

Reptile and Amphibian Enforcement
Applicable Law Sections

Environmental Conservation Law

11-0103. Definitions.

As used in the Fish and Wildlife Law:

1. a. "Fish" means all varieties of the super-class Pisces.
 - b. "Food fish" means all species of edible fish and squid (cephalopoda).
 - c. "Migratory fish of the sea" means both catadromous and anadromous species of fish which live a part of their life span in salt water streams and oceans.
 - d. "Fish protected by law" means fish protected, by law or by regulations of the department, by restrictions on open seasons or on size of fish that may be taken.
 - e. Unless otherwise indicated, "Trout" includes brook trout, brown trout, red-throat trout, rainbow trout and splake. "Trout", "landlocked salmon", "black bass", "pickerel", "pike", and "walleye" mean respectively, the fish or groups of fish identified by those names, with or without one or more other common names of fish belonging to the group. "Pacific salmon" means coho salmon, chinook salmon and pink salmon.
2. "Game" is classified as (a) game birds; (b) big game; (c) small game.
 - a. "Game birds" are classified as (1) migratory game birds and (2) upland game birds.
 - (1) "Migratory game birds" means the Anatidae or waterfowl, commonly known as geese, brant, swans and river and sea ducks; the Rallidae, commonly known as rails, American coots, mud hens and gallinules; the Limicolae or shorebirds, commonly known as woodcock, snipe, plover, surfbirds, sandpipers, tattlers and curlews; the Corvidae, commonly known as jays, crows and magpies.
 - (2) "Upland game birds" (Gallinae) means wild turkeys, grouse, pheasant, Hungarian or European gray-legged partridge and quail. Grouse means ruffed grouse and every member of the grouse family. Pheasant means the ring-necked, dark-necked and mutant pheasants and all species and subspecies of the genus Phasianus representing the true or game pheasants.
 - b. "Big game" means deer, bear, moose, elk, except captive bred and raised North American elk (*Cervus elaphus*), caribou and antelope.
 - c. "Small game" means black, gray and fox squirrels, European hares, varying hares, cottontail rabbits, native frogs, native salamanders, native turtles, native lizards, native snakes, coyotes, red

fox (*Vulpes vulpes*) and gray fox (*Urocyon cinereoargenteus*) except captive bred red fox or gray fox, raccoon, opossum, or weasel, skunk, bobcat, lynx, muskrat, mink, except mink born in captivity, fisher, otter, beaver, sable and marten but does not include coydogs.

(Eff.1/2/06,Ch.706,L.2005)

3. "Wild game" means all game, except (a) domestic game bird and domestic game animal as defined in subdivision 4; (b) carcasses of foreign game as defined in section 11-1717, imported from outside the United States and tagged as provided in section 11-1721; (c) game propagated or kept alive in captivity as provided in section 11-1907; (d) game imported alive pursuant to license of the department, or artificially propagated, until such game is liberated; and (e) game so imported or propagated when liberated for the purpose of a field trial and taken during the field trial for which it was liberated.

4. a. "Domestic game bird" means ducks, geese, brant, swans, pheasants, quail, wild turkey, ruffed grouse, Chukar partridge and Hungarian or European gray-legged partridge, propagated under a domestic game bird breeder's license pursuant to section 11-1901 or a shooting preserve license pursuant to section 11-1903, or propagated on a preserve or island outside the state under a law similar in principle to title 19 of this article.

b. "Domestic game animal" means white-tailed deer propagated under a domestic game animal breeder's license pursuant to section 11-1905 or propagated on a preserve or island outside the state under a law similar in principle to title 19 of this article.

c. To qualify as such domestic game bird or domestic game animal, (1) live game must be held in private ownership, on such licensed premises, and in the case of deer must be held on a preserve which is fenced, or is an island, as provided in section 11-1905, or must be held in confinement in course of transportation, and (2) the carcasses or flesh of such game coming from outside the state must originate on premises operated by the holder of a domestic game certificate as provided in section 11-1715.

5. a. "Unprotected wild birds" means the English sparrow and starling, and also includes pigeons and psittacine birds existing in a wild state, not domesticated.

b. "Protected birds" means all wild birds except those named in paragraph a of this subdivision.

6. a. "Wildlife" means wild game and all other animal life existing in a wild state, except fish, shellfish and crustacea.

b. "Wild bird" means birds which are "wildlife".

c. "Protected wildlife" means wild game, protected wild birds, protected insects, species of special concern and endangered and threatened species of wildlife designated by the department

pursuant to section 11-0535 of this article, species listed in section 11-0536 of this article and species protected pursuant to section 11-0311 of this article.

(Eff.1/2/06,Ch.706,L.2005)

d. "Unprotected wildlife" means all wildlife which is not "protected wildlife".

e. "Wild animal" shall not include "companion animal" as defined in section three hundred fifty of the agriculture and markets law. Wild animal includes, and is limited to, any or all of the following orders and families:

(1) Nonhuman primates and prosimians,

(2) Felidae and all hybrids thereof, 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,

(Eff.3/15/05,Ch.10,L.2005)

(3) Canidae (with the exception of domesticated dogs and captive bred fennec foxes (*vulpes zerda*)),

(Eff.3/15/05,Ch.10,L.2005)

(4) Ursidae,

(5) All reptiles that are venomous by nature, pursuant to department regulation, and the following species and orders: Burmese Python (*Python m. bivittatus*), Reticulated Python (*Python reticulatus*), African Rock Python (*Python sabae*), Green Anaconda (*Eunectes maurinus*), Yellow Anaconda (*Eunectes notaeus*), Australian Amethystine Python (*Morelia amethystina* and *Morelia kinghorni*), Indian Python (*Python molurus*), Asiatic (water) Monitor (*Varanus salvator*), Nile Monitor (*Varanus nilocitus*), White Throat Monitor (*Varanus albigularis*), Black Throat Monitor (*Varanus albigularis ionides*) and Crocodile Monitor (*Varanus salvadori*), Komodo Dragon (*Varanus komodensis*) and any hybrid thereof,

(Eff.3/15/05,Ch.10,L.2005)

(6) Crocodylia.

(Eff.3/15/05,Ch.10,L.2005)

7. "Protected insect" means any insect with respect to the taking of which restrictions are imposed by the Fish and Wildlife Law or regulations of the department pursuant thereto.

8. "Plumage" is defined in section 11-1729.

9. "Shellfish" means oysters, scallops, and all kinds of clams and mussels.

10. "Hunting" means pursuing, shooting, killing or capturing (other than trapping as defined in subdivision 11) wildlife, except wildlife which has been lawfully trapped or otherwise reduced to possession, and includes all lesser acts such as disturbing, harrying or worrying, whether they result in taking or not, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife.

11. "Trapping" means taking, killing and capturing wildlife with traps, deadfalls and other devices commonly used to take wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, deadfalls and other devices whether they result in taking or not, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, deadfalls or other devices.

12. a. "Fishing" means the taking, killing, netting, capturing or withdrawal of fish from the waters of the state by any means, including every attempt to take and every act of assistance to any other person in taking or attempting to take fish.

b. "Angling" means taking fish by hook and line. It includes bait and fly fishing, casting, trolling and also includes the use of landing nets in completing the catch of fish taken by hook and line. To constitute "angling" the taking must be in accordance with the following requirements: (1) the operator must be present and in immediate attendance when lines are in the water; (2) one person may operate not more than two lines, with or without rod; (3) each line shall have not more than five lures or baits, or a combination of both, and in addition each line shall have not exceeding fifteen single hooks, or seven double hooks, or five triple hooks, or any combination of such hooks, provided the total number of hook points thereof does not exceed fifteen. Angling does not include snatching or hooking or the use of tip-ups.

c. "Hooking", "snatching" or "snagging" means taking fish that have not taken or attempted to take a bait or artificial lure into their mouth, by impaling fish with one or more hooks or similar devices, whether or not baited, into any part of their body.

d. "Net" means a non-metallic fabric wrought or woven into meshes and includes the types known as seine, gill, pound, trap, scap, fyke, dip, scoop and stake net.

e. "Spear" means a hand-propelled single or multiple pronged pike, blade or harpoon, and does not include the mechanically propelled device commonly called a spear gun or under-water gun.

13. "Taking" and "take" include pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting fish, wildlife, game, shellfish, crustacea and protected insects, and all lesser acts such as disturbing, harrying or worrying, or placing, setting, drawing or using any net or other device commonly used to take any such animal. Whenever any provision of the Fish and Wildlife Law permits "taking", the taking permitted is a taking by lawful means and in a lawful manner.

14. "Baiting" means the placing, exposing, depositing, distributing or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed in such a manner as to lure, attract, or entice upland game birds to any area where hunters are attempting to take them; "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed whatsoever capable of luring, attracting, or enticing such birds is placed, exposed, deposited, distributed or scattered.

15. "Marine district" means the waters described in section 13-0103.

16. a. "Northern Zone".....

b. "Southern Zone".....

17. "Wilderness Hunting Areas" means the following areas:

18. "Inhabited" means a permanent occupancy by a species as contrasted with a temporary presence of an occasional individual.

19. a. "Person" means an individual, a co-partnership, joint stock company or corporation.

b. In construing any provision of the Fish and Wildlife Law, gender and number shall be disregarded whenever necessary to give effect to the purpose of the provision.

c. A reference to the "immediate family" of a person means all persons who are related by blood, marriage or adoption to the person whose immediate family is referred to, and are domiciled in the house of such person.

20. "Environmental conservation officer" includes sworn officers in the division of law enforcement in the department.

21. "Carrier" means a person engaged in the business of transporting goods, and includes a common carrier, contract carrier and private carrier.

22. "Closed area" means any area of lands, or waters, or lands and waters of the state, in which the taking of fish, wildlife or protected insects, or one or more of them, is prohibited, or in which hunting, fishing or trapping, or one or more of them, is prohibited by the Fish and Wildlife Law,

by proclamation of the Governor pursuant to section 9-1101, or by rule or regulation of the department.

23. a. "Open season" means the time during which fish, game, wildlife, shellfish, crustacea or protected insects may be legally taken. "Closed season" means the time during which they may not legally be taken.

b. Whenever an open season or a closed season is provided by the fixing of dates, such dates shall be deemed part of such open season or closed season.

24. "Enclosed lands" or "wholly enclosed lands" means lands the boundaries of which may be indicated by wire, ditch, hedge, fence, road, highway or water, or in any visible or distinctive manner which indicates a separation from the surrounding contiguous territory. Except as otherwise provided, any such indication of boundaries is sufficient to constitute the lands within the boundaries "enclosed".

