

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE

**RULES AND REGULATIONS GOVERNING
IMPORTATION AND POSSESSION OF
NATIVE WILDLIFE**

JUNE 27, 1997

AUTHORITY: These regulations are adopted pursuant to Chapter 42-35, and Sections 20-1-18, 20-1-22, and 20-37-3; in accordance with Administrative Procedures, Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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RULE 1 PURPOSE

The purpose of these rules and regulations is to:

- (a) Establish a procedure for the issuance of permits for the importation and possession within Rhode Island of those wild animals which are free of diseases which pose a threat to humans, livestock and native wildlife.
- (b) Allow importation/possession by only those persons who can demonstrate to the satisfaction of the Director that they have both adequate facilities, and adequate knowledge of animal health and husbandry to ensure both public safety as well as the health and well being of the imported/possessed wild animal.
- (c) Ensure endangered and threatened species are not imported/possessed in Rhode Island without a permit.

RULE 2 AUTHORITY

These rules and regulations are adopted pursuant to authority provided under Rhode Island General Laws ("R.I.G.L.") Sections 20-1-18, and 20-17-9 and R.I.G.L. Chapter 42-35 for the purpose of ensuring that persons obtaining collector's permits for the purpose of importation, meet the necessary criteria associated with importation and possession.

RULE 3 ADMINISTRATIVE FINDINGS

Certain wild animals pose a substantial threat to the health and safety of the people of Rhode Island. This threat includes both actual physical harm resulting from natural predatory, defensive, or feeding behavior, as well as the threat of disease transmission to humans, domestic livestock, and other native wildlife. Therefore, it is necessary to ensure that only disease-free, wild animals are imported into, and possessed within, Rhode Island, by those persons who can demonstrate that they have adequate knowledge of species specific animal health and husbandry, who propose to import or possess particular species of wild animals for the purpose of carrying out scientific experiments and cultivation projects.

RULE 4 APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

RULE 5 DEFINITIONS

Wherever used in these rules and regulations the following terms shall be construed as follows:

- (A) "Director" means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents

(B) "Department" means the Department of Environmental Management.

(C) "Domestic animals" means animals, which through extremely long association with humans, have been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species and as listed in R.I.G.L. Title 20, Chapter 18, Section 4 of the Importation of Wild Animal Regulations of the Department of Environmental Management.

(D) "Endangered Species" means those species of animals designated as threatened or endangered according to the U.S. Fish and Wildlife Service and published in the 50 CFR 17.11.

(E) "Exotic animals" means animals not occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island including, but not limited too: Mute Swans, Monk Parakeets, Mudpuppies, and Red-eared slider.

(F) "Hybrid" means any animal which is a result of a domestic and wild animal cross breeding.

(G) "Person" shall mean any person, firm, association, organization, partnership, business trust, corporation or company including but not limited to educational and research institutions, zoological gardens, schools, colleges, universities, pet stores, animal care facilities, and laboratories who import, hold, sell, purchase or possess any wild animal in accordance with sections 4-18-1 and 4-18-2 of the General Laws of Rhode Island.

(I) "Native Wildlife" means animals occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island.

(J) "Target Species" means those species that are the most common wildlife carriers of rabies including raccoons, skunks, bats, groundhogs, and foxes.

RULE 6 SEVERABILITY

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 7 SUPERSEDED RULES AND REGULATIONS

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of R.I.G.L. Sections 20-1-4, 20-1-18, and in accordance with R.I.G.L. Chapter 42-35, Administrative Procedures Act, shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

RULE 8 VIOLATIONS

Any violation pursuant to the provisions of Title 20 of the General Laws of Rhode Island or the rules and regulations herein may be cause for imposing penalties in accordance with the provisions of the above mentioned statute, as well as revocation of existing rehabilitation permit(s). In addition, upon a determination that the permittee is or

has been in violation of the requirements of the subject permit or that the applicant has

submitted inaccurate information with respect to the application for such permit, the Director may deny, revoke, or suspend existing permit(s) issued pursuant to these regulations.

