

Full Text

Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 180, Miscellaneous Regulations, is amended as follows:

Section 180.1 is renamed, Subdivisions 180.1(a), (b), and (c), (d) are amended, subdivision 180.1(d) is amended and renumbered as subdivision 180.1(e), and a new subdivision 180.1(d) is added, as follows:

180.1 ~~[Wildlife]~~Animals dangerous to health or welfare

(a) *Purpose*. The purpose of this section is to list species of ~~[wildlife]~~animals which present a danger to the health or welfare of the people of the State, individual residents, or indigenous wildlife populations.

(b) *Prohibitions*. [No person may possess, release, transport, import or export, or cause to be released, transported, imported or exported, except under permit from the department, any of the following live wildlife: all species of the lion (*Panthera leo*), the raccoon dog, (*Nyctereutes procyonides*), and any animal, the overall appearance of which makes it difficult or impossible to distinguish it from a wolf (*Canis lupus*) or a coyote (*Canis latrans*).]Notwithstanding any other provision of this Chapter, and except as provided in subdivision (d) of this section, no person shall import, transport, possess, purchase, barter, transfer, sell, offer for sale, exchange, propagate or release or cause to be released within New York State any of the following live native or non-native dangerous animals including those which are captive bred in any of the following orders, families and individual species or subspecies including all subspecies and hybrids thereof:

(1) Canines in the Family Canidae (with the exception of domesticated dogs and captive bred fennec foxes (*vulpes zerda*));

(2) Raccoon dog of the Species *Nyctereutes procyonoides*;

(3) Wolverine (*Gulo gulo*);

(4) Badgers in the Genus *Taxidea*;

(5) Raccoons in the Genus *Procyon*;

(6) Skunks in the Family *Mephitidae*;

(7) Bears in the Family *Ursidae*;

(8) Cats in the Family *Felidae* with the exception of the species *Felis catus* (domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats) and hybrids of *Felis catus* that are registered by the American Cat Fanciers Association or the International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations;

(9) All non-human primates and prosimians in the Order *Primates*;

(10) Elephants in the Family *Elephantidae*;

(11) Rhinoceroses in the Family *Rhinocerotidae*;

(12) Bats in the Order *Chiroptera*;

(13) Crocodilians in the Order *Crocodylia*;

(14) The following species in the Family *Varanidae*:

(i) *Varanus salvator* (Asiatic monitor, Common water monitor)

(ii) *Varanus niloticus* (Nile monitor)

(iii) *Varanus albigularis* (White-throat monitor)

(iv) *Varanus albigularis ionidesi* (Black-throat monitor)

(v) *Varanus salvadori* (Crocodile monitor)

(vi) *Varanus komodensis* (Komodo dragon)

(15) The following species in the Family Boidae:

(i) *Eunectes deschauenseei* (DeSchauensee's anaconda)

(ii) *Eunectes murinus* (Green anaconda)

(iii) *Eunectes notaeus* (Yellow anaconda)

(iv) *Eunectes beniensis* (Beni anaconda)

(16) The following species in the Family Pythonidae:

(i) *Morelia amethystina* (Australian Amethystine python)

(ii) *Python molurus* (Indian python)

(iii) *Python bivittatus* (Burmese python)

(iv) *Python (Broghammerus) reticulatus* (Reticulated python)

(v) *Python sebae* (Northern African python)

(vi) *Python natalensis* (Southern African python)

(17) All reptiles that are venomous by nature, including but not limited to the following species within

the Families or sub-families listed:

(i) Family Elapidae:

(a) All species

(ii) Family Viperidae:

(a) All species

(iii) Family Lamprophiidae:

(a) Sub-family Attractaspiinae:

(1) *Attractaspis spp.* (Mole vipers or burrowing asps)

(2) Homoroselaps spp (African dwarf garter snakes)

(b) Sub-family Aparallactinae:

(1) Macrelaps microlepidota (Natal black snake)

(c) Sub-family Psammophiinae:

(1) Malpolon monspessulanus (Montpellier snake)

(iv) Family Colubridae:

(a) Sub-family Colubrinae:

(1) Dispholidus typus (Boomslang)

(2) Thelotornis kirtlandii (Kirtland's bird snake or twig snake)