25. "Hunting accident" means the injury to or death of a person caused by the discharge of a firearm or longbow while the person causing such injury or death, or the person injured or killed, is taking or attempting to take game, wildlife or fish.

26. "Muzzle loading firearm" means a gun which is loaded through the muzzle, shooting a single projectile and having a minimum bore of .44 inch.

27. "Leashed tracking dog" means a leashed dog which has been certified by the department pursuant to section 11-0928 of this chapter to track and find wounded or injured big game.

28. "Captive bred" means born in captivity.

29. "Non-native big game mammal" means a mammal species presently found in the wild and hunted as big game that is:

a. Native or an original inhabitant of the continents of Africa, Asia, South America, Australia, or Europe, whether or not captive bred; or

b. A captive bred North American big game mammal including: cougar, wolf, bear, bison, big horn sheep, mountain goat, antelope, elk, musk ox, mule deer, black tailed deer, caribou, swine, and a domestic game animal as defined in paragraph b of subdivision four of this section, provided, however, that nothing herein shall be deemed to expand, diminish, or alter the department's authority under existing statute or regulation to regulate the taking of big game as defined in paragraph b of subdivision two of this section or other protected wildlife as defined in paragraph c of subdivision six of this section.

30. "Facility" means any type of zoo, petting zoo, circus, game farm, game preserve, or similar entity, or part thereof, where non-native big game mammals are housed, held, fed or provided for

in any manner.

31. "Pet" means an animal kept for the primary purpose of companionship that is normally maintained in or near the household of the owner or person who cares for such domesticated animal.

32. "Wildlife sanctuary" means an organization as described in section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986 and that is in compliance with all applicable provisions of the Animal Welfare Act, 7 USC Sec. 2131 et seq. and operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals are provided care for their lifetime or rehabilitated and released back to their natural habitat, and, with respect to any animal owned by the organization, does not:

a. Use the animal for any type of entertainment, recreational or commercial purpose except for the purpose of exhibition as defined by the department;

b. Sell, trade, lend or barter the animal or the animal's body parts; or

c. Breed the animal.

(Eff.3/15/05,Ch.10,L.2005)

Sec. 11-0107. Application of Fish and Wildlife Law.

1. No person shall, at any time of the year, pursue, take, wound or kill in any manner, number or quantity, any fish protected by law, game, protected wildlife, shellfish, harbor seals, crustacea protected by law, or protected insects, except as permitted by the Fish and Wildlife Law.

2. No person shall, at any time of the year, buy, sell, offer or expose for sale, transport, or have in his possession any fish protected by law, game, protected wildlife, shellfish, harbor seals, crustacea protected by law, or part thereof, or protected insect, whether taken within the state or coming from without the state, except as permitted by the Fish and Wildlife Law.

Sec. 11-0505. Interference with fish and wildlife.

4. No person shall use any device which prevents frogs from having free access to and egress from water.

Sec. 11-0507. Liberation of fish, shellfish and wildlife.

1. Fish or fish eggs shall not be placed in any waters of the state unless a permit is first obtained from the department; but no permit shall be required to place fish or fish eggs in an aquarium.
2. No person shall liberate or import or cause to be imported for the purpose of liberation within the state any European hare (*Lepus europaeus*), European or San Juan rabbit (*Oryctolagus cuniculus*), Texas or jack rabbit (*Lepus californicus*), gray fox (*Urocyon cinereoargenteus*), including captive bred gray fox, red fox (*Vulpes vulpes*), including captive bred red fox or nutria (*Myocastor coypus*), whether taken from within or without the state. Nutria may be imported only by permit of the department for scientific, exhibition or for breeding purposes.
3. No person shall willfully liberate within the state any wildlife except under permit from the department. The department may issue such permit in its discretion, fix the terms thereof and revoke it at pleasure. These provisions do not apply to migratory game birds, importation of which is governed by regulation of the department.
4. No person shall intentionally liberate zebra mussels (*Dreissena polymorpha*) into any waters of the state. No person shall buy, sell, or offer to buy or sell, or intentionally possess or transport zebra mussels except under a license or permit issued pursuant to section 11-0515. Zebra mussels, except those lawfully held pursuant to a license or permit, may be destroyed by any person at any time.

Sec. 11-0511. Possession and transportation of wildlife.

Subject to the provisions of section 11-0512 of this article, no person shall, except under a license or permit first obtained from the department containing the prominent warning notice specified in subdivision nine of section 11-0917 of this article, possess, transport or cause to be transported, imported or exported any live wolf, wolfdog, coyote, coydog, fox, skunk, venomous reptile or raccoon, endangered species designated pursuant to section 11-0535 of this title, species named in section 11-0536 of this title or other species of native or non-native live wildlife or fish where the department finds that possession, transportation, importation or exportation of such species of wildlife or fish would present a danger to the health or welfare of the people of the state, an individual resident or indigenous fish or wildlife population. Environmental conservation officers, forest rangers and members of the state police may seize every such animal possessed without such license or permit. No action for damages shall lie for such seizure, and disposition of seized animals shall be at the discretion of the department.

Sec. 11-0512. Possession, sale, barter, transfer, exchange and import of wild animals as pets prohibited.

1. No person shall knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a pet in New York state, except as provided in subdivision three of this section.
2. This section shall not apply to the following persons and entities with respect to wild animals owned or harbored by them solely for a purpose other than for use as a pet:
 - a. Zoological facilities licensed pursuant to 7 USC. Sec. 2131 et seq.;
 - b. Exhibitors licensed pursuant to the Animal Welfare Act, 7 USC. Sections 2132-2134 and reptile exhibitors who have demonstrated to the department, in accordance with regulations promulgated by the commissioner, that the sole purpose for which the wild animal or animals are used is for exhibition to the public for profit or compensation;
 - c. Research facilities as defined in the Animal Welfare Act, 7 USC. Section 2132 (e), which are licensed by the United States Secretary of Agriculture;
 - d. Licensed veterinarians and incorporated humane societies, animal shelters, societies for the prevention of cruelty to animals or animal welfare organizations in temporary possession of wild animals;
 - e. State universities, private colleges or universities, or state agencies working with wild animals;
 - f. Wildlife rehabilitators licensed pursuant to the provisions of subdivision three of section 11-0515 of this title and regulations promulgated thereunder, who are tending to sick or injured wild animals;
 - g. A person having custody of a wild animal solely for the purpose of transporting it to a licensed veterinarian, wildlife rehabilitator, humane society or other entity authorized by this section to handle or treat wild animals;
 - h. A wildlife sanctuary as defined in subdivision thirty-two of section 11-0103 of this article;
 - i. A person who is not a resident of this state who is in the state only for the purpose of travelling between locations outside the state. In no event shall this time period exceed ten days;
 - j. A person who is paralyzed from the neck down who possesses a new world monkey trained to perform tasks for its owner by an organization described in section 501(c) of the Internal Revenue Code of 1986 and dedicated to improving the quality of life of persons paralyzed from

the neck down.

(Eff.3/15/05,Ch.10,L.2005)

3. Any person who possesses or harbors a wild animal for use as a pet at the time that this section takes effect may retain possession of such animal for the remainder of its life, provided that such person:

a. Has not been convicted of any offense relating to cruelty to animals or under a judicial order prohibiting possession of animals;

b. Applies to the department within six months of the effective date of this section, and obtains from the department, a license pursuant to subdivision four of this section; and

c. Complies with all applicable federal, state, or local laws, including any ordinance, rule or regulation adopted by a local board of health, or any rules and regulations established by the department as requisites for ownership of such wild animal.

(Eff.3/15/05,Ch.10,L.2005)

4. The department shall be required to issue licenses authorizing possession of wild animals only to those persons who comply with the provisions of subdivision three of this section and with any regulations promulgated by the department thereunder. Such licenses shall be valid in any jurisdiction within the state where possession of a wild animal is not prohibited by local law or ordinance, rule or regulation adopted by a local board of health, and shall be renewable biennially during the life of the animal subject to continued compliance with the provisions of this section and with any regulations promulgated thereunder. The department shall forward copies of such licenses to the clerk of the city, town or village in which each wild animal is harbored.

a. License applications shall include, but shall not be limited to, the following:

(1) The name, address and telephone number of the person who owns, possesses or harbors the wild animal or animals, including an acknowledgment that the person who owns, possesses or harbors the wild animal or animals is twenty-one years of age or older.

(2) The address of the location where the wild animal or animals will be kept, if different from the above.

(3) A detailed description of each wild animal owned, possessed or harbored, including species, gender, age, any identifying characteristics, and an identification tag or tattoo if required by the department, with proof, acceptable to the department, that each such wild animal was acquired prior to the effective date of this section.

(4) The name, address and telephone number of the veterinarian, who has agreed to treat the wild animal.

(5) An acknowledgment indicating that the wild animal or animals will not be bred.

(6) A detailed certification establishing that the location in which the wild animal will be kept complies with all appropriate standards of care and at minimum complies with the standards for animal care set forth in the Federal Animal Welfare Act and other applicable federal, state and local standards, including, but not limited to housing, temperature, ventilation, drainage, sanitation, food, water, exercise and veterinary care appropriate to the species and sufficient to maintain the wild animal in good health.

(7) An acknowledgment that the wild animal will not be tied, tethered, or chained outdoors, allowed to run at large and that the wild animal will not be brought to any public park or commercial or retail establishment unless it is being brought to a veterinarian or veterinary clinic.

(8) An acknowledgment that possession, harboring or owning such wild animal does not violate any applicable federal, state or local law, including any ordinance, rule or regulation adopted by a local board of health.

b. The department shall set biennial license fees for the possession of wild animals pursuant to subdivision three of this section in an amount determined to be reasonable but not more than one hundred seventy-five dollars for two years for each wild animal. License fees shall be used solely for the implementation and enforcement of this section.

(Eff.3/15/05,Ch.10,L.2005)

5. The provisions of the state administrative procedure act shall apply to the denial or revocation of a license.

(Eff.3/15/05,Ch.10,L.2005)

6. Any person in possession of a wild animal as a pet that has been granted a license pursuant to subdivision four of this section shall not breed, or sell, trade, barter or exchange such wild animal.

(Eff.3/15/05,Ch.10,L.2005)

7. A person possessing, owning or harboring a wild animal who is denied a license pursuant to subdivision four of this section, or whose license is revoked, shall surrender such wild animal to the department or an authorized agent thereof at a location designated by the department for such

surrender or a police or peace officer of this state, a local animal control officer, or a duly incorporated society for the prevention of cruelty to animals, or provide proof that the animal has been humanely euthanized according to American Veterinary Medical Association standards by a licensed veterinarian.

