

## **N.J. REGULATIONS – Possession of Nongame & Exotic Wildlife**

### **Subchapter 4. Nongame and Exotic Wildlife**

Unless otherwise noted, all provisions of this subchapter were adopted by the Department of Environmental Protection pursuant to authority delegated at N.J.S.A. 13:1B-30 et. seq., N.J.S.A. 23:1-1 et. seq., and N.J.S.A. 23:4-28 and were filed and became effective before September 1, 1969. Amendments were filed as R.1971 d.125, effective July 22, 1971. See: 3 N.J.R.107(a), 3 N.J.R.149(d), 27N.J.R.329(a).

Pursuant to authority of N.J.S.A. 23:2A-5, further amendments were filed as R.1979d.9. See: 10 N.J.R.532(b), 11 N.J.R.63(b).

Pursuant to authority of N.J.S.A. 23:4-50, 23:2A-1 et seq., 13:1B-30 et seq. and 23:1-1 et seq., further amendments were filed as R. 1995 d.48 and became effective January 17, 1995. See 27 N.J.R. 329(a).

#### **7:25-4.1 Definitions**

(a) The following words and terms when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

“Butt-end band” means a band with an open seam locked around the leg of a bird of any age using pliers or a similar tool and which is obtained from a source approved by the Department, inscribed with a code approved by the Department in sizes stipulated by the Department for each species of bird.

“Captive-bred bird” means any bird that is hatched in captivity from eggs produced by captive parent birds.

“Color Mutation” means a color which is different and distinctive from the normal, natural color for that species of animal, as defined in reference texts commonly recognized as authoritative in the field of zoology, ornithology or aviculture, which is produced by breeding together animals with aberrant color-producing genes.

“Department” means the state’s Department of Environmental Protection.

“Director” means the Director of the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

“Division” means the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

“Exotic mammal, bird, reptile or amphibian” means any nongame species of mammal, bird, reptile, or amphibian not indigenous to New Jersey.

“Nongame Species” means any wildlife for which a legal hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of this State.

“Person” shall be defined to include **but not limited to** corporations, companies, associations, societies, including non-profit organizations, firms, partnerships, joint stock companies, individuals and governmental entities.

“Seamless leg band” means a solid ring leg band from a source approved by the Department, in sizes stipulated by the Department for each species of bird, which is slipped onto the leg of a newly hatched captive-bred bird and which is incapable of being removed or reopened when the bird has reached adult size without either destroying the band or injuring the bird.

“Wild bird” means any bird other than a native, introduced, or feral game bird as defined in R.S. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon or peafowl. “Wild bird” also means the egg of a wild bird.

#### **7:25-4.2 Permit required**

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under State law, including revocation of any permit obtained based upon false information. All permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims for penalties pursuant to N.J.S.A. 23:2A-10. Revocation of all Department-issued permits for repeated violations shall occur as set forth in (c), below.

(b) No person shall liberate within this state any nongame species or exotic mammal, bird, reptile, or amphibian unless such person has first received a permit from the Department, which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or, that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall not take effect until the final agency action on the notice of

violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or superior court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six-month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by Federal law, with a person residing outside of New Jersey in accordance with that states laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulations appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action affirming a violation or within two years of a conviction or guilty pleas in municipal or superior court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger of its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director if possession of the animal violates and Federal, state or local law.

1. The violator may request a hearing to contest an

administrative notice of violation, proposed suspension or revocation as the case may be, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et. seq., and the uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1-1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation.

#### **7:25-4.3 Exotic Species and Nongame species requiring a permit for possession**

(a) Exotic species and nongame species requiring a permit for possession include, **but are not limited to** the following:

##### **1. Birds:**

- i. Red-fronted parrot - *Amazona viridigenalis*;
- ii. Turquoise-fronted parrot - *Amazona aestiva*;
- iii. Yellow-cheeked parrot - *Amazona a. autumnalis*;
- iv. Half-moon conure - *Aratinga jandaya*;
- v. Jenday Conure - *Aratinga jandaya*;
- vi. Sun Conure - *Aratinga solstitialis*
- vii. Nanday Conure - *Nandayus nenday*
- viii. African/Timneh gray parrot - *Psittacus erithacus*;
- ix. Macaws - *Ara. spp.* & *Anodorhynchus spp.* (Except endangered forms.)