Any wild animal or hybrid possessed in violation of the provisions of these or other state or federal regulations shall be considered contraband. Any such animal which poses threat to public safety may be confiscated by the department or federal law enforcement agency, if applicable. If any animal that is confiscated cannot be safely confined, or if said animal is severely ill, debilitated or injured, the animal may be euthanatized, and its carcass held as evidence. The department shall hold such animal or carcass thereof until criminal and/or administrative proceedings have been completed. The person possessing any such confiscated animal shall pay the costs of board, feed, veterinary care, and transport for any such confiscated animal until such time as the criminal or administrative proceedings have been completed.

If said animal is judged to be possessed in violation of any provisions of these regulations, the Department shall make reasonable attempt to find suitable placement of such animal which meets requirements of these regulations. If suitable placement is not found, the animal may then be euthanatized.

Special Purpose Scientific Collector Permits for Wildlife Importation and Possession may be terminated by the Chief of Fish and Wildlife as stated in 6.1

In cases where a permit is terminated, the Chief of Fish and Wildlife may impose a period of probation and/or reinstate the permit.

RULE 9 APPEAL AND HEARING PROCEDURES

Opportunity for Hearing

A. Denials -- Any person whose application for a permit, permit renewal, other approval, has been denied by the permitting agency, acting through Fish and Wildlife, may appeal to the Administrative Adjudication Division, for review of the decision on which the denial is based.

B. Violations -- Any person who has been issued a notice of violation of any of the provisions of these rules, may request a hearing from the Administrative Adjudication Division, subject to the provisions of R.I.G.L. 42-17.1-2(u).

C. Time of Filings -- All requests for a hearing shall be made in writing within ten (10) days of receipt of the notice of denial or violation or other action and shall be addressed to the Administrative Adjudication Division.

D. Hearings and Administrative Procedure -- Pursuant to the authority granted to the Department in Chapter 42-17.1 (1977 Reenactment), the hearings and administrative procedures shall conform to the "Administrative Rules of Practice and Procedure for the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters".

RULE 10 REGULATIONS

As follows...

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● PART 1 ●

PROHIBITION

1.1 -- No person shall import, receive, or possess in this state a native animal, exotic animal, a member of a target species, or a hybrid, unless in possession of a current permit issued by the Director pursuant to these regulations.

● PART 2 ●

REQUIREMENTS FOR IMPORTATION AND POSSESSION OF NATIVE WILDLIFE

2.1 -- A PERMIT to import, receive, or possess in this state native wildlife and hybrids thereof shall be restricted to the Rhode Island Department of Environmental Management, United States Fish and Wildlife Service, United States Department of Agriculture (USDA) and American Association of Zoological Parks and Aquariums, (AAZPA) approved zoos and research institutes, or other USDA approved facilities complying with the Animal Welfare Act, with specific attention to Part 3 - Standards, Part 2 sub-part E - Identification of Animals, and additionally sub-part C - Research Facilities and IACUC procedures upon a determination by the Director the permit is involved in a bona fide experiment or project. A permittee is required to conform with all applicable federal, state and local requirements for licensure certification or permit.

The exception(s) of this section shall be the propagation and raising of game birds pursuant to the provisions of Title 20 rules and regulations governing wildlife rehabilitation and possession of reptiles and amphibians as promulgated annually in Rhode Island hunting rules and regulations.

