta monachus*)
 - (c) African clawed frog- (*Xenopus laevis*)
 - (d) All non-native freshwater aquatic life except the following:
 1. Goldfish
 2. Triploid grass carp
 3. Salmon – all species
 4. Species approved for fish farming
 5. Fish, crustaceans, and mollusks held in aquaria. This exception does not apply to the following species which shall be regarded as Class V:
 - (i) Zebra mussels (*Dreissena polymorpha*)
 - (ii) Black Carp (*Mylopharyngodon piceus*)
 - (iii) Blueback Herring (*Alosa aestivalis*)
 - (iv) Ruffe (*Gymnocephalus cernua*)
 - (v) Bighead carp (*Aristichthys nobilis*)
 - (vi) Silver carp (*Hypophthalmichthys molitrix*)
 - (vii) Snakeheads (all members of the Family *Channidae*)
 - (viii) New Zealand mud snail (*Potamopyrgus antipodarum*)

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- (vii) Round goby (*Neogobius melanostomus*)
 - (viii) Rudd (*Scardinius erythrophthalmus*)
 - (ix) Swamp eels (all members of the Family *Synbranchidae*)
 - (x) Marbled crayfish (Marmorokreb) (*Procambarus fallax f. virginalis*)
- (5) Hybrids involving two species from different Classes of animals shall be regulated as a member of the least restrictive Class involved, unless otherwise specified.

Authority: T.C.A. §§70-1-206, 70-4-107, 70-4-401, 70-4-404, and 70-4-405. **Administrative History:** Original rule filed July 15, 1986; effective September 8, 1986. Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed December 18, 2002; effective March 3, 2003. Amendment filed July 22, 2015; effective October 22, 2015.

1660-1-18-.04 FACILITIES.

- (1) A man-made body of water contained within the boundary of a privately owned parcel of land may be considered a propagating facility for the purpose of rearing amphibians and reptiles.
- (2) Permanent facilities for the purpose of these rules as they pertain to Class I animals shall be defined as the permanent enclosures, cages or exhibit areas located on premises owned or leased by the permittee as described on the inspection form attached to the application for a Class I permit on file at the Nashville office of TWRA.
- (3) Tigers may be held in cages without a top only when the strength of materials and the construction meets the specifications as required by law and the sides of the cage are a minimum of 16 feet high with the top three feet turned inward at a 45 degree angle. There shall be no trees or any other structures which could in any way assist the animal in climbing or jumping located within 15 feet of the cage side.
- (4) Facilities, whether permanent or temporary, for holding or exhibiting Class I animals shall be inspected and approved by TWRA personnel prior to any Class I animals being placed in the facility or a permit being issued.
- (5) Exhibits of Class I animals shall be in a manner that provides for the protection of the animals and the public at all times. Such exhibits shall have exclusionary barriers and trained uniformed guards or caretakers in a position to deter unauthorized public access to the animals; to prevent any escape of animals; and to prevent any direct physical contact of the animals with the public. A barrier system of moats and/or deterrent fencing of a design sufficient to prevent the escape of the animals, deter any unauthorized entry, and prevent any direct physical contact with the public shall be required for all exhibits that do not have trained uniformed guards or caretakers on duty in view of the exhibit area when open to the public. Such deterrent fencing shall be a least eight feet in height to deter the throwing of foreign objects into the cage area and prevent the entry of any unauthorized person.
- (6) Exhibitors of Class I animals must have a mobile facility in accordance with state law for any species of Class I animals that is taken out of a stationary facility. These animals shall not be allowed out of a caged area at any time. The animals may be placed in a caged arena for the purpose of exhibiting, as long as the sides and top meet specifications as required by law for a stationary facility. Also, the animals must remain in the mobile facility until the mobile facility is either brought into or up to the arena in such a fashion as to allow for the animal to be directly released into the arena. These animals may be led from a holding facility, either

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mobile or stationary, into a caged area through a totally enclosed caged corridor. Elephants are exempt from the requirement of this paragraph as long as they are maintained in accordance with this law.