##### **2. Mammals:**

- i. Ferrets - *Mustela putorius furo*;
- ii. Kinkajou - *Potos flavus*;
- iii. European hedgehog - *Erinaceus europeaus*;
- iv. Dwarf Hamster - *Phodopus spp.*
- v. Chinchilla - *Chinchilla spp.*
- vi. Sugar Glider - *Petaurus breviceps*
- vii. Exotic Sheep - except *Ovis aries*;
- viii. Exotic Goats - except *Capra hircus*.

##### **3. Reptiles:**

- i. Pythons - Family Pythonidae;
- ii. Rat Snakes - *Elaphe spp.*;
- iii. Boas - Family Boidae (other than Boa Constrictors)
- iv. King Snakes - *Lampropeltis spp.*;
- v. Racer - *Colluder spp.*;
- vi. Ringneck Snakes - *Diadophis punctatus*;
- vii. Green Snakes - *Opheodrys spp.*;
- viii. Collared Lizard - *Crotaphytus collaris*;
- ix. Monitor - *Varanus spp.*;
- x. Skinks - Family Scincidae;
- xi. Ameiva - *Ameiva spp.*;
- xii. Chuckwalla - *Sauromalus obesus*;
- xiii. Alligator Lizard - *Gerrhonotus spp.*;
- xiv. Geckos - Family Gekkonidae other than Tokay Gecko;

xv. Armadillo Lizard - *Cordylus cataphractus*

**4. Amphibians:**

- i. African Clawed Frog - *Xenopus laevis*
- ii. Poison Dart Frog - *Dendrobates spp.*
- iii. Argentine Horned Frog - *Ceratophrys ornata*
- iv. Green Treefrog - *Hyla cynerea*
- v. Cuban Treefrog - *Hyla septentrionalis*
- vi. Red-eyed Treefrog - *Agalychnis callidryas*
- vii. White's Treefrog - *Litoria caerulea*
- viii. Firebelly Toad - *Bombina bombina*
- ix. Firebelly Newt - *Cynops pyrrhogaster*

(b) The Department may issue a permit for the possession of the above exotic mammals, birds, reptiles or amphibians, or nongame species provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-4.7.

**7:25-4.4 Exempted Species**

(a) The following listed species of exotic or nongame mammals, birds, reptiles or amphibians may be possessed in this state without a permit.

**1. Birds:**

- i. Budgerigar - *Melopsittacus undulatus*;
- ii. Cockatiel - *Nymphicus hollandicus*;
- iii. Peafowl - *Pavo cristatus*;
- iv. Rock dove - *Columba livia*;
- v. Canary - *Serinus canaria*;
- vi. House sparrow - *Passer domesticus*;
- vii. European starling - *Sturnis vulgaris*;
- viii. Zebra finch - *Poephila guttatus*;
- ix. Society finch - *Lonchura domesticus*
- x. Emu - *Dromaius novaehollandiae*
- xi. Ostrich - *Struthio camelus*
- xii. Greater Rhea - *Rhea americana*
- xiii. Lesser Rhea - *Rhea pennata*

**2. Mammals:**

- i. Hamster - *Mesocricetus auratus*;
- ii. Gerbil I - *Meriones mongolinensis*;
- iii. Guinea pig - *Cavia porcellus*;
- iv. Domestic Rabbit - *Oryctolagus cuniculus*
- v. Vietnamese Pot-bellied Pig - *Sus spp.*
- vi. Pigmy goats - *Capra hircus*;
- vii. Mice and Rats - *Mus spp.* and *Rattus spp.*;
- viii. Chipmunk - *Tamias spp.* and *Eutamias spp.*;
- ix. Red Squirrel - *Tamiasciurus hudsonicus & douglasii*;
- x. Flying Squirrel - *Glaucomys spp.*
- xi. Llama - *Lama glama*
- xii. Alpaca - *Lama pacos*
- xiii. Guanaco - *Lama guanicoe*

**3. Reptiles:**

- i. American Anole - *Anolis carolinensis*;
- ii. Common iguana - *Iguana iguana*;
- iii. Boa constrictor - *Constrictor constrictor*;
- iv. Eastern painted turtles - *Chrysemys picta picta*;
- v. Snapping turtles - *Chelydra serpentina*;
- vi. Fence lizard - *Sceloporus occidentalis & undulatus*;
- vii. Garter snake - *Thamnophis spp.* (except *T. sirtalis Tetrataenia*).
- viii. Tokay gecko - *Gekko gekko*;
- ix. Ribbon snake - *Thamnophis spp.* (except *T. sirtalis Tetrataenia*).