(Eff.3/15/05,Ch.10,L.2005)

8. The department, any police or peace officer of this state, a local animal control officer, or a duly incorporated society for the prevention of cruelty to animals is hereby authorized to enforce the provisions of this section and issue notices of violation to persons in violation of this section, and shall have the authority to seize any wild animal held in violation of this section. A county society for the prevention of cruelty to animals must obtain a warrant before seizing a wild animal or arresting a person who owns or possesses a wild animal under this section. Wild animals seized or surrendered pursuant to the provisions of this section shall be transferred to a duly incorporated wildlife sanctuary as defined in this section, or a zoological facility, or shall be humanely euthanized. Any costs associated with seizing, transferring or euthanizing a wild animal shall be borne by the person who owned, harbored or possessed the animal. The department shall also have the authority to seek injunctive relief in any court of appropriate jurisdiction to prevent continued violations of this section.

(Eff.3/15/05,Ch.10,L.2005)

9. Notwithstanding any other provision of law, any person who knowingly breeds a wild animal or knowingly possesses, owns, harbors, sells, barter, transfers, exchanges, or imports a wild animal for use as a pet in violation of the provisions of this section shall be subject to a penalty of not more than five hundred dollars for the first offense and not more than one thousand dollars for a second and subsequent offenses. Each instance of breeding, owning, harboring, sale, barter, transfer, exchange, or import of a wild animal in violation of this section shall constitute a separate offense.

(Eff.3/15/05,Ch.10,L.2005)

10. Nothing contained in this section shall prevent any city, town or county from enacting more restrictive provisions governing the possession of wild animals for use as pets.

Sec. 11-0515. Licenses to collect, possess or sell for propagation, scientific or exhibition purposes.

1. The department may issue to any person a license revocable at its pleasure to collect or possess fish, wildlife, shellfish, crustacea, aquatic insects, birds' nests or eggs for propagation, banding, scientific or exhibition purposes. The department in its discretion may require an applicant to pay a license fee of ten dollars, to submit written testimonials from two well-known

persons and to file a bond of two hundred dollars to be approved by the department that he will not violate any provisions of this article. Each licensee shall file with the department on or before February 1 a report of his operations during the preceding calendar year. Such license shall be effective until revoked.

2. The department may also issue a license revocable at its pleasure to possess and sell protected fish, wildlife, shellfish, crustacea or aquatic insects for propagation, scientific or exhibition purposes. The department in its discretion may require a license fee of ten dollars. Such license shall be in force for one year only and shall not be transferable. Each licensee shall make a report of his or her operations at the expiration of the license. Fish, wildlife, shellfish, crustacea or aquatic insects lawfully possessed under this section may be sold at any time by the licensee for propagation, scientific or exhibition purposes only.

3. The department may also issue a revocable license to possess distressed wildlife for rehabilitation purposes. The department may adopt regulations concerning the qualifications, appointment and duties of wildlife rehabilitators and the procedures for license issuance and revocation.

4. The department shall have power to make regulations governing the possession of such fish, wildlife, shellfish, crustacea and aquatic insects to protect them from cruelty, disease or undue discomfort and to protect the public from attack or contamination.

Sec. 11-0535. Endangered and threatened species, species of special concern.

1. For the purposes of this section, "endangered species" shall mean those species of fish, shellfish, crustacea and wildlife designated by the department, by regulation filed with the Secretary of State, as seriously threatened with extinction, "threatened species" shall mean those species of fish and wildlife designated by the department, by regulation filed with the Secretary of State, which are likely to become endangered species within the foreseeable future throughout all or a significant portion of their range, and "species of special concern" shall mean those species of fish and wildlife designated by the department, by regulation filed with the Secretary of State, which are found by the department to be at risk of becoming threatened in New York. Such regulation shall include, but not be limited to, endangered and threatened species as so designated by the Secretary of the Interior, provided, however, that such regulation shall take effect sixty days after it has been filed with the Secretary of State, and provided, further, that the commissioner may exclude any such species as the commissioner may determine after investigation to be no longer endangered or threatened from the restrictions of this section.

(Eff.1/2/06,Ch.706,L.2005)

2. Notwithstanding any other provision of this chapter, the taking, importation, transportation, possession or sale of any endangered or threatened species of fish, shellfish, crustacea or

wildlife, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered or threatened species of fish, shellfish, crustacea or wildlife is prohibited, except under license or permit from the department.

3. Notwithstanding any other provision of this chapter, the department may promulgate regulations to the taking, importation, transportation, possession or sale of any species of special concern as the department deems necessary for the proper protection of such species.

(Eff.1/2/06,Ch.706,L.2005)

Sec. 11-0536. Sale of certain wild animals or wild animal products prohibited.

1. Except as provided in subdivision three hereof, no part of the skin or body, whether raw or manufactured, of the following species of wild animals or the animal itself may be sold or offered for sale by any individual, firm, corporation, association or partnership within the state of New York :--Leopard (*Panthera pardus*), Snow Leopard (*Uncia*), Clouded Leopard (*Neofelis nebulosa*), Tiger (*Panthera tigris*), Asiatic Lion (*Panthera leo persica*), Cheetah (*Acinoyx jubatus*), Alligators, Caiman or Crocodile of the Order Crocodylia (except as provided in subdivision two of this section), tortoises of the genus *Gopherus*, marine turtles of the family Cheloniidae and the family Dermochelidae, Vicuna (*Vicugna vicugna*), Wolf (*Canis lupus*), Red Wolf (*Canis niger*), or Kangaroo (*Macropodidae*) or Polar Bear (*Thalarctos maritimus*), Mountain Lion, sometimes called Cougar (*Felis Concolar*), Jaguar (*Panthera onca*), Ocelot (*Felis pardalis*), or Margay (*Felis wiedii*), Sumatran Rhinoceros (*Dicerorhinus sumatrensis*), or Black Rhinoceros (*Dicero bicornis*).

2. The commissioner may permit, under such terms and conditions as he may prescribe, the importation and sale of the skin, body or parts therefrom of Alligators, Caiman or Crocodile of the Order Crocodylia.

3. Any officer or agent authorized by the commissioner, or any police officer of the state of New York, or any police officer of any municipality within the state of New York, shall have authority to execute any warrant to search for and seize any goods, merchandise or wildlife sold or offered for sale in violation of this section, or any property or item used in connection with a violation of this section; such goods, merchandise, wildlife or property shall be held pending proceedings in any court of proper jurisdiction. Upon conviction, or upon the entry of a judgment restraining the sale or offer for sale of such goods, merchandise or wildlife on the ground that such items were sold or offered for sale in violation of this section, such seized goods, merchandise or wildlife shall be forfeited and, upon forfeiture, either offered to a recognized institution for scientific or educational purposes, or destroyed.

4. The commissioner may permit, under such terms and conditions as he may prescribe, the importation, transportation, possession or sale of any species or subspecies of fish or wildlife listed in this section for zoological, educational, and scientific purposes, and for the propagation of such fish or wildlife in captivity for preservation purposes, unless such importation, transportation, possession or sale is prohibited by any federal law or regulation.

Sec. 11-0917. Possession, transportation and sale of wild game and other wildlife.

1. Wild game and other wildlife, taken in this state, and parts thereof, may, if lawfully taken, be

a. possessed.

b. transported within the state and from within to without the state, and

c. bought and sold, as provided in this section and in the sections of the Fish and Wildlife Law and regulations of the department to which this section refers, and not otherwise. It shall not be possessed, transported, bought or sold unless lawfully taken, nor transported, bought or sold unless lawfully possessed. Nothing in this section applies to any game which is not wild game, as defined in subdivision 2 of section 11-0103.

2. Unprotected wildlife may be possessed, transported, bought and sold without restriction except as provided in subdivision 9 or subdivision 10.

3. Game for propagation purposes may be transported without restriction except as provided in subdivision 8 or subdivision 10.

4. The carcasses, flesh, head, hide, feet or fur of wildlife, except birds, may be bought and sold without restriction, except as provided in subdivisions 8, 9 or 10. The head, skin plumage, hide, feet or fur of wildlife may be possessed and transported without restriction except (a) as provided in section 11-0911 with respect to deer, (b) as provided in subdivision 9 with respect to birds, and (c) as provided in subdivision 8 or subdivision 10.

5. Game taken and possessed in one part of the state may be transported as provided in this section by the taker, or any person who acquires it lawfully from the taker, and possessed by the taker or by such person in any part of the state for the period during which it may be possessed at the place where taken.

6. Skunk, bobcat, mink, raccoon and muskrat may be bought and sold alive during their respective open seasons.

8. Migratory game birds and beaver, fisher, otter, bobcat, coyote, fox, raccoon, skunk, muskrat and mink shall be possessed, transported and disposed of only as permitted by regulation of the department.

9. a. The flesh of cottontail rabbits, varying hares, European hares, squirrels, bear and deer shall not be bought or sold, except as provided in section 11-1713 with respect to bear.

b. Notwithstanding paragraph a of this subdivision, game legally taken may be possessed, prepared and served by a non-profit organization at any meeting for the members and guests provided that there is no charge for the meal.

c. The dead bodies of birds belonging to all species or subspecies native to this state, defined in section 11-0103, subdivision 5 as protected wild birds, or belonging to any family of which any species or subspecies is native to this state, and is so defined in section 11-0103, subdivision 5 shall not be sold, offered for sale or possessed for sale, for food purposes.

d. The plumage, skin or body of any wild bird shall not be sold, possessed for sale or offered for sale except as permitted by section 11-1729 or 11-1731 of the Fish and Wildlife Law.

e. No live wolf, coyote, coydog, fox, skunk, venomous reptile or raccoon shall be possessed or transported, except under a license or permit issued by the department. Every such license or permit shall contain a prominent notice thereon warning the licensee or permittee of his or her duty to exercise due care in safeguarding the public from attack by such wild animal or venomous reptile and that failure to do so is a crime under section three hundred seventy of the agriculture and markets law. The provisions of the opening paragraph of section three hundred seventy of the agriculture and markets law except the last sentence thereof shall be set forth on such license or permit immediately following such warning notice.

10. No wildlife shall be possessed, transported or sold contrary to the terms of any statute, or regulation, permit or license of the department, pursuant to which it was taken or acquired.

Sec. 71-0924. Illegal commercialization of fish, shellfish, crustaceans, and wildlife.