- (7) Permanent exhibitors may exhibit their Class I animals outside their permanent facility only after giving notification to the TWRA regional office where the exhibition is to be held a minimum of 24 hours before the exhibition. Such exhibitions shall be given only in facilities that meet the standards set forth herein or as otherwise provided by law.
- (8) Any Class I Felidae or Ursidae that is under twenty-five (25) pounds in eight and less than three (3) months of age may be brought into contact with the public. Permittees who allow such animals to have contact with the public can do so only under the following conditions:
 - (a) An individual animal can be brought into contact with the public not more than one (1) hour during an eight (8) hour interval.
 - (b) Animals brought into contact with the public must be done in a manner that insures the good health of the animals.
 - (c) Permittees that intend to conduct off-site exhibitions involving public contact, must notify the Agency (TWRA) three (3) days prior to such exhibitions.
 - (d) Permittees who allow such animals to have contact with the public assume all responsibility for the safety of the public.

Authority: T.C.A. §§70-1-206, 70-4-401(a), 70-4-403, 70-4-404, and 70-4-405. **Administrative History:** Original rule filed July 25, 1986; effective September 8, 1986. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed April 22, 1994; effective July 6, 1994. Amendment filed May 20, 1998; effective August 3, 1998.

1660-1-18-.05 SPECIAL PROVISIONS.

- (1) All Nature Centers, Rehabilitation Centers, Educational Exhibits, and Zoos meeting provisions which exempt them from the fees for necessary permits must complete an application and provide requested information. No Class III Wildlife may be possessed by a Nature Center, Rehabilitation Center or Educational Exhibits, nor may these permittees hold any other Captive Wildlife Permits issued by the Tennessee Wildlife Resources Agency, unless authorized by the Executive Director of the Tennessee Wildlife Resources Agency. This prohibition does not apply to facilities deemed as a bona fide zoo.
- (2) A zoo shall be defined as a facility where any class of wildlife is exhibited to the public while meeting provisions set forth in T.C.A. §70-4-107.
 - (a) Zoos must be accredited by the American Association of Zoological Parks and Aquariums (AAZPA) and/or be designated as the official zoo of a municipality.
 - (b) Zoos provided for in this provision must maintain an annual visitation rate of 100,000 visitors annually.
 - (c) Animals may not be sold or transferred to the general public in Tennessee.
- (3) A nature center shall be defined as a facility which operates in order to educate the general public about natural ecosystem interrelationships, in which man's action are an integral part, and which has as its chief goal the protection and enhancement of all populations of Tennessee animal life.

(Rule 1660-1-18-.05, continued)

- (a) Class II wildlife may be utilized at these facilities for educational purposes. Authorization must be obtained annually from the executive director of TWRA if animals are maintained.
 - (b) Any program using wildlife originating from the wild in Tennessee must be done at no charge, which would include an exchange for goods or services.
- (4) Rehabilitation centers are defined as those facilities which house and treat injured, diseased and displaced Class II and Class IV wildlife (except wild turkeys) which are temporarily incapable of surviving in the wild. The objective of the centers will be to return such wildlife to their natural habitat.
- (a) A permit or letter of authorization from the Tennessee Wildlife resources agency (TWRA) is required for rehabilitation centers.
 - (b) The applicant shall provide TWRA with information about the proposed rehabilitation of Class II and Class IV wildlife (except wild turkey), including:
 - 1. categories (e.g. raptors) of wildlife proposed for rehabilitation
 - 2. Documentation showing one of the following qualifications has been met in order to be eligible for a Rehabilitation and/or Education exhibit permit:
 - (i) Two hundred hours of experience in rehabilitation or handling of the species in which the person wishes to be permitted; or
 - (ii) One year of full time employment as a Veterinary Technician; or
 - (iii) Be licensed to practice veterinary medicine in the State of Tennessee: or
 - (iv) Possess a valid permit for Wildlife Rehabilitation or Education from another state for the species in which the person wishes to be permitted. Also, individuals in this category
 - 3. at least one reference from a knowledgeable person (e.g. veterinarian, permitted rehabilitator, or TWRA official) regarding qualifications of the applicant
 - 4. description of the physical facilities to be used
 - 5. availability of veterinary care for use as needed
 - 6. whether the facility is to be used as a non-profit operation and whether it is certified as non-profit by the U. S. Internal revenue Code [26U.S.C. 501(C)]
 - 7. the extent to which wildlife can be accepted for rehabilitation
 - (c) Prior to issuance of a permit or letter of authorization to wildlife rehabilitators not charging for their services, their facilities must be certified as nonprofit on application forms provided by TWRA.
 - (d) Cages and facilities must be provided of such quality material, and of such strength as appropriate for the animals involved. Minimum facility guidelines of the National Wildlife Rehabilitators Association (see "Wildlife Rehabilitation Minimum Standards and Accreditation Program") are acceptable, except as may be specified by the Tennessee Wildlife Resources Agency.