**4. Amphibians:**

- i. Leopard frogs - *Rana pipiens*;
- ii. Green frogs - *Rana clamitans*;
- iii. American toad - *Bufo americanus*;
- iv. Fowler's toad - *B. w. fowleri*;
- v. Bullfrogs - *Rana catesbeiana*;
- vi. Red-spotted newts - *Notophthalmus viridescens*;
- vii. Dusky salamanders - *Desmognathus fuscus*

**5. Invertebrates:**

Any invertebrate other than those listed on any relevant Federal or State of New Jersey Endangered Species List.

(b) Such exotic or nongame mammals, birds, reptiles or amphibians must be housed or caged in such a manner as to prevent liberation.

**7:25-4.5 Additional Species**

A permit shall be required for any other exotic mammals, birds, reptiles, or amphibians, or nongame species not specifically exempted by Section 4.4.

**7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required.**

(a) The Division may issue, but shall not be limited to, the following categories of permits.

1. **Individual hobby**-issued to persons holding exotic mammals, birds, reptiles or amphibians, or nongame species for hobby purpose or as pets.

2. **Scientific holding**-issued to qualified persons holding exotic mammals, birds, reptiles or amphibians, or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.

3. **Zoological Holding**-issued to private and public institutions which exhibit exotic mammals, birds, reptiles or amphibians, or nongame species, including possession, importation, exportation and sale of species listed in the permit.

4. **Pet Shop**-issued to individuals and establishments engaged in the retail sale of mammals, birds, reptiles or amphibians, or nongame species including importation, exportation and sale of species listed in the permit.

5. **Animal Dealer**-issued to individuals and establishments engaged in the wholesale of mammals, birds, reptiles or amphibians, or nongame species including importation, exportation and sale of species listed in the permit.

6. **Animal Exhibitor**-issued to exhibitors of exotic mammals, birds, reptiles or amphibians, or nongame species other than zoos. Traveling exhibits, small exhibitions not qualifying as zoos, and circuses are included, including importation, exportation, and sale of species listed in the permit.

7. **Animal Theatrical Agencies**-issued to the persons owning exotic mammals, birds, reptiles or amphibians, or nongame species to be hired for advertising, acting, or theatrical appearances, including importation, exportation, and sale of species listed in the permit.

8. **Scientific Collecting**-issued to persons to collect nongame species or escaped exotic mammals, birds, reptiles or amphibians for scientific studies or other approved purposes, when such activity is shown to have a beneficial effect on the conservation of the species, the public welfare or the environment.

9. **Special Purpose Salvage**-issued to persons or institutions

to salvage dead migratory birds or parts thereof, for scientific or education purposes.

10. **Special Wildlife Salvage**-issued to persons or institutions to salvage dead nongame species, or parts thereof, other than migratory birds, for scientific or education purposes.

11. **Endangered Species**-issued to persons or institutions for the possession of endangered species for conservation or research purposes.

12. **Depredation control**-issued to persons or establishments to control nongame species, which are creating a hazard to public safety, crops, livestock or similar concerns.

13. **Rehabilitation**-issued to persons to rescue, rehabilitate and release nongame and endangered birds.

14. **Bird Breeder**-issued to persons meeting the regulatory criteria for possessing wild-caught bird species to acquire birds for use as new breeding stock to increase genetic variety. This permit does not authorize the resale of wild-caught birds acquired under this permit except with the permission of the Department to another holder of a bird breeder permit. Those engaged in the retailing or wholesaling of birds must also have a pet shop or animal dealer permit.

(b) All possession permits shall expire on December 31 of the year of issue.