Notwithstanding any other provision of this chapter, when a violation involves the sale, trade or barter of fish, shellfish, crustaceans, wildlife, or parts thereof, the sale, trade or barter of which is prohibited by the fish and wildlife law, the following additional penalties shall be imposed:

1. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, is two hundred fifty dollars or less, the offense shall be a violation punishable by a fine of five hundred dollars and/or not more than fifteen days of imprisonment;

2. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, is more than two hundred fifty dollars but does not exceed one thousand five hundred dollars, the offense shall be a misdemeanor punishable by a fine of five thousand dollars and/or not more than one year of imprisonment; and

3. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, exceeds one thousand five hundred dollars, the offense shall constitute a class E felony under the provisions of the

penal law.

4. For the purposes of this section the value of fish, shellfish, crustaceans and wildlife shall be the fair market value of or actual price paid for such resource, whichever is greater. For purposes of this section, "sale" shall include the acts of selling, trading or bartering and all related acts, such as the act of offering for sale, trade or barter, and shall also include the illegal possession of fish, shellfish, wildlife or crustacea with intent to sell. It shall be presumptive evidence of possession with intent to sell when such fish, shellfish, wildlife or crustacea is possessed in quantities exceeding the allowable recreational quantities, or is possessed in a retail or wholesale outlet commonly used for the buying or selling of such fish, shellfish, wildlife or crustacea, provided, however, that nothing in this subdivision shall preclude the admission of other evidence which may serve to independently prove a defendant's intent to sell.

Sec. 71-0925. Civil penalties.

The penalties referred to in section 71-0919, to which a person is liable upon violation of provisions of the Fish and Wildlife Law or any order, rule or regulation of the department, shall be:

1. Unless another penalty is specifically provided for in this subdivision or elsewhere in the Fish and Wildlife Law, two hundred dollars and an additional penalty of one hundred dollars for each fish, bird or animal or part thereof, other than shellfish or crustacea, involved in the violation; an additional penalty of one hundred dollars for each bushel of shellfish or each crustacean, including lobster, or part thereof, plus an amount equal to the market value or actual price paid, whichever is greater, of the shellfish or crustacea involved in the violation;

2. Except as provided in subdivision 3 or another provision of the Fish and Wildlife Law, if the violation relates to deer, bear, elk, except captive bred and raised North American elk (*Cervus elaphus*), moose, caribou, antelope, wild turkey, lynx, beaver, or a part thereof, two hundred dollars, and an additional penalty of two hundred dollars for each such animal or part thereof involved in the violation;

3. If the violation involves the illegal taking of a deer prior to the first day of the open season or after the last day of the open season in the county or part of a county in which taken, or the taking of deer with the aid of an artificial light, or the illegal taking of a wild deer, one hundred dollars and an additional penalty of four hundred dollars for the first deer taken and a further penalty of five hundred dollars for each succeeding deer taken;

4. If the violation was an act prohibited by section 11-1321 or by subdivision 2 of section 11-0503, or by subdivision 2 of section 11-0505, or section 13-0345, five hundred dollars, and an additional penalty of ten dollars for each fish taken, killed or possessed in violation thereof;

5. If the violation was any act prohibited by subdivision 1 of section 11-0503, not less than five hundred dollars nor more than one thousand dollars for each offense and an additional penalty of ten dollars for each fish killed in violation thereof;

6. If the violation was a violation of paragraph b of subdivision 4 of section 11-0321, a violation of subdivision 1 of section 11-2113, or a violation of section 11-2115, not less than twenty-five dollars nor more than one hundred dollars; and in addition, as determined by the court, to either actual damages or the sum of ten dollars for each sign injured, defaced or removed in violation of section 11-2113, which shall be payable to the person sustaining the damage, injury, defacement or removal of such sign, and costs of suit, all of which may be recovered in the same action;

7. If the violation was a violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13,0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, the greater of two hundred fifty dollars or:

a. for violations involving one to five fish, shellfish or crustaceans, twenty-five dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

b. for violations involving six to twenty-five fish, shellfish or crustaceans, fifty dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections.

For purposes of determining the applicable fine pursuant to this subdivision, the number of fish, crustaceans or shellfish shall be the aggregate number involved in the violation, regardless of species;

7-a. If the violation was a violation of subdivision 1 or 2 of section 13-0309, or section 13-0323 or 13-0327, or section 13-0344, not less than two hundred fifty dollars nor more than one thousand dollars for each offense;

7-b. If the violation was a violation of subdivision one or two of section 13-0325 of this chapter there shall be a minimum penalty of twenty-five dollars and a maximum of two hundred fifty dollars per container or bushel involved in the violation.

7-c. If the violation was a violation of subdivision 4 or 5 of section 13-0333, not less than two thousand five hundred dollars nor more than ten thousand dollars for each offense;

8. If a violation of subdivisions 1 or 2 of section 13-0309 occurs during the time when a permit or license to take shellfish has been suspended or revoked pursuant to the provisions of subdivision 3 of section 13-0311 or subparagraph (3) of paragraph b of subdivision 1 of section 11-0719, not less than five hundred dollars nor more than fifteen hundred dollars for each offense, and in addition the forfeiture to the state of the tongs, rakes, dredges or devices other than boats used by or in connection with such illegal taking;

9. If the violation was a failure by any public officer to perform any duty imposed by the Fish and Wildlife Law or by any rule or regulation of the department, one hundred dollars;

10. If the violation was an act prohibited by section 11-2117, one hundred dollars, one-half of which shall be payable to the owner or occupant of the damaged property, in addition to the actual damages, if any, recoverable by the person sustaining the damage;

11. If the violation involved the illegal taking or possessing of muskrats taken from a registered muskrat marsh covered by a permit under section 11-1109, when the violation is committed by the registrant holding the permit or other person designated in writing to trap on the marsh of such registrant, while the permit is in force, nor less than one hundred dollars nor more than five hundred dollars;

12. If the violation was a violation of section 11-1731; relating to bird plumage for fish-fly tying, five hundred dollars.

13. If the violation was an act prohibited by subdivision two of section 11-0535 or by section 11-0536 of this chapter, or by any lawful rule or regulation of the department promulgated pursuant thereto, not more than two thousand dollars, and an additional penalty of not more than three hundred fifty dollars for each fish, shellfish, crustacea, wildlife or part thereof involved in the violation. If the violation was an act prohibited by any regulation of the department promulgated pursuant to subdivision three of section 11-0535 of this chapter, then such penalty shall be not more than one thousand dollars, and an additional penalty of not more than two hundred dollars for each fish, shellfish, crustacea, wildlife or part thereof involved in the violation.

(Eff.1/2/06,Ch.706,L.2005)

14. If the violation was a violation of subdivision ten of section 11-0901 involving the illegal taking of a moose, two thousand dollars.

NYCRR Rules and Regulations

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Part 3: Reptiles and Amphibians (effective 02/20/2008)

NOTE Section 2.2, "Taking of frogs," is repealed.

Section 3.1: Diamondback Terrapins

Section 3.2: Native Turtles

Section 3.3: Native Snakes

Section 3.4: Native Lizards

Section 3.5: Native Frogs

Section 3.6: Native Salamanders

3.1 Diamondback Terrapin

(a) *Purpose.* The purpose of this section is to provide protection for the diamondback terrapin, "Malaclemys terrapin", including all of its subspecies. Protective measures include the establishment of a closed season, requirement for a license to take diamondback terrapin from the wild, establishment of size limits and restrictions on the sale of diamondback terrapin.

(b) *Open season.* Diamondback terrapin may be taken from August 1 to April 30 inclusive.

(c) *Regulations.*

(1) The following are prohibited:

(i) taking, attempting to take, or assisting in taking diamondback terrapin except during the open season. Possession of a diamondback terrapin on the waters or shores of New York State during the closed season shall be presumptive evidence that the diamondback terrapin was taken during such closed season;

(ii) taking, attempting to take, or assisting in taking, of diamondback terrapins without a license;

(iii) taking or possessing at any time while on the waters or shores of New York State a diamondback terrapin which has a straight line upper shell length less than four inches or greater than seven inches;

(iv) purchase or sale of diamondback terrapin which has a straight line upper shell length less than four inches or greater than seven inches. As used in this section, "sale" means any delivery or transfer of a live diamondback terrapin or the flesh of a diamondback terrapin whether for a consideration or as a gift. As used in this section, "sale" includes offering for sale or possession with intent to sell;

(v) sale of diamondback terrapin from May 5 to July 31 inclusive except that diamondback terrapin legally taken during the open season may be sold throughout the year if they were killed and processed for consumption prior to May 5;

(vi) taking diamondback terrapin except by the following methods: (1) dip nets, (2) hand capture, (3) seine nets as authorized by Section 13-0343 of the Environmental Conservation Law, and (4) traps capable of capturing diamondback terrapin alive. Each trap must be marked

with a tag bearing the name and address of the licensee and must be checked daily;

(vii) willfully taking, destroying or disturbing in any manner the eggs or nest of a diamondback terrapin in the wild;

(viii) failing to immediately release at the point of capture diamondback terrapin which are caught accidentally or incidentally, or which are not within the legal size limits; and

(ix) liberating diamondback terrapin to the wild, except immediately upon, and only at the point of, capture, without authorization by the department.

(d) *License.*

(1) A valid diamondback terrapin license is required to take diamondback terrapin.

(2) Application for, and purchase of, a diamondback terrapin license may be made by mail or in person at the NYS Department of Environmental Conservation, SUNY Building 40, Stony Brook, NY 11794. The fee for such license shall be ten dollars and such license shall be in effect from July 1st through the following June 30th.

(e) *General provisions.* The general provisions of the Environmental Conservation Law are applicable to the taking of diamondback terrapin.

3.2 Native Turtles

1. (a) "Definition." For purposes of this section, "native turtles" shall mean all life stages, including eggs, of the following species: snapping turtle, common musk turtle, eastern mud turtle, spotted turtle, bog or Muhlenberg's turtle, wood turtle, eastern box turtle, common map turtle, painted turtle, Blanding's turtle, green sea turtle, Atlantic hawksbill sea turtle, loggerhead sea turtle, Atlantic or Kemp's ridley sea turtle, leatherback sea turtle, and eastern spiny softshell turtle.

(b) Snapping turtles.

(1) "Open season." July 15 to September 30.

(2) "Size limit." Minimum length: 12 inches. No person shall harvest, take or possess a snapping turtle with an upper shell (carapace) that measures, using a straight line, less than twelve inches in length.

(3) "Bag limit." Daily limit: 5. Seasonal limit: 30.

(4) "Hunting hours." Snapping turtles may be hunted at any time.

(c) All other native turtles.

(1) "Open season." None.

