

State of Vermont

Department of Fish and Wildlife

**Regulation # 881, Governing the importation and possession of wild animals,
excluding fish**

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. §4081 (a) and (b) which authorizes the Board to carry out the purposes of protecting the state's wildlife, and 10 V.S.A. §4709 which regulates the importation and possession of wild birds and animals in the state and establishes a permit application fee, and 10 V.S.A. §4152 establishes scientific and education collection permits.

2.0 Purpose

2.1 It is the purpose of this regulation to carry out the mandate of the Vermont General Assembly to control through a permit program the importation and possession of wild animals in Vermont as provided in Title 10 V.S.A. §4709. It is the purpose of this statute and its regulations to protect the health, safety and welfare of animals, both wild and domestic, to prevent damage to agriculture and livestock, and to protect the health, safety and welfare of human inhabitants of the State of Vermont.

3.0 Definitions

3.1 Wild Animals or Wildlife - All animals, including mammals, birds, amphibians and reptiles, excluding fish and those animals defined by the secretary of agriculture food and markets by rule as pets and those defined as domestic under paragraph 3.2 of this rule. Included in this definition is any part, product, egg, offspring, dead body, or part of the dead body of any such wildlife. Wildlife includes all subspecies of wildlife and any other group of wildlife of the same species, the members of which may interbreed when mature, including any hybrid species except wolf-hybrids. Wild animals taken or possessed, or reared in captivity remain wild animals and are not domestic or tame animals.

3.2 Domestic Birds and Animals- The department shall provide a list of domestic animals and shall update the list as needed, adding or deleting animals as necessary. The list shall be available on the department's web site, from the department's headquarters and from the department's district offices. The list shall also be made available to the media as much as practicably possible to provide maximum notice to the public.

3.3 Board - Vermont Fish and Wildlife Board

3.4 Department - Vermont Fish and Wildlife Department

3.5 Commercial – To sell, have sold, or offer for sale as defined in Title 10 V.S.A. §4001 (22); barter, exchange and offering or exposing for sale; and possession with the intent to sell, import, or export

3.6 Commissioner - Fish and Wildlife Department Commissioner as defined in Title 10 V.S.A. §4001 (27)

3.7 Dealer - Any person, who commercially buys or sells any wild animal, as defined in 3.5.

3.8 Unrestricted Wild Animals – those species determined not to conflict with the purposes of this regulation.

3.9 Native Wildlife – Native to the state of Vermont, either historically or at present.

4.0 Importation or possession of wild animals

4.1 Except as otherwise provided by law, it is unlawful for any person to bring into or possess in the State of Vermont any live wild animal, or live ovum or semen thereof, of any kind, unless upon application in writing, the person obtains from the commissioner a permit to do so; or the species of animal, ovum, or semen is listed as a Domestic Bird or Animal, Domestic Pet, or Unrestricted Wild Animal.

4.2 The importation and possession of dead wild animals, in accordance with all laws and regulations applicable in Vermont or the place of origin, for personal use are exempt from this regulation.

4.3 The importation, possession and regulation of pests and beneficial organisms regulated by the Secretary of Agriculture is exempt from this regulation.

5.0 Permits

5.1 Dealer's Permit

All commercial dealers in Vermont, including, but not limited to pet shop owners, persons raising frogs for sale as institutional experimental animals, and all persons who import, export, and/or sell wild birds and animals must first obtain a valid Dealer's Permit from the department.

5.2 Importation and Possession

Except as provided herein, the Commissioner shall not issue a permit for the keeping or possession of any wild animal in captivity, except for bona fide scientific or educational purposes as permitted by (Title 10 V.S.A. §4152).

For purposes other than importation and possession for bona fide research and educational purposes, the Commissioner shall not issue a permit unless it has been determined that the wild animal or wildlife proposed to be brought into or possessed in the state does not conflict with the purpose of this regulation. The Commissioner shall establish a list of Unrestricted Wild Animals that do not

conflict with the purpose of this regulation, are commonly sold in the pet trade, and do not require an Importation and Possession Permit from the Department.

The Unrestricted Wild Animals List will consist of those species that are determined to be no threat to the state's native wildlife, minimal threat to human health and safety, and suitable as pets for the residents of the state. This list is expected to be revised periodically by the Commissioner depending on recent pet trade trends, disease, and health issues. The list shall be posted on the department web site and made available at the department's central and district offices.

5.3 Scientific and Educational Collection

In accordance with Title 10 V.S.A. §4152, the Commissioner may issue permits to collect birds, their nests and eggs and wild animals, or their parts thereof, for public scientific research, educational purposes, art, or photography.

5.4 Commercial Collection

Any person who collects any wild animal within the boundaries of the state of Vermont and sells said wild animal must obtain a Commercial Collection Permit from the department.

5.5 Temporary Exhibition

Any person importing or possessing any wild animal for the purposes of temporary exhibition must obtain from the Commissioner a permit to do so; unless the species is listed as a Domestic Bird or Animal, Domestic Pet, or Unrestricted Wild Animal.

5.6 Propagation Licenses

Any person breeding and propagating wild birds and animals in accordance with 10 V.S.A. §5207 must obtain from the Commissioner a license to do so; unless the species is listed as a Domestic Bird or Animal, Domestic Pet, or Unrestricted Wild Animal.

6.0 Permit Applications

6.1 Applications for a permit for importation and possession, scientific and educational collection, commercial collection, temporary exhibition, or propagation must be complete and submitted to the department on an application form to be provided by the department. For an application to be complete, it must be legible, must contain all of the information requested by the department, shall contain no false statements, must bear the applicant's official signature, and must be accompanied by the required application fee.

7.0 Facilities

7.1 Any person permitted to import, possess, or collect wild animals shall provide adequate facilities as required by the Commissioner. Conditions may be imposed that require specific conditions for captivity or exposure to humans (e.g., prohibit the touching of wild animals by any person other than the permit holder).

8.0 Inspections

8.1 Persons holding a permit for dealer, importation and possession, scientific and educational collection, commercial collection, or temporary exhibition shall allow inspection at reasonable times of their premises, facilities, records and wild animals by a State Game Warden, or other department representative.

8.2 If upon inspection, a wild animal is not being kept as required by the conditions of the permit, or the presence of disease has been determined, destruction of the wild animal may be required by the Commissioner.

9.0 Violations

9.1 Any wild animal that is taken, imported or possessed in violation of this regulation, or is kept in violation of any permit issued may be confiscated and disposed of in accordance with Title 10 V.S.A. §4513. Permit violations and violations of Part 4 of Title 10 may result in the revocation of the permit.