(c) The possession permits shall require an annual application and inspection fee as listed:

<b>CATEGORIES OF PERMITS</b>	<b>ANNUAL APPLICATION AND INSPECTION FEE</b>
Individual Hobby	\$ 10.00
Individual Hobby/Birds	\$ 20.00
Scientific Holding	\$ 35.00
Zoological Holding	
-less than 10 animals	\$ 60.00
Zoological Holding	
-more than 10 animals	\$110.00
Pet Shop	\$100.00
Animal Dealer	\$100.00
Animal Exhibitor	
-single exhibit	\$ 35.00
-annual	\$110.00
Animal Theatrical Agency	\$110.00
Scientific Collecting	\$ 22.00
Special Purpose Salvage	\$ 7.00
Special Wildlife Salvage	\$ 7.00
Endangered Species	\$ 7.00
Depredation Control	\$ 22.00
Rehabilitation	\$ 7.00
Bird Breeder	\$150.00

(d) Pet shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. The sale of exotic mammals, birds, reptiles or amphibians, or nongame species to any individual must be accompanied by an "Exotic or Nongame Sales Receipt" the form of which shall be prescribed by the Department, and an application packet. This "Exotic or Nongame Sales Receipt" will be a temporary possession permit valid for a period of 20 days after the date of sale.

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of acquisitions, sales and exchanges, and white copies of temporary permits issued for sale of any regulated species, upon expiration or renewal of their permits.

(f) Zoos and nature centers must submit quarterly reports of births, deaths, acquisitions and disposals.

(g) Periodic inspections shall be made by Division designated personnel and shall consist of examination of exotic mammals, birds, reptiles or amphibians, or nongame species, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by permit in order to permit inspection of the activity by Division personnel.

(i) Persons holding permits listed above at (a)8 to 12 shall submit reports to the Division of permit activities no less than one month after the expiration of their permits.

(j) Any person holding an Exotic or Nongame Species Possession Permit pursuant to this subchapter which expires or is revoked, shall file a report with the Division within fifteen days after expiration or revocation explaining the final disposition of all animals in his possession during the calendar year of issue. The explanation shall set forth the following information: the species and number of individuals of each species possessed; the date of birth and current age of each animal, births, deaths and cause of each death, the complete name, address and telephone number of the person to whom an animal was transferred or sold, the date the animal was transferred or sold, and the current location of each animal's records.

(k) Pet shops or other establishments dealing in birds other than canary, budgerigar and cockatiel shall prominently display a sign visible to the public on the premises where such birds are offered for sale, which states: After December 10, 1991, only captive-bred birds or birds legally in possession pursuant to New Jersey regulations prior to December 10, 1991 may be offered for sale or purchased in New Jersey. All birds offered for sale except those exempted by New Jersey regulations, must also be marked with a band or microchip approved by the New Jersey Division of Fish and Wildlife. To report violations, or questions, call (908) 735-5450.

**7:25-4.7 General possession criteria**

(a) Prior to the issuance of any permit permitted by these regulations, every applicant shall, in forms provided by the Department, demonstrate that:

1. The animal will be fed an adequate diet; and
2. The animal is housed or caged in a manner that:
  - i. Allows the animal to perform the normal behavior patterns of its species; and
  - ii. Prevents disease, liberation or accidental injury to the animal and the public, and
3. The method of acquisition did not violate the laws and regulations of this state, any other state or the Federal Government; and
4. The animal shall receive prompt treatment for any illness or injury from a licensed veterinarian; and
5. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock or people of the state, provided that the Division may request certification that the animal for which the permit is being sought is free from infectious diseases and parasites from a licensed New Jersey veterinarian or a person recognized as qualified to make such certification by the Director of Fish and Wildlife.

#### 7:25-4.8 Potentially dangerous species

(a) "Potentially dangerous species" is defined as any exotic mammals, birds, reptiles or amphibians, or nongame species which, in the opinion of the Division, is capable of inflicting serious or fatal injuries or which has the potential to become an agricultural pest, or a menace to the public health, or indigenous wildlife populations, including, **but not limited to** the following:

CLASS/ORDER	FAMILY
Primates	Cebidae-New World Monkeys
	Cercopitheciidae-Old World Monkeys, Baboons
	Pongidae-Apes
Carnivora	Canidae-Nondomestic dogs
	Ursidae-Bears
	Felidae-Nondomestic cats
Sauria(Venomous)	Helodermatidae-Gila monsters
Serpentes(Venomous)	Elapidae-Coral snakes and cobras
	Viperidae-Vipers
	Crotalidae-Pit Vipers
Crocodilia	Alligatoridae-Alligators and caiman
	Crocodylidae-crocodiles
	Gavialidae-gavials
Psittaciformes	<i>Psittaculus spp.</i> -Ring-necked parakeets
	<i>Myiopsitta spp.</i> -Monk (Quaker) parakeets
	<i>Cyanoliseus patagonus</i> -Patagonian Conures
Rodentia	<i>Cynomys spp.</i> -Prairie dogs
	<i>Spermophilus spp.</i> -Ground squirrels

(b) The Department, in its discretion, may issue a permit for possession of a potentially dangerous species only after a clear showing that the criteria for the possession of such potentially dangerous species have been met.