3.3 Native snakes.

1. (a) "Definitions." For purposes of this section, "native snakes" shall mean all life stages, including eggs, of the following species: northern water snake, queen snake, northern brown snake, northern redbelly snake, common garter snake,

shorthead garter snake, ribbon snake, eastern hognose snake, northern ringneck snake, eastern worm snake, northern black racer, smooth green snake, black rat snake, eastern milk snake, northern copperhead, eastern massasauga, and timber rattlesnake.

(b) "Open season." None.

3.4 Native lizards.

1. (a) "Definitions." For purposes of this section, "native lizards" shall mean all life stages, including eggs, of the following species: northern fence lizard, five-lined skink, and northern coal skink.

(b) "Open season." None.

3.5 Native frogs.

1. (a) "Definitions." For purposes of this section, "native frogs" shall mean all life stages, including eggs, of the following species: eastern spadefoot toad, eastern American toad, Fowler's toad, northern cricket frog, northern gray treefrog, northern spring peeper, western chorus frog, bullfrog, green frog, mink frog, wood frog, northern leopard frog, southern leopard frog, and pickerel frog.

(b) "Open season." June 15 to September 30 for all wildlife management units, except that:

(i) Leopard frogs shall not be taken in wildlife management units 1A, 1C or 2A.

(ii) Northern cricket frogs and eastern spadefoot toads shall not be taken in any area of the state.

(c) "Size limit." None.

(d) "Bag limit." None.

(e) "Hunting hours." Frogs may be taken at any time, except that no person shall use a gun to take frogs when hunting at night (sunset to sunrise).

3.6 Native salamanders.

1. (a) "Definitions." For purposes of this section, "native salamanders" shall mean all life stages, including eggs, of the following species: eastern hellbender, mudpuppy, marbled salamander, Jefferson salamander, blue-spotted salamander, spotted salamander, eastern tiger salamander, red-spotted newt, northern dusky salamander, mountain dusky salamander, redback salamander, northern slimy salamander, Wehrle's salamander, four-toed salamander, northern spring salamander, northern red salamander, northern two-lined salamander, and longtail salamander.

(b) "Open season." None.

Part 182 - Endangered and Threatened Species of Fish and Wildlife; Species of Special Concern

(Statutory authority: Environmental Conservation Law, §§ 11-0305(2), 11-0535(1)-(2), 11-0536(2), (4))

Sec. 182.2 Definitions.

(a) Commissioner means the Commissioner of the Department of Environmental Conservation.

(b) Department means the Department of Environmental Conservation.

(c) Species means any species or subspecies of fish or wildlife and any distinct population segment of any such species which interbreeds when mature.

(d) Native means any species which spends some portion of its life cycle within New York State, has occurred here on a regular basis for many years, and was not intentionally or accidentally released into New York. A species is also considered native if it formerly met the conditions of this definition.

(e) Extinct means species no longer living or existing.

(f) Extirpation means not extinct, but no longer occurring in a wild state within New York, or no longer exhibiting patterns of use traditional for that species in New York (e.g., historical breeders no longer breeding here).

(g) Endangered species are any species which meet one of the following criteria:

(1) are native species in imminent danger of extirpation or extinction in New York; or

(2) are species listed as endangered by the United States Department of the Interior in the 'Code of Federal Regulations' (50 CFR part 17 (see section 182.1(a)(1) of this Part)).

(h) Threatened species are any species which meet one of the following criteria:

(1) are native species likely to become an endangered species within the foreseeable future in New York; or

(2) are species listed as threatened by the United States Department of the Interior in the Code of

Federal Regulations (50 CFR part 17 (see section 182.1(a)(1) of this Part)).

(i) Species of special concern are species of fish and wildlife found by the department to be at risk of becoming either endangered or threatened in New York. Species of special concern do not qualify as either endangered or threatened, as defined in Part 182.2(g) and 182.2(h), at this time and are not subject to the provisions of Part 182. Species of special concern are listed in Part 182.6(c) for informational purposes only.

Sec. 182.3 Prohibitions.

No person shall, except under permit from the department or as provided in sections 182.5 and 182.7 of this Part with respect to alligator, caiman or crocodile or lake sturgeon, take, import, transport, possess or sell any endangered or threatened species of fish or wildlife, or any hide or part thereof, or sell or possess with intent to sell any article made in whole or in part from the skin, hide or other part of such species unless such species, hide or part thereof was in the possession of such person on or before the date such species was designated as endangered or threatened by the Secretary of the Interior or the department, and such possession must be evidenced by such legal proof as may be required by the commissioner. The transfer or sale of any skin, hide or part of such species lawfully possessed may be continued under permit from the department, provided the person or concern holding such inventory for transfer or sale submits to the department an affidavit unequivocally stating that such inventory was acquired prior to the date such species was designated as endangered or threatened by the Secretary of the Interior or the department, the inventory is listed in sufficient detail to permit its identification, and the inventory is labeled in accordance with procedures established by the department.

Sec. 182.4 License or permit.

The department may, at its discretion, issue a license or permit to a person to take, transport, sell, import and/or possess endangered or threatened species of fish and wildlife for purposes it deems legitimate. Such license or permit shall state the species to which it applies and any other conditions the department may deem appropriate.

Sec. 182.5 Special rules: alligator, caiman and crocodile (order Crocodylia).

(a) Definitions. As used in this section, the following shall mean:

(1) Person shall mean any individual, corporation, partnership, firm or any other legal entity whatsoever.

(2) Registration shall mean the document issued by the department entitling the holder to import or possess alligator, caiman or crocodile, or the parts thereof or products made therefrom.

(3) Permit shall mean the document issued by the department to an individual retail establishment, store or outlet authorizing retail sale of alligator, caiman or crocodile, or the parts

thereof or products made therefrom, at such individual retail establishment, store or outlet.

(4) Federal permit shall mean a permit to import or possess alligator, caiman or crocodile, or parts thereof or products made therefrom, issued by the United States Department of the Interior.

(5) Possession shall mean possession with the intention of future sale, except retail sale. It shall include possession for the purposes of tanning or processing hides, or fabricating or finishing products made therefrom.

(6) Retail sale shall mean sale or offering to sell by an individual retail establishment, store or outlet to the ultimate consumer.

(7) Import shall mean to bring into, or introduce into, the State of New York any alligator, caiman or crocodile or the parts thereof or products made therefrom.

(8) CITES shall mean the Convention of International Trade in Endangered Species of Wild Fauna and Flora, and any amendments thereto.

(9) Record shall mean invoices, bills of sale, bills of lading, shipping manifests or such other documents as are maintained in the ordinary course of the business of a person to whom a registration or permit has been issued pursuant to this section, in the form in which such documents are ordinarily maintained by such person, as are necessary in order that the department may be adequately, and without unreasonable inconvenience, informed of the date of any transaction by which alligator, caiman or crocodile parts or products were acquired and the name and address of the person from whom such parts or products were acquired.

(b) Prohibitions. It shall be unlawful for any person to:

(1) import or possess alligator, caiman or crocodile, or the parts thereof or products made therefrom, without a registration issued by the department. Where a Federal permit is required, such registration shall be issued only to a person holding a valid Federal permit. Possession by an applicant of a valid Federal permit shall entitle the applicant to registration pursuant thereto;

(2) sell or offer to sell at retail alligator, caiman or crocodile, or the parts thereof or products made therefrom, without a permit issued by the department;

(3) import, possess, sell or offer to sell any alligator, caiman or crocodile, or parts thereof or products made therefrom, in violation of the Code of Federal Regulations, 50 CFR parts 17 and 23;

(4) import, possess, sell or offer for sale any live alligator, caiman or crocodile, except for scientific or educational purposes as authorized by the department; or

(5) violate the terms of provisions of any registration or permit issued pursuant to this section.

(c) Application for registration or permit; interim registration or permit. Until April 1, 1981, an application for registration or a permit, on the form provided by the department and accompanied by the proper fee, shall be deemed to be an interim registration or permit and shall satisfy the registration and permit requirements of this section, provided such application has actually been received by the department. Registrations and permits, and renewals thereof, issued after April 1, 1981 shall be valid through the following March 31st.

(d) Fees. The annual fee for the registration required by this section shall be \$150. The annual fee for a permit shall be \$25.

(e) Maintenance of records; inspection. A person to whom a registration or permit has been issued pursuant to this section shall maintain complete and accurate records concerning importation and possession of alligator, caiman or crocodile parts or products. Such records shall be maintained for a minimum of five years, and shall be available for inspection by an officer of the department at any reasonable hour.

Sec. 182.6 Endangered species, threatened species, and species of special concern.

(a) Those endangered species which meet one or both of the criteria specified in section 182.2(g) of this Part and which are found, have been found, or may be expected to be found in New York State include:

Common Name	Scientific Name
(1) Molluscs:	
(i) Dwarf wedgemussel	<i>Alasmidonta heterodon</i>
(ii) Pink mucket	<i>Lampsilis abrupta</i>
(iii) Clubshell	<i>Pleurobema clava</i>
(iv) Fat pocketbook	<i>Potamilus capax</i>
(v) Rayed bean	<i>Villosa fabalis</i>
(vi) Chittenango ovate amber snail	<i>Novisuccinea chittenangoensis</i>
(2) Insects:	
(i) Tomah mayfly	<i>Siphonisca aerodromia</i>
(ii) American burying beetle	<i>Nicrophorus americanus</i>
(iii) Hessel's hairstreak	<i>Callophrys hesseli</i>
(iv) Karner blue	<i>Lycaeides melissa samuelis</i>
(v) Regal fritillary	<i>Speyeria idalia</i>
(vi) Persius duskywing	<i>Erynnis persius</i>
(vii) Grizzled skipper	<i>Pyrgus centaureae wyandot</i>

- | | |
|-----------------------|---------------------------------|
| (viii) Arogos skipper | <i>Atrytone arogos arogos</i> |
| (ix) Bog buckmoth | <i>Hemileuca species 1</i> |
| (x) Pine pinion moth | <i>Lithophane lepida lepida</i> |

(3) Fishes:

- | | |
|--------------------------|--------------------------------|
| (i) Shortnose sturgeon | <i>Acipenser brevirostrum</i> |
| (ii) Silver chub | <i>Macrhybopsis storeriana</i> |
| (iii) Pugnose shiner | <i>Notropis anogenus</i> |
| (iv) Round whitefish | <i>Prosopium cylindraceum</i> |
| (v) Bluebreast darter | <i>Etheostoma camurum</i> |
| (vi) Gilt darter | <i>Percina evides</i> |
| (vii) Spoonhead sculpin | <i>Cottus ricei</i> |
| (viii) Deepwater sculpin | <i>Myoxocephalus thompsoni</i> |