2.2 -- The Director in his/her discretion may issue a permit to import, receive, or possess wild animals in accordance with these regulations. The application shall include but not be limited to the following information for each species for which a permit is requested:

(a) the number, sex, age, true scientific name, and exact identification of the individual animals;

(b) the carrier and probable point of first arrival in the state, as well as the location where each animal will be kept in Rhode Island;

(c) the scientific experiment(s) or cultivation programs for which the applicant intends to employ the wild animals;

(d) the full name and complete address of the consignee;

(e) the full name and complete address of the consignor;

(f) the location where the animal(s) will be held in quarantine pending the completion of such tests, veterinary examinations, procedures, and observation period as may be specified by the

department in issuance of the import permit, as well as the location where the animal(s) shall be permanently held.

the adequate quarantine and/or permanent enclosure facilities, as well as the animals which are subject to the permit, must be available for inspection and approved by the Department prior to issuance of the import permit and anytime during the term of the permit without prior notice.

(g) the name and address of the veterinarian currently licensed in Rhode Island who shall conduct the tests, examinations, and procedures specified by the Department;

(h) a letter from a veterinarian currently licensed to practice in the state of Rhode Island stating that (s)he shall conduct the tests and periodic medical examinations, and procedures specified by the department;

(j) permit fee as specified by Rhode Island General Laws Section 21-1-22.

● PART 3 ●

ISSUANCE OF IMPORT AND POSSESSION PERMITS

3.1 -- Issuance of import/possession permits may be made by the Department upon:

3.1.1 -- Receipt of written application providing the information enumerated under Rule 8, Part 1, not less than seven (7) days preceding the probable date of shipment.

3.1.2 -- Completion of an inspection by the department to ensure the quarantine and/or final enclosure facility designated in the application is adequate.

3.1.3 -- Payment of the necessary permit fees as required under 21-1-22 for issuance of scientific collectors permit.

3.1.4 -- Determination by the department that human as well as native wildlife and domestic animal health and safety are not endangered.

3.1.5 -- Approval of the probable point of first arrival into this state.

3.1.6 -- Receipt by the State Veterinarian of a Certificate of Veterinary Inspection signed and issued within 30 days of anticipated importation by a veterinarian licensed in the State of

origin and countersigned by the official in the State of origin responsible for the control of animal disease, specifically identifying the individual animals imported. The certificate shall state that such animals are free from signs of infectious, contagious and communicable disease, and certify such animals are free of specific diseases enumerated by the department which is available upon request.

3.2 -- The Permit shall indicate the conditions under which the animal(s) are to be maintained, such conditions shall be consistent with current applicable AAZPA standards and in accordance with Part 2.1 of these regulations.

● PART 4 ●

CONDITIONS OF IMPORTATION/POSSESSION PERMIT

4.1 -- No later than 30 days prior to change in the ownership, location, enclosure or purpose of importation/possession, a new permit application shall be filed with the Department pursuant to Part 1 of Rule 8.

4.2 -- Animals approved for importation/possession under permit shall not be used for breeding purposes without prior notification of, and approval by, the department as per Part 1 of Rule 8. Such approval shall be indicated on the permit issued.

4.2.1 -- The prospective owner of the offspring of any permitted animals shall apply for a permit for such offspring at least two (2) weeks before their birth.

4.3 -- The possessor of any import/possession permit shall notify the Department in writing within twenty four (24) hours of the death of any permitted animal. In addition, the permittee shall notify the office of the Department of Enforcement via telephone immediately upon the escape of the permitted animal.

4.4 -- The Department reserves the right to immediate examination and testing of imported/possessed wild animals when the department suspects that the animals may be harboring diseases or parasites suspected of endangering public health or the health of domestic animal(s) or that of native wild animal(s). Measures deemed necessary to protect domestic animal(s), public health and native wild animal(s), may include, but are not limited to: quarantine, seizure, euthanasia, and postmortem examination.

● PART 5 ●

QUARANTINE

5.1 -- All imported animals requiring a permit shall be maintained under quarantine in accordance with the provisions of Section 4-18-11 of the General Laws of Rhode Island for such time as the Director may designate.

5.2 -- The conditions of quarantine to be imposed shall be determined by the Director or his/her duly authorized representative on the basis of the conditions and circumstances of each individual case.