#### 7:25-4.9 Criteria for the possession of potentially dangerous species

(a) In addition to the general criteria enumerated above in section 7:25-4.7, every person applying for a permit to possess potentially dangerous species shall meet each and every of the following criteria to the satisfaction of the Division:

1. **Education and Background:** Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species.

2. **Knowledge:** Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired.

3. **Protection of the Public:** The housing facilities shall also be constructed to prevent public access to and contact with the animal. The potentially dangerous species shall not be kept as a pet, for hobby purposes or in situations, which, in the judgement of the Department, could adversely affect the health of the animal or which could constitute a hazard to the public.

4. **Purpose and Intent:** Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species.

5. **Housing and Feeding:** Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required. A summary must be submitted of a continuous source of food for the specific diet of the animals. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

6. **Other Restrictions:** Under no circumstances shall a person issued a pet shop or animal dealer permit possess any potentially dangerous species on the commercial premises, except in emergencies and for a limited period of time as stipulated by the Department in writing and subsequently agreed to by the animal dealer or pet shop owner, who shall assume full responsibility for the safety and welfare of both the animal and the public during its temporary storage. A potentially dangerous animal already on display at the premises of a pet shop or animal dealer and already under a permit for such display as of January 17, 1995 may remain so displayed under the terms and conditions of that permit for the lifetime of that animal.

#### 7:25-4.11 Miscellaneous provisions

(a) Any person who transfers possession, as distinguished from ownership, or location of any animal for which a permit has been issued, shall, within 48 hours, report to the Division of Fish and Wildlife exactly which animals are transferred and the name and address of the person to whom the animals were transferred.

(b) (Reserved)

(c) Exotic mammals, birds, reptiles and amphibians, or nongame species possessed under these permits may be dispatched in a manner as directed by the Commissioner and consistent with the provisions of the permit for legitimate purposes, including, **but not limited to**, the following:

1. Euthanasia of sick, injured or surplus animals to cull individuals to prevent overcrowding or spread disease; such euthanasia can also be ordered by Commissioner when necessary to prevent spread of disease;

2. To use as food, or to utilize the hide, skin, or other body parts.

3. Euthanasia by an agent of the Division or as ordered by the Commissioner.

4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner.

5. Euthanasia of research animals held under the scientific holding permit or scientific collecting permit.

#### 7:25-4.12 Notice of a denial permit, procedure, review, time limitations, hearing

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may, pursuant to the applicable provisions of the Administrative Procedure Act, within 30 days from the date of issuance of the denial, request a hearing for a review of such determination.

(c) Any permittee shall permit division personnel, at any reasonable time, to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

#### **7:25-4.14 Requirements for possession of endangered wildlife species**

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey Nongame and Exotic Species Permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division of Fish and Wildlife). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a), above., and who

1. has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;

2. has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgement of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question.

i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

(c) Amateur attempts or intent to propagate and endangered specie swill not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

1. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division

accordance with the scientific protocol approved by the Division.

(d) Applicants for a permit to possess endangered wildlife species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent

compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on twenty-four hours notice. Should the Division determine that the applicant has failed to meet these conditions, the Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined herein, executed by the President, Director or other employee of the organization with authority to so bind the organization.

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and breeding of the species at issue (or a species closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above paragraph which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probably that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which shall be useful to the other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The

professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division late than the 15<sup>th</sup> day following the end of each three-month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgement releasing the Department, the sponsoring organization and any professionals monitoring the applicant's work from liability for any damages or whatsoever nature arising from the suspension or revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

#### **7:25-4.15 Protection of animal and welfare of public**

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal. The animal may not be kept as a pet, for hobby purposes or in situations which, in the judgement of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

#### **7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes**

(a) No permit shall be issued for the purpose of selling any such wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of

regulated birds, distinct species of birds shall not be crossbred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

1. Education and Background, as follows:

i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purposes, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Other Licenses and Permits: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Purpose and Intent: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Housing: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be housed, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M.-Monday through Saturday in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Feeding: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source of food for each bird species, including adult, nestling and hatchling diets for each bird species to be kept;