(4) Amphibians:

- | | |
|----------------------------|---------------------------|
| (i) Tiger salamander | <i>Ambystoma tigrinum</i> |
| (ii) Northern cricket frog | <i>Acris crepitans</i> |

(5) Reptiles:

- | | |
|---------------------------------|---------------------------------------|
| (i) Mud turtle | <i>Kinosternon subrubrum</i> |
| (ii) Bog turtle | <i>Clemmys</i>
<i>muhlenbergii</i> |
| (iii) Hawksbill sea turtle | <i>Eretmochelys imbricata</i> |
| (iv) Atlantic ridley sea turtle | <i>Lepidochelys</i>
<i>kempii</i> |
| (v) Leatherback sea turtle | <i>Dermochelys coriacea</i> |
| (vi) Queen snake | <i>Regina septemvittata</i> |
| (vii) Massasauga | <i>Sistrurus catenatus</i> |

(6) Birds:

- | | |
|-----------------------|-----------------------------------|
| (i) Golden eagle | <i>Aquila chrysaetos</i> |
| (ii) Peregrine falcon | <i>Falco peregrinus</i> |
| (iii) Spruce grouse | <i>Falcipennis canadensis</i> |
| (iv) Black rail | <i>Laterallus jamaicensis</i> |
| (v) Piping plover | <i>Charadrius melodus</i> |
| (vi) Eskimo curlew | <i>Numenius borealis</i> |
| (vii) Roseate tern | <i>Sterna dougallii dougallii</i> |
| (viii) Black tern | <i>Chlidonias niger</i> |
| (ix) Short-eared owl | <i>Asio flammeus</i> |
| (x) Loggerhead shrike | <i>Lanius ludovicianus</i> |

(7) Mammals:

- | | |
|-----------------|-----------------------|
| (i) Indiana bat | <i>Myotis sodalis</i> |
|-----------------|-----------------------|

(ii) Allegheny woodrat	<i>Neotoma magister</i>
(iii) Sperm whale	<i>Physeter catodon</i>
(iv) Sei whale	<i>Balaenoptera borealis</i>
(v) Blue whale	<i>Balaenoptera musculus</i>
(vi) Finback whale	<i>Balaenoptera physalus</i>
(vii) Humpback whale	<i>Megaptera novaeangliae</i>
(viii) Right whale	<i>Eubalaena glacialis</i>
(ix) Gray wolf	<i>Canis lupus</i>
(x) Cougar	<i>Felis concolor</i>

(b) Those threatened species which meet one or both of the criteria specified in section 182.2(h) of this Part and which are found, have been found, or may be expected to be found in New York State include:

(1) Molluscs:

(i) Brook floater	<i>Alasmodonta varicosa</i>
(ii) Wavy-rayed lampmussel	<i>Lampsilis fasciola</i>
(iii) Green floater	<i>Lasmigona subviridis</i>

(2) Insects:

(i) Pine barrens bluet	<i>Enallagma recurvatum</i>
(ii) Scarlet bluet	<i>Enallagma pictum</i>
(iii) Little bluet	<i>Enallagma minisculum</i>
(iv) Northeastern beach tiger beetle	<i>Cicindela dorsalis dorsalis</i>
(v) Frosted elfin	<i>Callophrys irus</i>

(3) Fishes:

(i) Lake sturgeon	<i>Acipenser fulvescens</i>
(ii) Mooneye	<i>Hiodon tergisus</i>
(iii) Lake chubsucker	<i>Erimyzon sucetta</i>
(iv) Gravel chub	<i>Erimystax x-punctata</i>
(v) Mud sunfish	<i>Acantharchus pomotis</i>
(vi) Banded sunfish	<i>Enneacanthus obesus</i>
(vii) Longear sunfish	<i>Lepomis megalotis</i>
(viii) Eastern sand darter	<i>Ammocrypta pellucida</i>
(ix) Swamp darter	<i>Etheostoma fusiforme</i>
(x) Spotted darter	<i>Etheostoma maculatum</i>
(xi) Longhead darter	<i>Percina macrocephala</i>

(4) Amphibians:

None

(5) Reptiles:

- | | |
|-----------------------------|-----------------------------|
| (i) Blanding's turtle | <i>Emydoidea blandingii</i> |
| (ii) Green sea turtle | <i>Chelonia mydas</i> |
| (iii) Loggerhead sea turtle | <i>Caretta caretta</i> |
| (iv) Fence lizard | <i>Sceloporus undulatus</i> |
| (v) Timber rattlesnake | <i>Crotalus horridus</i> |

(6) Birds:

- | | |
|-----------------------|---------------------------------|
| (i) Pied-billed grebe | <i>Podilymbus podiceps</i> |
| (ii) Least bittern | <i>Ixobrychus exilis</i> |
| (iii) Bald eagle | <i>Haliaeetus leucocephalus</i> |
| (iv) Northern harrier | <i>Circus cyaneus</i> |
| (v) King rail | <i>Rallus elegans</i> |
| (vi) Upland sandpiper | <i>Bartramia longicauda</i> |
| (vii) Common tern | <i>Sterna hirundo</i> |
| (viii) Least tern | <i>Sterna antillarum</i> |
| (ix) Sedge wren | <i>Cistothorus platensis</i> |
| (x) Henslow's sparrow | <i>Ammodramus henslowii</i> |

(7) Mammals:

None

(c) The following are designated as species of special concern as defined in Section 182.2(i) of this Part. Species of special concern warrant attention and consideration but current information, collected by the department, does not justify listing these species as either endangered or threatened. Species of special concern are not afforded the special legal protection provided to endangered or threatened species in this Part. The reason for providing a list of species of special concern is for informational purposes and to encourage actions that would avoid further risk to these species.

(1) Molluscs:

- | | |
|--------------------------|------------------------|
| (i) Buffalo pebble snail | <i>Gillia altilis</i> |
| (ii) Fringed valvata | <i>Valvata lewisi</i> |
| (iii) Mossy valvata | <i>Valvata sincera</i> |

(2) Insects:

- | | |
|-------------------------------|---------------------------------|
| (i) Unnamed dragonfly species | <i>Gomphus spec. nov.</i> |
| (ii) Southern sprite | <i>Nehalennia integricollis</i> |
| (iii) Extra striped snaketail | <i>Ophiogomphus anomalus</i> |
| (iv) Pygmy snaketail | <i>Ophiogomphus howei</i> |
| (v) Common sanddragon | <i>Progomphus obscurus</i> |
| (vi) Gray petaltail | <i>Tachopteryx thoreyi</i> |

(vii) Checkered white	<i>Pontia protodice</i>
(viii) Olympia marble	<i>Euchloe olympia</i>
(ix) Henry's elfin	<i>Callophrys henrici</i>
(x) Tawny crescent	<i>Phyciodes batesii</i>
(xi) Mottled duskywing	<i>Erynnis martialis</i>
(xii) Barrens buckmoth	<i>Hemileuca maia</i>
(xiii) Herodias underwing	<i>Catocala herodias gerhardi</i>
(xiv) Jair underwing	<i>Catocala jair</i>
(xv) A noctuid moth	<i>Heterocampa varia</i>

(3) Fishes:

(i) Mountain brook lamprey	<i>Ichthyomyzon greeleyi</i>
(ii) Black redhorse	<i>Moxostoma duquesnei</i>
(iii) Streamline chub	<i>Erimystax dissimilis</i>
(iv) Redfin shiner	<i>Lythrurus umbratilis</i>
(v) Ironcolor shiner	<i>Notropis chalybaeus</i>

(4) Amphibians:

(i) Hellbender	<i>Cryptobranchus alleganiensis</i>
(ii) Marbled salamander	<i>Ambystoma opacum</i>
(iii) Jefferson salamander	<i>Ambystoma jeffersonianum</i>
(iv) Blue-spotted salamander	<i>Ambystoma laterale</i>
(v) Longtail salamander	<i>Eurycea longicauda</i>
(vi) Eastern spadefoot toad	<i>Scaphiopus holbrookii</i>
(vii) Southern leopard frog	<i>Rana sphenoccephala</i>
<i>utricularius</i>	

(5) Reptiles:

(i) Spotted turtle	<i>Clemmys guttata</i>
(ii) Wood turtle	<i>Clemmys insculpta</i>
(iii) Eastern box turtle	<i>Terrapene carolina</i>
(iv) Eastern spiny softshell	<i>Apalone spinifera</i>
(v) Eastern hognose snake	<i>Heterodon platyrhinos</i>
(vi) Worm snake	<i>Carphophis amoenus</i>

(6) Birds:

(i) Common loon	<i>Gavia immer</i>
(ii) American bittern	<i>Botaurus lentiginosus</i>
(iii) Osprey	<i>Pandion haliaetus</i>
(iv) Sharp-shinned hawk	<i>Accipiter striatus</i>
(v) Cooper's hawk	<i>Accipiter cooperii</i>
(vi) Northern goshawk	<i>Accipiter gentilis</i>
(vii) Red-shouldered hawk	<i>Buteo lineatus</i>

(viii) Black skimmer	<i>Rynchops niger</i>
(ix) Common nighthawk	<i>Chordeiles minor</i>
(x) Whip-poor-will	<i>Caprimulgus vociferus</i>
(xi) Red-headed woodpecker	<i>Melanerpes erythrocephalus</i>
(xii) Horned lark	<i>Eremophila alpestris</i>
(xiii) Bicknell's thrush	<i>Catharus bicknelli</i>
(xiv) Golden-winged warbler	<i>Vermivora chrysoptera</i>
(xv) Cerulean warbler	<i>Dendroica cerulea</i>
(xvi) Yellow-breasted chat	<i>Icteria virens</i>
(xvii) Vesper sparrow	<i>Pooecetes gramineis</i>
(xviii) Grasshopper sparrow	<i>Ammodramus savannarum</i>
(xix) Seaside sparrow	<i>Ammodramus maritimus</i>

(7) Mammals:

(i) Small-footed bat	<i>Myotis leibii</i>
(ii) New England cottontail	<i>Sylvilagus transitionalis</i>
(iii) Harbor porpoise	<i>Phocaena phocaena</i>

General Municipal Law

The general municipal law is amended by adding a new section 209-cc to read as follows:

§ 209-cc. Notification of presence of wild animals.

1. The knowledge of the presence of dangerous wild animals, in the context of emergency services responses, is necessary to protect public safety and the safety of emergency services personnel.