RULE 11 EFFECTIVE DATE

The foregoing- Rules and Regulations Governing Wildlife Rehabilitation, after due notice, are hereby adopted and filed with the Secretary of State this 27TH day of June, 19 97 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter _____, 42-35, 42-17.1, and 42-17.6 of the General laws of Rhode Island of 1956, as amended.

Frederick J. Vincent, Acting Director
Department of Environmental Management

Notice Given on: 4/7/97

Public Hearing held: 5/16/97

Filing Date: 6/27/97

Effective Date: 7/17/97

Office of the Secretary of State
Rules and Regulations Filing Form

1. NAME and ADDRESS OF AGENCY

Department of Environmental Management - Fish and Wildlife
Stedman Government Center, 4808 Tower Hill Rd., Wakefield, RI 02879

2. TITLE OF THE RULES AND REGULATIONS

**RULES AND REGULATIONS GOVERNING THE IMPORTATION & POSSESSION OF
NATIVE WILDLIFE**

3. STATUTORY SOURCE OF AUTHORITY TO ISSUE THESE RULES

42-17.1, "Department of Environmental Management", 42-17.6, 20-1-18, 20-1-22, and 20-37-3; in accordance with the provisions of 42-35, "Administrative Procedures Act" of the Rhode Island General Laws of 1956, as amended.

4. TYPE OF RULES AND REGULATIONS

- (a) New rules and regulations xx
(b) Amendments _____
(c) Technical revisions _____
(d) Repeal _____

If yes to (b) or (c) above, identify the amended sections or rule number(s), and please identify the original date of filing:

5. PURPOSE OF NEW RULES AND REGULATION OR AMENDMENTS

Establish procedure for permitting importation/possession by only those persons who can demonstrate to the satisfaction of the Director that they have both adequate facilities, and adequate knowledge of animal health and husbandry to ensure both public safety as well as the health and well being of the imported/possessed wild animal including endangered and threatened species.

6. TYPE OF FILING

- (A) EMERGENCY: _____
(B) Pursuant to 42-35 _____
(C) Date of Public Hearing 5/16/97
(D) Date of Public Notice 4/7/97

7. DOCUMENTS FILED

- (A) New Rules and Regulations XX
(B) Amended Rules & Regs. _____
(C) Only Amendments to R & R _____
(D) Technical Revisions _____

8. AGENCY CODE:

9. CERTIFICATION: I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (RIGL Chapter 42-35), and that they are true copies of this department, attest:

Frederick J. Vincent

DEM - Acting Director
Title

Notary Public
My Commission expires: _____

SUBSCRIBED AND SWORN to before me this
_____ day of _____, 19____

FILING DATE:

Received by: Office of the Secretary of State

STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE

i n t e r - o f f i c e m e m o r a n d u m

TO: All interested parties **DATE:** 3/6/97

FROM: Michael L. Lapisky, Deputy Chief
DEM - Fish and Wildlife

SUBJECT: **Importation regs**

R.I. DEM - Fish and Wildlife is proposing to regulate the importation and possession of native wildlife. The regulations are necessary as wild animals-mammals, birds, reptiles, and amphibians may pose a disease threat and health hazards to humans. It is also important to insure that those handling the animals can demonstrate that they have the requisite skills and expertise to care for them. It is for these reasons that the import and possession regulations are restricted to zoological facilities and those with USDA approval. Many states throughout the country have had serious problems with personal ownership of dangerous animals, such as wolf hybrids and members of the wild cat family, as well as other native species. Additionally, the Division has developed rules and regulations governing wildlife rehabilitation.

The public hearing will be held on Tuesday, April 1, 1997 from 12:00 PM to 3:00 PM at the Department of Health's Cannon Building in the downstairs auditorium. Open comment period is from 3/1/97 to 4/1/97. You may submit comments during that time frame or reserve comments for the public hearing.

SENT TO:
Audubon Society of R.I.
Roger Williams Park Zoo
Gus Hebb
Herman Correia

PROPOSED