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- (e) Temperature shall be regulated by heating or cooling as may be needed, to protect the animal from extremes and to provide for its health and comfort.
- (f) If the facilities are outdoors, the cages should be constructed in a manner to protect the animals from excessive sunlight and from inclement weather.
- (g) Cages and/or enclosures shall be of sufficient size to give the confined animal(s) ample space for exercise and to avoid overcrowding.
- (h) Nails or other sharp protrusions, which might injure or impair the animal, shall not be allowed within the cage. Bird cages shall be of a design (e.g. vertical bars or netting) to minimize fraying of feathers.
- (i) Adequate perches shall be provided for any raptors or other perching birds.
- (j) Provisions shall be made for prompt removal and disposal of animal and food wastes.
- (k) A suitable method shall be provided to rapidly eliminate excess water from housing facilities.
- (l) Food and water receptacles shall be of sufficient number and size as appropriate for the animals being served. Such receptacles shall be kept clean and sanitary at all times. If self-feeders are used adequate measures should be taken to prevent the contamination or deterioration of food.
- (m) A safe and effective program for the control of insects, ectoparasites, and other pests shall be established and maintained.
- (n) Rehabilitation techniques shall be in accordance with standards generally accepted by veterinarians, TWRA, and/or other persons recognized as having expertise with care of the affected species.
- (o) Minimum human contact shall be provided with "releasable wildlife in order to avoid imprinting on humans.
- (p) After a 90 day rehabilitation period, all class II wildlife must be released, except:
 - 1. Permission may be sought for extension of possession for rare species listed as Endangered, Threatened, or "In Need of Management", for wildlife indicating likelihood of recovery and release with the foreseeable future, or for use for educational purposes.
 - 2. Animals authorized by the Executive Director of Tennessee Wildlife Resources Agency for use under the authority of a valid Educational Exhibit Permit issued by the Tennessee Wildlife Resources Agency.
- (q) Permits are effective from July 1 through June 30 of each year.
- (r) By January 31 of each year, the permittee shall submit an annual report of the prior calendar year's activities concerning the number and status of all Class II wildlife. Records of wildlife rehabilitated must be maintained reflecting source of animals, date obtained, and date and method of disposition.

(Rule 1660-1-18-.05, continued)