2. As used in this section:

- (a) the term "emergency services personnel" means fire, police, and ambulance personnel.
- (b) the term "person" means any individual, partnership, corporation, association, or other entity.
- (c) the term "wild animal" means any or all of the following orders and families:
 - (1) Nonhuman primates and prosimians;
 - (2) Felidae (with the exception of domesticated cats);
 - (3) Canidae (with the exception of domesticated dogs);
 - (4) Ursidae;
 - (5) All venomous snakes and all constrictors and python snakes that are ten feet or greater in length; and
 - (6) Crocodylia that are five feet or greater in length.

3. The state fire administrator, in consultation with the department of environmental conservation, shall develop and maintain a list of the common names of wild animals to be reported.

4. Except for pet dealers as defined in section seven hundred fifty-two-a of the general business law and zoological facilities licensed pursuant to 7 USC 2132, every person owning, possessing, or harboring a wild animal within this state shall report the presence thereof to the clerk of the city, town, or village in which such wild animal is owned, possessed, or harbored. Such report shall be filed annually on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. A separate report shall be filed for each street address at which any such wild animal may be found.

5. Such clerk shall forward a copy of such report to each state police troop, county sheriff, and municipal police agency having jurisdiction over the location of such wild animal. A copy thereof shall also be forwarded to each fire department, fire corporation, or fire company serving such location and to each ambulance or emergency medical service department, ambulance corporation, or ambulance or emergency medical service company serving such location. In lieu of forwarding a copy of each report, the clerk may compile the contents of the several reports, and forward the compilation.

6. Any person who fails to report the presence of a wild animal as required in this section shall be subject to a civil penalty of not more than two hundred fifty dollars for the first offense, and upon being found guilty of a second or subsequent offense, by a civil penalty of not less than two hundred fifty dollars or more than one thousand dollars. Except as otherwise provided by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of a person found guilty thereof.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the state fire administrator is authorized to promulgate any and all rules and regulations and take any other measures necessary or convenient to implement this act on its effective date on or before such date.

In accordance with General Municipal Law §209-cc, the New York State Department of State, in consultation with the Department of Environmental Conservation, has developed the following list of the common names of wild animals to be reported.

Nonhuman Primates and Prosimians

Crowned Lemur

Red-Footed LemurBlack Lemur

Mongoose Lemur

Red-Bellied Lemur
Golden Bamboo Lemur
Gray Gentle Lemur
Ring Tailed Lemur
Ruffed Lemur
Hairy-Eared Dwarf Lemur
Greater Dwarf Lemur
Fat-Tailed Dwarf Lemur
Greater Mouse Lemur
Mouse Lemur
Brown Mouse Lemur
Fork-Marked Lemur
Indri
Avahi, or Woolly Lemur
Sifakas
Aye-Aye
Allen's Bush Baby
Lesser Bushbaby
Thick-Tailed Galago, or Bushbaby
Slender Loris
Slow Loris
Lesser Slow Loris, or Pygmy Slow Loris
Potto
Western Tarsier
Spectral Tarsier, or Celebes, or Sulawesi
Tarsier
Philippine Tarsier
Howler Monkey
Brown Howler
Mantled Howler Monkey
Red Howler Monkey
Southern Night Monkey, or Southern Owl Monkey
Owl Monkey
Black-Handed Spider Monkey
Spider Monkey
Woolly Spider Monkey, or Muriqui
Common Woolly Monkey
Titi Monkey
Masked Titi
White-Fronted Capuchin
Brown Capuchin Monkey
White Throated Capuchin
Red-Backed Squirrel Monkey Squirrel Monkey

Uakari
White-Nosed Saki
Saki
Allen's Swamp Monkey
Collared Mangabey
Redtail Monkey
Diana Monkey, or Guenon
Owl-Faced Monkey
Blue Monkey
Mona Monkey
Debrazza's Monkey
Grivet, or Savanna Monkey
Patas
Black Mangabey, or White-cheeked
Mangabey
Formosan Rock Macaque
Long Tailed Macaque, or Crab-Eating Macaque
Japanese Macaque, or Snow Monkey
Rhesus Monkey, or Rhesus Macaque
Black Macaque, or Celebes Ape, or Celebes Macaque
Macaque
Lion-Tailed Macaque
Barbary Macaque
Drill
Mandrill
Talapoin Monkey
Savanna Baboon, or Hamadryas Baboon
Olive Baboon
Gelada Baboon
Angolan Colobus
Black And White Colobus, or Guereza
Black Colobus Monkey
Proboscis Monkey
Francois Leaf Monkey
Thomas's Langur, or Thomas's Leaf Monkey
Red Colobus Monkey
Tana River Red Colobus Monkey
Olive Colobus
Golden Monkey, or Golden Snub-Nosed Monkey
Hanuman Langur, or Gray Langur
White-Headed Langur
Dusky Leaf Monkey
Goeldi's Monkey

Silvery Marmoset
Common Marmoset
Pygmy Marmoset
Golden-Headed Lion Tamarin
Golden Lion Tamarin
Saddle-Backed Tamarin
Emperor Tamarin
Red-Chested Moustached Tamarin
Red-Footed Tamarin
Moustached Tamarin
Black-Mantled Tamarin
Cotton-Top Tamarin
Agile Gibbon
Hoolock Gibbon
White-Handed Gibbon, or Lar Gibbon
Molochs Gibbon
Gray Gibbon
Pileated Gibbon
Siamang, or Great Gibbon
Eastern Lowland Gorilla
Mountain Gorilla
Western Lowland Gorilla
Bonobo, or Pygmy Chimpanzee
Chimpanzee
Orangutan

Felidae

Caracal
Asian Golden Cat
Bornean Bay Cat
Black-Footed Cat
Chinese Desert Cat
Jungle Cat, or Swamp Lynx
Sand Cat
African Wildcat
Jaguarundi
Ocelot
Margay
Serval
Eurasian Lynx
Canada Lynx
Spanish Lynx
Bobcat
Pampas Cat

Geoffroy's Cat
GuignaPallas's Cat
Leopard Cat, or Bengal Cat, or Tiger Cat
Rusty-Spotted Cat
Fishing Cat
Flat-Headed Cat
African Golden Cat
Puma, or Mountain Lion, or Cougar, or
Painter, or Florida Panther
Marbled Cat
Clouded Leopard
Lion
Jaguar
Leopard
Tiger, or Siberian Tiger
Snow Leopard

Canidae

Arctic Fox
Short-Eared Dog
Side Striped Jackal
Golden Jackal
Coyote
Gray Wolf
Black-Backed Jackal
Red Wolf
Simian Jackal
Crab-Eating Fox
Maned Wolf
Dhole
Falkland Island Fox
Fennec Fox
African Wild Dog
Hoary Fox
Raccoon Dog
Bat-Eared Fox
Pampas Fox
Culpeo
Argentine Gray Fox
Sechura Fox
Bush Dog
Gray Fox, or Tree Fox
Island Fox

Red Fox, or Silver fox
Corsac Fox
Blanford's Fox
Tibetan Sand Fox
Swift Fox
Kit Fox
Bengal Fox
Sand Fox
Pale Fox
Cape Fox

Ursidae

Giant Panda, or Panda Bear, or Panda
Red Panda
Spectacled Bear
Asiatic Black Bear
American Black Bear
Brown Bear, or Grizzly Bear
Polar Bear
Malayan Sun Bear
Sloth Bear

All Venomous Snakes and All Constrictors and Python Snakes Ten Feet or Greater in Length

Black Mamba
Eastern Coral Snake, or Harlequin Snake, or Western Coral Snake
Brazilian Coral Snake
Arizona Coral Snake
Indian Cobra, or Monocled Cobra, or Chinese Cobra
Black-Necked Cobra, or Spitting Cobra
Mozambique Spitting Cobra
Cape Cobra, or Yellow Cobra
White-Lipped Cobra, or Forest Cobra
Egyptian Cobra
Shield-Nosed Cobra, or Cape Coral Snake
Eastern Water Cobra
King Cobra
Gold's Tree Cobra
Death Adder, or Deaf Adder
Tiger Snake
Blue Krait
Banded Krait

Many-Banded Krait
Malayan Long-Glanded Coral Snake
Yellow-Bellied Sea Snake
Taipan Bandy-Bandy
Yellow-Lipped Sea Snake
Dubois's Sea Snake
Stoke's Sea Snake
Annulated Sea Snake
Hardwicke's Sea Snake
Plagic Sea Snake, or Yellow-Bellied Sea Snake
Cantil, or Mexican Moccasin
Mamushi
Fea's Viper
Rough-Scaled Tree Viper
Bush Viper, or Leaf Viper
Copperhead
Cottonmouth
African Puff-Adder
Bergadder, or Mountain Adder
Horned Adder
Many-Horned Adder
Gaboon Viper
Rhinoceros Viper, or River Jack
Dwarf Sand Adder
Namaqua Dwarf Adder
Yellow-Lined Palm Viper
Honduran Palm Viper
Guatemalan Palm Viper
Guatemalan Tree Viper
Eyelash Viper, or Schlegel's Viper
Amazonian Palm Viper
Fer-de-Lance
Barba Amarilla
Urutu, or Wutu
Rhombic Night Adder
Horned Desert Viper
Malayan Pit Viper
Eastern Diamondback Rattlesnake
Western Diamondback Rattlesnake
Mexican West Coast Rattlesnake, or Mexican Green Rattlesnake
Sonoran Sidewinder
Tropical Rattlesnake, or Cascavel, or
Cascabel

Timber Rattlesnake, or Canebrake
Rattlesnake
Oaxacan Small-Headed Rattlesnake
Durango Rock Rattlesnake
Southwestern Speckled RattlesnakeNorthern Black-Tailed Rattlesnake
Lance-Headed Rattlesnake
Twin-Spotted Rattlesnake
Tancitaran Dusky Rattlesnake
Red Diamond Rattlesnake
Mojave Rattlesnake
Long-Tailed Rattlesnake
Tiger Rattlesnake
Aruba Rattlesnake
Grand Canyon Rattlesnake, or Coronado Island Rattlesnake
Arizona Black Rattlesnake, or Midget Faded Rattlesnake, or Southern Pacific Rattlesnake, or
Great Basin Rattlesnake, or Hopi Rattlesnake
Uracoan Rattlesnake
Chihuahuan Ridge-Nosed Rattlesnake
Sharp-Nosed Viper, or Hundred Pacer
Saw-Scaled Viper, or Carpet Viper
Leaf-Nosed Viper, or McMahon's Viper
Bushmaster
Undulated Pit Viper
Barbour's Pit Viper
Godman's Pit Viper
Black-Tailed Horned Pit Viper
Hognosed Viper
Jumping Viper
Western Hog-Nosed Viper
Massasauga Rattlesnake
Dusky Pigmy Rattlesnake
Mexican Massasauga
Indian Tree Viper
Okinawan Habu
Kanburian Pit Viper, or Tiger Pit Viper
Mangrove Pit Viper
Hemehabu, or Kufah
Chinese Tree Viper, or Bamboo Viper
Sri Lankan Pit Viper
Siamese Palm Viper, or Wirot's Pit Viper
Sumatran Tree Viper
Pope's Tree Viper
Eye Lash Viper

