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70-4-403. Classifications of wildlife. —

Live wildlife, kept and maintained for any purpose, shall be classified in the following five (5) classes:

(1) Class I — This class includes all species inherently dangerous to humans. These species may only be possessed by zoos, circuses and commercial propagators, except as otherwise provided in this part. The commission, in conjunction with the commissioner of agriculture, may add or delete species from the list of Class I wildlife by promulgating rules and regulations. The following is a listing of animals considered inherently dangerous:

(A) Mammals:

(i) Primates — Gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons;

(ii) Carnivores:

(a) Wolves — All species;

(b) Bears — All species; and

(c) Lions, tigers, leopards, jaguars, cheetahs, cougars — All species;

(iii) Order Proboscidea: Elephants — All species;

(iv) Order Perissodactyla: Rhinoceroses — All species; and

(v) Order Artiodactyla: Hippopotamus, African buffalo;

(B) Reptiles:

(i) Order Crocodylia: Crocodiles and alligators — All species; and

(ii) Order Serpentes: Snakes — All poisonous species; and

(C) Amphibians: All poisonous species;

(2) Class II — This class includes native species, except those listed in other classes;

(3) Class III — This class requires no permits except those required by the department of agriculture, and includes all species not listed in other classes and includes, but is not limited to, those listed in subdivisions (3)(A)-(Q). The commission, in conjunction with the commissioner of agriculture, may add or delete species from the list of Class III wildlife by promulgating rules and regulations:

(A) Nonpoisonous reptiles and amphibians except caimans and gavials;

(B) Rodents — Gerbils, hamsters, guinea pigs, rats, mice, squirrels and chipmunks;

(C) Rabbits, hares, moles and shrews;

(D) Ferrets and chinchillas;

(E) Llamas, alpacas, guanacos, vicunas, camels, giraffes and bison;

(F) Avian species not otherwise listed, excluding North American game birds, ostriches and cassowary;

(G) Semi-domestic hogs, sheep and goats;

(H) All fish held in aquaria;

(I) Bovidae not otherwise listed;

(J) Marsupials;

(K) Common domestic farm animals;

(L) Equidae;

(M) Primates not otherwise listed;

(N) Bobcat/domestic cat hybrids;

(O) Hybrids resulting from a cross between a Class II species and a domestic animal or Class III species;

(P) Cervidae except white-tailed deer and wild elk. Elk originating from a legal source while held in captivity for the purpose of farming shall be regarded as Class III wildlife. All other elk shall be wild elk and shall be regarded as Class II wildlife. No person shall possess elk in captivity within the eastern grand division of the state as defined in § [4-1-202](#) without having documentary evidence indicating the origin of the elk being held. This documentary evidence will be presented to the agents of the department of agriculture or the wildlife resource agency upon request. Sale documentation of offspring of purchased elk is not required; and

(Q) Furbearing mammals, including those native to Tennessee, raised solely for the sale of fur;

(4) Class IV — This class includes those native species that may be possessed only by zoos and temporary exhibitors; provided, that rehabilitation facilities may possess Class IV wildlife as provided by rules established by the commission if authorized by a letter from the director of the agency:

(A) Black bear (*Ursus americanus*);

(B) White-tailed deer (*Odocoileus virginianus*);

(C) Wild turkey (*Meleagris gallapavo*), including the eggs of wild turkey;

(D) Hybrids of a Class IV species other than bobcat shall be Class IV; and

(E) Animals that are morphologically indistinguishable from native Class IV wildlife shall be Class IV; and

(5) Class V — This class includes such species that the commission, in conjunction with the commissioner of agriculture, may designate by rules and regulations as injurious to the environment. Species so designated may only be held in zoos under such conditions as to prevent the release or escape of such wildlife into the environment.

[Acts 1991, ch. 487, § 1; 1996, ch. 992, § 1; 2001, ch. 103, § 5.]