(3) Thelotornis capensis (Cape bird snake or twig snake)

(b) Sub-family Natricinae:

(1) Rhabdophis tigrinus (tiger keelback, Yamakagashi)

(2) Rhabdophis subminiatus (red-necked keelback)

(v) Family Dipsadidae:

(a) Philodryas olfersii (Lichtenstein's racer)

(b) Philodryas patagoniensis (Patagonian racer)

(vi) Venomous lizards, beaded Lizards and Gila monsters in the Family Helodermatidae:

(c) [Permits]Licenses. [Permits]Licenses issued pursuant to this section may contain terms, conditions and standards designed to protect the public, individual residents, and indigenous wildlife populations of the State, as well as terms and requirements regarding food, shelter, care and caging to ensure humane treatment and safe captive conditions of the listed species. Such [permits]licenses may be issued only for scientific, educational[or], exhibit[ory]ion, zoological, or propagation

purposes[.] as defined in 6 NYCRR Part 175, and shall be effective for one year only and shall not be transferable. Applications for, or renewal of, a license must be made on forms provided by the department. Each licensee shall make a report of his or her operations on forms provided by the department upon renewal of and prior to the expiration of the license.] Persons in possession of a listed animal on the effective date of this section will, upon application, be issued a permit authorizing continued possession. The permit fee is \$10.]

(d) Exemptions. The prohibitions of subdivision (b) of this section shall not apply to the following persons or entities with respect to dangerous animals owned or possessed by them:

(1) a person, licensed or permitted by the department to conduct scientific research;

(2) a person, licensed or permitted by the department to temporarily possess New York native wildlife, listed as dangerous animal in this section, who is providing rehabilitative care to the following species:

(i) American Black bear (*Ursus americanus*)

(ii) Bobcat (*Lynx rufus*)

(iii) Coyote (*Canis latrans*)

(iv) Gray fox (*Urocyon cinereoargenteus*)

(v) Red fox (*Vulpes vulpes*)

(vi) Bats, native to New York State, in the Order Chiroptera

(vii) Raccoon (*Procyon lotor*)

(viii) Striped skunk (*Mephitis mephitis*)

(ix) Massasauga (*Sistrurus catenatus*)

(x) Northern copperhead (*Agkistrodon contortrix*)

(xi) Timber rattlesnake (*Crotalus horridus*)

(3) a person currently licensed by the department pursuant to Environmental Conservation Law, subdivision (3) of section 11-0512;

(4) a person currently licensed by the department pursuant to Environmental Conservation Law, section 11-1907;

(5) a person, licensed or permitted by the department to temporarily possess New York native wildlife, who is conducting nuisance wildlife control activities, provided all such live dangerous animals are immediately euthanized or released within 24 hours of capture in compliance with all the provisions of the Environmental Conservation Law and regulations governing the possession of such dangerous animals;

(6) a person taking destructive or menacing New York native wildlife, listed as a dangerous animal in this section, pursuant to Environmental Conservation Law section 11-0523 provided all such live dangerous animals are immediately released or disposed of in compliance with all the provisions of the Environmental Conservation Law and regulations governing the possession of such dangerous animals;

(7) a person engaged in the agricultural pursuit of breeding, raising and production in captivity, and the marketing of live animals, pelts or carcasses of captive bred, domestically raised ranch fox pursuant to Agriculture and Markets Law section 127-a of Article 7A;

(8) a licensed veterinarian, the Humane Society or Society for the Prevention of Cruelty to Animals in temporary possession of a live dangerous animal;

(9) federal research facilities, and research facilities licensed by the United States Department of Agriculture, Animal and Plant Health Inspection service, pursuant to The Federal Animal Welfare Act (Title 7 U.S.C., Chapter 54) in possession of a live dangerous animal;

(10) facilities operating under an Assurance from the National Institutes of Health, Office of Laboratory Animal Welfare pursuant to the Health Research Extension Act or 1985, in possession of non-mammalian, live dangerous animals.

([d]e) Seizure. Environmental conservation officers, forest rangers and members of the State Police may seize listed species of [wildlife]dangerous animals possessed without permit or license. No action for damages will lie for such seizure, and the manner of disposition of seized animals shall be at the discretion of the department.