

# Turtles and other animals as carnival prizes

Carnivals in MD and other states have been known to use baby rabbits, baby iguanas, baby turtles, and anoles (little green lizards that don't get any more than about six inches) in addition to the goldfish and hermit crabs as prizes. Some street fairs also have vendors selling baby turtles. SOME OF THIS IS LEGAL, AND SOME OF IT ISN'T!

In PENNSYLVANIA, it's illegal to use any vertebrate other than a FISH as an inducement to enter a game of chance (ex.: as a carnival prize). So, if you see a carnival with anything more than a fish or hermit crab or stuffed animal as a prize, it's illegal.

NEW YORK has specific regulations on animals as carnival prizes - if in doubt, check the state code. Baby iguanas as prizes are illegal!

VIRGINIA prohibits the commercial distribution of sliders, and many of their towns have ordinances prohibiting the use of animals as carnival prizes.

In order to use an animal (vertebrate) as a prize in MARYLAND, a permit must be obtained from the Maryland Department of Agriculture.

That permit must list the animals being given away and how it will be cared for until it is won. The Department has stated in the past that they WILL NOT give a permit to give away baby iguanas as prizes. And, they CANNOT give a permit for baby turtles. It is illegal in all 50 states to sell a baby turtle in connection with a business or use one as a business inducement - this includes carnival prizes and giving away a baby turtle with the sale of an aquarium.

Further, BALTIMORE CITY AND PRINCE GEORGE'S COUNTY do NOT allow animals to be given as prizes. It is illegal in all 50 states to sell a baby turtle (including giving away the turtle if the buyer purchases a tank or set-up).

So, when is it ILLEGAL to use an animal as a carnival prize in Maryland?

- 1) If it's an iguana.
- 2) If it's a baby turtle.
- 3) If it's in Prince George's County or Baltimore City.
- 4) If the vendor has NOT obtained a permit from the MARYLAND Department of Agriculture.

How to tell if a vendor has a permit?

Here are the numbers for the MD Department of Agriculture:

Baltimore/Annapolis [410-841-5700](tel:410-841-5700)

Washington Metro Area [301-261-8106](tel:301-261-8106)

MD Relay Service [1-800-735-2258](tel:1-800-735-2258)

If you see baby turtles being sold (at mall kiosks, pet stores, flea markets, street fairs, etc.)

In MD, call the Natural Resources Police at [410-356-7060](tel:410-356-7060) and the county health department.

In DC, call the DC Animal Control. [202-576-6664](tel:202-576-6664)

In VA, contact the Department of Game and Inland Fisheries, Wildlife Crime [1-800-237-5712](tel:1-800-237-5712) (it's illegal to sell sliders in VA).

In all states, you can contact the regional FDA (Food and Drug Administration) office - numbers can be found here:

<http://www.fda.gov/Safety/ReportaProblem/ConsumerComplaintCoordinators/default.htm>

If you see carnival violations, please call animal control immediately (quote the COMAR to them if they don't understand why it's a problem), and then call the MD Department of Agriculture as soon as possible (Monday - Friday 0830 AM to 4:00 PM). Make sure you get the name of the carnival (it's usually on the side of the big equipment on the edge of the carnival grounds) and the location. It wouldn't hurt to ask who was sponsoring the carnival. We've seen animals given as prizes by carnivals hired by volunteer fire departments, churches, county fairs, and city councils as fundraisers. You can alert those groups to the problem and ask that they request the carnival not give away animals in the future. It can be written into contracts with the carnivals.

Here is the MD COMAR 15.01.03.00 (Code of Maryland Regulations) in regards to animals as prizes:

15.01.03.01

A. The Secretary of Agriculture is responsible for approving the giving away of a live animal (vertebrate) in the following cases when given:

- (1) As a prize or an inducement to enter a contest, game, or other

competition; or

(2) As an inducement to enter a place of amusement;

(3) As an incentive to enter into a business agreement when an animal is offered for the purpose of attracting trade.

B. Approval for giving away a live animal is not required when the animal is given away:

(1) As an agricultural project;

(2) For a conservation purpose;

(3) For slaughter.

15.01.03.02

A. Requests for approval to give an animal away shall be submitted in writing to the Secretary and shall provide details which clearly describe the following:

(1) The applicant's efforts to provide the animal with a sanitary environment;

(2) The type of food the animal will be provided and at what intervals the animal will be fed and, when appropriate, watered;

(3) What effort the applicant shall make to ensure that an animal is kept healthy and in good condition;

(4) The locations and dates where the giveaway is to occur, for example, the location of the fair and when the fair will take place; and

(5) When appropriate, a description of the container that the recipient will be provided to transport the animal.

B. Unless the applicant provides all of the details required under this regulation, the Secretary shall deny the request.

5.01.03.03

A. In deciding whether to give an applicant permission to give an animal away, the Secretary will judge each application on a case-by-case basis depending on the needs of each animal.

B. To receive the Secretary's approval of the request to give away live animals, the applicant shall comply with the following requirements:

(1) The applicant shall treat humanely all animals to be given away;

(2) The applicant may not give an animal to a person who does not want it;

(3) The applicant shall take steps to ensure that the animal is kept healthy and in good condition, including but not limited to the following:

(a) Provide the animal with a sanitary environment, for example, that the container holding the animal is cleaned regularly and maintained in a sanitary condition,

(b) When appropriate, provide potable water to the animal, and

(c) Feed the animal nutritious food in sufficient quantities;

(4) The applicant may not give away an animal that is not in good health;

(5) The applicant shall inform the recipient of an animal that the applicant will care for the animal until the recipient leaves the event in which the giveaway is occurring, for example, the fair;

(6) The applicant shall give the recipient or winner a coupon which may be used to redeem the animal at the time the recipient or winner departs from the event, for example, the fair;

(7) For each recipient of an animal, the applicant shall provide written instructions on how to care for the animal and, when appropriate, a suitable container to transport the animal; and

(8) The applicant shall permit the Secretary or the Secretary's agent to examine an animal that is to be given away.

C. If the Secretary approves the giving away of an animal, the approval shall be in writing and retained on the premises where the animal is to be given away.

D. Violations.

(1) Except as provided in §D(2) of this regulation, if a person violates the terms of an approval, or provides inaccurate information to the Secretary, an approval may be revoked after a hearing as provided by regulations of the Maryland Department of Agriculture.

(2) The Department may summarily suspend its approval if it finds that the safety or welfare of an animal under the applicant's care requires emergency action and promptly gives the applicant:

(a) Written notice of the suspension, the finding, and the reasons that support the finding; and

(b) An opportunity to be heard.