6. Permitted Birds: Except as stated herein, no person or organizations shall possess for any purpose an wild-caught bird or egg produced from such a bird unless that person or organization produces credible documentary evidence that the bird (or egg) was legally possessed pursuant to this subchapter before December 10, 1991, the effective date of the Wild Bird Act.

i. All wild-caught birds possessed before December 10, 1991 by persons or organizations with a permit or other written approval from the Department are exempt from this proof requirement. The Department may consider, among other things, the following as proof of a wild-caught bird's pre-Act status: Affidavits from persons with relevant knowledge and sworn-true copies of such documents as bills of lading, contracts of sale, pet shop records and veterinary records.

ii. No person or institution shall sell or otherwise transfer possession of any wild-caught bird or its egg which is possessed pursuant to a Department permit, or purchase or otherwise receive any new wild-caught birds without first obtaining written permission from the Department.

iii. Sellers or transferrers of both pre-Act and post-Act birds shall maintain written documentation as per (b) 6I showing that all birds are either captive-bred or were legally possessed pursuant documents for each regulated bird sold or otherwise transferred must be provided to the purchaser or receiver of each bird and to the Department.

**7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous**

(a) Regulated birds possessed under a permit issued prior to January 17, 1995 shall be exempt from banding until the bird is sold or otherwise transferred to a different person. All other regulated birds shall not be possessed until such time as an application to possess the bird, accompanied by proper documentation, is made to the Department and the bird is banded in accordance with this subchapter. Department denial of an application to possess regulated bird(s) shall result in the forfeiture of the bird(s) to the Department without compensation to the applicant.

(b) The natural appearance of any bird shall not be altered by any person in any way for any purpose, except as follows:

1. Seamless or butt-end bands as provided in this section;

2. Subcutaneous coded identification as provided in this section;

3. Clipped flight feathers of wind, or

4. Surgical or other medical procedure mandated in writing by a licensed veterinarian to preserve the life or health of the bird.

(c) Captive-bred birds hatched in New Jersey shall have seamless bands slipped onto one of their legs. A proper-sized seamless band slipped onto the leg of a hatchling shall be of such a size as to later fit a full-grown adult comfortably, but must not be so large that it could have been slipped over the foot of an older or full-grown bird. The Division shall publish and distribute a list of those species of birds exempt from the banding requirements because of adverse health effects.

(d) Captive-bred birds hatched outside the State of New Jersey and wild-caught birds (except for zebra finches, society finches, canaries, budgerigars and cockatiels) which remain in New Jersey for more than 48 hours and are not wearing seamless bands shall have butt-end bands placed around one of their legs upon arrival in New Jersey. All aviculturally recognized color mutations of any parrot species will be exempt from banding due to their captive-bred origin.

(e) In lieu of or in addition to banding as set forth in (a) through (d) above, birds may be identified by microchips (subcutaneous implants, or coded information) obtained solely from manufacturers expressly authorized by the Department.

**The penalty for violation of these regulations is contained in N.J.S.A. 23:2A-10b:**

(b) Any person who violates the provisions of this act or any rule, regulation or order promulgated pursuant to this act shall be liable to a penalty of not less than \$100.00 and not more than \$3,000.00 for each offense, to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et. seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. Penalties recovered for violations hereof shall be remitted as provided in R.S. 23:10-19. The Superior Court, municipal court and county district court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.



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## Notice for Ferret Permit Applicants

This is to inform you of two things pertaining to the possession of ferrets in New Jersey. First, there is now a rabies vaccine available for ferrets. We are not advising you one way or another concerning its use, as it has not been determined how successful its use will be over the long-term in pet ferret situations. But ferrets are susceptible to rabies and this is a potential problem, particularly in view of the recent spread of rabies in this state. They are also susceptible to and can be inoculated for canine distemper.

Second, due to problems involving escaped ferrets, improperly kept ferrets and ferret bites, we will be strictly enforcing all regulations pertaining to the possession of ferrets. **FERRETS MUST BE KEPT IN SUCH A WAY AS TO PREVENT ESCAPE OR INJURY TO THE PUBLIC.** Failure to adhere to the regulations, which were designed to protect the animal, the environment and the public, may result in penalties and/or prosecution. Failure to adhere to the regulations could also result in pressure to ban the possession of ferrets, brought about by group concerned with the public's welfare. Please read the regulations thoroughly. If you have any questions, we are available at 609-292-9591.