- (s) White-tailed deer and black bears may be rehabilitated under the following special provisions in addition to the above requirements:
 - 1. Prior to receiving a permit, the applicant must submit a plan for care and rehabilitation which precludes or minimize human contact and provides for conditioning and habitat acclimation prior to release. Final approval of a permit to rehabilitate white-tailed deer and/or black bears shall be at the discretion of the Executive Director of the Tennessee Wildlife Resources Agency.
 - 2. Each animal accepted for rehabilitation shall be marked with an indelible mark so that future identification maybe possible.
 - 3. Deer and/or bears housed in rehabilitation facilities shall not be exhibited or come into public contact under any circumstances.
 - 4. An official of TWRA shall be notified within 48 hours of the receipt of each white-tailed deer accepted for rehabilitation.
 - 5. Rehabilitated white-tailed deer shall be released only at an approved site(s) as determined by the TWRA.
 - 6. Transfers of black bears (both receiving and releasing) shall be made only by officials of TWRA or under the direct supervision of TWRA.
 - 7. Injured white-tailed deer and/or black bears determined to be non-releasable shall be immediately euthanized.
 - 8. Rehabilitators are not employees or agents of the State of Tennessee for any purpose, including a determination of liability. Therefore, rehabilitators assume all liability for personal injury and/or property damage caused by white-tailed deer and/or black bears under the rehabilitator's care and control.
 - 9. Rehabilitators of white-tailed deer and/or black bears must legally possess a firearm capable of instantly destroying a deer and/or bear.
 - 10. All white-tailed deer must be released within a 120 day rehabilitation period.
 - 11. Releases of rehabilitated black bears shall be determined on a case by case basis under the direction of TWRA, but black bears shall not be held for rehabilitation for longer than 1 year.
- (t) All wildlife held under the authority of a Rehabilitation Permit cannot be exhibited or brought in contact with the public unless authorized by the Executive Director of Tennessee Wildlife Resources Agency.
- (u) Failure to abide by these Rules and any other State and/or Federal wildlife regulations may result in lack of approval, non-renewal, or cancellation of TWRA authorization, at the discretion of the Executive Director of TWRA."
- (v) An educational center shall be defined as a professionally operated facility, with a full-time staff, who's major responsibility is to conduct approval research or to educate and/or train its clientele in bonafide conservation principles, which include the protection and enhancement of animal populations through professionally accepted wildlife management techniques and principles.

(Rule 1660-1-18-.05, continued)

1. Class II and other authorized Classes of wildlife may be utilized at these facilities for educational purposes. Authorization must be obtained annually from the executive director of TWRA if animals are maintained.
2. All regulations of paragraph (4) concerning permit, facility, and care at Rehabilitation Centers apply also for Educational Centers, as applicable. TWRA shall provide permit applications indicating such pertinent information required.
3. Any program using live wildlife originating from the wild in Tennessee must be done at no charge, which would include an exchange for goods or services.

Authority: T.C.A. 70-1-206, 70-4-401, 70-4-404, and 70-4-405. **Administrative History:** Amendment filed February 26, 1987; effective April 12, 1987. Amendment filed April 20, 1992; effective June 4, 1992. Amendment filed February 10, 1994; effective April 26, 1994. Amendment filed July 27, 2006; effective October 10, 2006.

1660-1-18-.06 CLASS I QUALIFICATION TEST.

(1) Testing procedures

(a) Scheduling

1. Arrangements must be made with TWRA regional office as to time and place where the test will be given.
2. Each test taken will cost ten dollars and payment of the fees shall be made prior to the test being given.

(b) Administration

1. Location - TWRA Regional office
2. Each test taken will cost ten dollars and payment of the fees shall be made prior to the test being given.
3. Scoring - There will be a maximum of 100 questions in the technical section of the test and each will have equal value. The point value will be announced before the test. A score of 70% correct will be passing.
4. No copies of the test questions can be taken from the testing area by the person taking the test.
5. The test will be scored at a later date and the applicant will be notified of the score by mail.
6. If the applicant fails to pass the test, he may request to retake the test at a later date. There shall be at least ten days between tests.
7. The test may be taken a maximum of three times per calendar year.

(c) Test material - The test will be developed and reviewed by persons with extensive training, knowledge and experience with Class I animals. The test will cover basis knowledge of habits, health care, diseases, diet, exercise needs, housing and handling of the Class I species to be possessed. Four separate tests will be developed for the four major groups of Class I species that are similar in their handling, habits, health

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care and housing requirements. Experience with any species within one of these groups shall be regarded as qualifying experience for any other species within the group but not for other species or groups of species. Other species listed under Class I are so varied in their handling requirement that separate tests will be developed. The four major groups of Class I species as pertains to experience and qualification testing shall be:

1. Primates
 2. Bears
 3. Felines
 4. Reptiles and amphibians
- (d) Reference materials will not be provided by TWRA. It is the applicants' responsibility to obtain access to their own reference materials. A list of suggested reference books will be provided upon request.

Authority: T.C.A. §§70-1-206, 70-4-401, 70-4-403, 70-4-404, and 70-4-405. **Administrative History:** Original rule filed April 20, 1992; effective June 4, 1992.