Wagler's Pit Viper, or Temple Pit Viper
Long-Nosed Viper, or Sand Adder
European Asp
Crossed Viper, or Kreuzotter
Portuguese Viper
Cyclades Blunt-Nosed Viper, or Levant Viper
Palestinian Viper
Kaznakov's Viper
Russell's Viper, or Tic-Polonga
Boa Constrictor
Dumeril's Boa
Cuban Boa
Green Anaconda
Yellow Anaconda
Long-Nosed Tree Snake, or Long-Nosed Whip Snake
West Indian Racer, Bimini Racer
Mangrove Snake
Green Cat-Eyed Snake
Common Cat-Eyed Snake
Blanding's Tree Snake
Mussurana
Herald Snake, or Cat-Eyed Snake
Brazilian Smooth Snake, or False Water Cobra
Boomslang, or Afrikaans
Tentacled Snake, or Fishing Snake
Bocourt's Water Snake
False Coral Snake
Blunt-Headed Tree Snake
Cat-Eyed Snake, or Night Snake
Parrot Snake
Mexican Parrot Snake
Ornate Flying Snake
Paradise Flying Snake
Malagasy Giant Hognose Snake
Wolf Snake
Barred Wolf Snake
African Wolf Snake
Montpellier Snake
Mexican Vine Snake
African Beaked Snake
Bird Snake, or Twig Snake
Central American Lyre Snake, or Sonoran
Lyre Snake
Crowned Snake, or Black-Headed Snake

Crocodylia Five Feet or Greater in Length

Alligator, or True Alligator
Chinese Alligator
American Alligator
Caiman, or Caimans
Broad-Snouted Caiman
Common Caiman
Caiman Yacare
Dwarf Caiman
Cuvier's Dwarf Caiman
Schneider's Dwarf Caiman
Black Caiman
Cuban Crocodile
American Crocodile
Morelet's Crocodile
African Slender-Snouted Crocodile
Nile Crocodile
Orinoco Crocodile
Indopacific Crocodile
Johnston's Crocodile
Mugger Crocodile, or Marsh Crocodile
Siamese Crocodile
Philippine Crocodile
New Guinea Crocodile
Dwarf Crocodile
Gharial
False Gharial

Ag and Markets Law

Article 26, Sec. 370. Protection of the public from attack by wild animals and reptiles.

Any person owning, possessing or harboring a wild animal or reptile capable of inflicting bodily harm upon a human being, who shall fail to exercise due care in safeguarding the public from attack by such wild animal or reptile, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both. "Wild animal" within the meaning of this section, shall not include a dog or cat or other domestic animal.

Previous attacks upon a human being by such wild animal or reptile, or knowledge of the vicious propensities of such wild animal or reptile, on the part of the possessor or harborer

thereof, shall not be required to be proven by the people upon a prosecution hereunder; and neither the fact that such wild animal or reptile has not previously attacked a human being, nor lack of knowledge of the vicious propensities of such wild animal or reptile on the part of the owner, possessor or harbinger thereof shall constitute a defense to a prosecution hereunder.

Federal Statutes

Lacey Act

3372. Prohibited acts

(a) Offenses other than marking offenses. It is unlawful for any person--

(1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;

(2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce--

(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law, or

(B) any plant taken, possessed, transported, or sold in violation of any law or regulation of any State;

(3) within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18, United States Code [18 USCS § 7])--

(A) to possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law or Indian tribal law, or

(B) to possess any plant taken, possessed, transported, or sold in violation of any law or regulation of any State; [or]

(4) to attempt to commit any act described in paragraphs (1) through (4) [(3)].

(b) Marking offenses. It is unlawful for any person to import, export, or transport in interstate commerce any container or package containing any fish or wildlife unless the container or package has previously been plainly marked, labeled, or tagged in accordance with the regulations issued pursuant to paragraph (2) of subsection 7(a) of this Act [16 USCS § 3376(a)(2)].

(c) Sale and purchase of guiding and outfitting services and invalid licenses and permits.

(1) Sale. It is deemed to be a sale of fish or wildlife in violation of this Act [16 USCS §§ 371 et seq.] for a person for money or other consideration to offer or provide--

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.

(2) Purchase. It is deemed to be a purchase of fish or wildlife in violation of this Act [16 USCS §§ 371 et seq.] for a person to obtain for money or other consideration--

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.

(d) False labeling offenses. It is unlawful for any person to make or submit any false record, account, or label for, or any false identification of any fish, wildlife, or plant which has been, or is intended to be--

(1) imported, exported, transported, sold, purchased, or received from any foreign country; or

(2) transported in interstate or foreign commerce.

Endangered Species Act

1538. Prohibited acts

(a) Generally.

(1) Except as provided in sections 6(g)(2) and 10 of this Act [16 USCS §§ 1535(g)(2), 1539], with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act [16 USCS § 1533] it is unlawful for any person subject to the jurisdiction of the United States to--

(A) import any such species into, or export any such species from the United States;

(B) take any such species within the United States or the territorial sea of the United States;

(C) take any such species upon the high seas;

(D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C);

(E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(F) sell or offer for sale in interstate or foreign commerce any such species; or

(G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to section 4 of this Act [16 USCS § 1533] and promulgated by the Secretary pursuant to authority provided by this Act.

(2) Except as provided in sections 6(g)(2) and 10 of this Act [16 USCS §§ 1535(g)(2), 1539], with respect to any endangered species of plants listed pursuant to section 4 of this Act [16 USCS § 1533], it is unlawful for any person subject to the jurisdiction of the United States to--

(A) import any such species into, or export any such species from, the United States;
(B) remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law;
(C) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;
(D) sell or offer for sale in interstate or foreign commerce any such species; or
(E) violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act [16 USCS § 1533] and promulgated by the Secretary pursuant to authority provided by this Act.

(b) Species held in captivity or controlled environment.

(1) The provisions of subsections (a)(1)(A) and (a)(1)(G) of this section shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (A) December 28, 1973, or (B) the date of the publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act [16 USCS § 1533(c)]: Provided, That such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity. With respect to any act prohibited by subsections (a)(1)(A) and (a)(1)(G) of this section which occurs after a period of 180 days from (i) December 28, 1973, or (ii) the date of publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act [16 USCS § 1533(c)], there shall be a rebuttable presumption that the fish or wildlife involved in such act is not entitled to the exemption contained in this subsection.

(2) (A) The provisions of subsection (a)(1) shall not apply to--

(i) any raptor legally held in captivity or in a controlled environment on the effective date of the Endangered Species Act Amendments of 1978; or

(ii) any progeny of any raptor described in clause (i);

until such time as any such raptor or progeny is intentionally returned to a wild state.

(B) Any person holding any raptor or progeny described in subparagraph (A) must be able to demonstrate that the raptor or progeny does, in fact, qualify under the provisions of this paragraph, and shall maintain and submit to the Secretary, on request, such inventories, documentation, and records as the Secretary may by regulation require as being reasonably appropriate to carry out the purposes of this paragraph. Such requirements shall not unnecessarily duplicate the requirements of other rules and regulations promulgated by the Secretary.

(c) Violation of Convention.

(1) It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article I thereof.

(2) Any importation into the United States of fish or wildlife shall, if--

(A) such fish or wildlife is not an endangered species listed pursuant to section 4 of this Act [16 USCS § 1533] but is listed in Appendix II to the Convention,

(B) the taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable requirements of the Convention have been satisfied,

(C) the applicable requirements of subsections (d), (e), and (f) of this section have been satisfied, and

(D) such importation is not made in the course of a commercial activity,

be presumed to be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act.

(d) Imports and exports.

(1) In general. It is unlawful for any person, without first having obtained permission from the Secretary, to engage in business--

(A) as an importer or exporter of fish or wildlife (other than shellfish and fishery products which (i) are not listed pursuant to section 4 of this Act [16 USCS § 1533] as endangered species or threatened species, and (ii) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants; or

(B) as an importer or exporter of any amount of raw or worked African elephant ivory.

(2) Requirements. Any person required to obtain permission under paragraph (1) of this subsection shall--

(A) keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, plants, or African elephant ivory made by him and the subsequent disposition made by him with respect to such fish, wildlife, plants, or ivory;

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his place of business, an opportunity to examine his inventory of imported fish, wildlife, plants, or African elephant ivory and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

(C) file such reports as the Secretary may require.

(3) Regulations. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

(4) Restriction on consideration of value or amount of African elephant ivory imported or exported. In granting permission under this subsection for importation or exportation of African elephant ivory, the Secretary shall not vary the requirements for obtaining such permission on the basis of the value or amount of ivory imported or exported under such permission.

(e) Reports. It is unlawful for any person importing or exporting fish or wildlife (other than shellfish and fishery products which (1) are not listed pursuant to section 4 of this Act [16 USCS § 1533] as endangered or threatened species, and (2) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants to fail to file any declaration or report as the Secretary deems necessary to facilitate enforcement of this Act or to meet the obligations of the Convention.

(f) Designation of ports.

(1) It is unlawful for any person subject to the jurisdiction of the United States to import into or export from the United States any fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act [16 USCS § 1533] as endangered species or threatened species, and (B) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants, except at a port or ports designated by the Secretary of the Interior. For the purpose of facilitating enforcement of this Act and reducing the costs thereof, the Secretary of the Interior, with approval of the Secretary of the Treasury and after notice and opportunity for public hearing, may, by regulation, designate ports and change such designations. The Secretary of the Interior, under such terms and conditions as he may prescribe, may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or plants, or for other reasons if, in his discretion, he deems it appropriate and consistent with the purpose of this subsection.

(2) Any port designated by the Secretary of the Interior under the authority of section 4(d) of the Act of December 5, 1969 (16 U.S.C. 666cc-4(d)), shall, if such designation is in effect on the day before the date of the enactment of this Act [enacted Dec. 28, 1973], be deemed to be a port designated by the Secretary under paragraph (1) of this subsection until such time as the Secretary otherwise provides.

(g) Violations. It is unlawful for any person subject to the jurisdiction of the United States to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this section.