

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS OF WILD ANIMAL IMPORTATION AND  
POSSESSION RULES AND REGULATIONS AND PUBLIC HEARING

The Director of the Department of Environmental Management (DEM) is proposing adoption of the “*Rules and Regulations Governing the Importation and Possession of Exotic Wild Animals*” and gives notice of intent to hold a public hearing to afford interested parties an opportunity to submit data, views or arguments orally and/or in writing on the regulations.

The public hearing will be held on **March 4<sup>th</sup>, 2010 at 9:00 AM** in Room 300 of DEM’s Main Office at 235 Promenade Street, Providence, Rhode Island. The Department of Environmental Management building is accessible to those with disabilities. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 or dialing 711 (RI Relay).

The proposed regulations provide updates and clarification to existing regulations as described below. Most significantly these regulations allow for the establishment of three categories of animals, domestic animals, exempt exotic animals, and exotic animals. Animals classified as domestic or exempt exotic do not require a possession permit for ownership. Animals classified as exotic require a possession permit for ownership. All animals that do not appear on either the list of domestic animals or the list of exempt exotic animals require a possession permit by default. These regulations also provide some realignment of species between various lists.

An electronic copy of the proposed regulations is available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/agricult/wanimlpn.htm>. Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Division of Agriculture (room 370), 235 Promenade Street, Providence, RI, 02908 or by email to [scott.marshall@dem.ri.gov](mailto:scott.marshall@dem.ri.gov) no later than **12:00 PM on March 18<sup>th</sup>, 2010**.

Signed this sixteenth of February 2010.

Ken Ayars, Chief

RIDEM/Division of Agriculture

<b>Section</b>	<b>Description of Change</b>
<b>Amendment of Rules and Regulations Governing the Importation and Possession of Wild Animals</b>	
Title	The title of the regulations will be amended to include the adjective “Exotic” to qualify wild animals and delineate them from “Native” wild animals, which are regulated under the DEM/Division of Fish and Wildlife.
Entire document	The entire document has been reviewed with the intention of clarifying which animal may be owned without a permit and for which animals a permit is required. Existing regulations did not sufficiently address this as many animals were not clearly categorized as being exempt or in need of a permit.
Entire document	The categorization of various animal species has been done to encompass animals that are considered a nuisance or invasive species as well as those that are considered a public or animal health threat.
Rule 7	Creates a list of exempt exotic animals for which no permit is required. This list did not exist in the previous version of this document.
<b>Other significant changes from current regulations</b>	
Rule 7.2	Categorizes all amphibians as nuisance/invasive. This categorization was influenced by the Division of Fish and Wildlife biologists who feel that amphibians common in pet store trade would have the potential to decimate native amphibians due to their invasive tendencies and the fact that they often carry diseases.
Rule 4.6(k)	Requires that the applicant provide a letter from the DEM/Division of Fish & Wildlife stating that the animal for which the permit is sought, does not represent a threat to native species and is not considered endangered or restricted on the federal level.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,  
DIVISION OF AGRICULTURE**

**RULES AND REGULATIONS GOVERNING  
IMPORTATION AND POSSESSION OF EXOTIC WILD  
ANIMALS**



XXX-XXX-2010

**AUTHORITY:** These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 4-18 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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**RULE 1. PURPOSE:**

1. To permit importation and possession within Rhode Island of those exotic animals that are free of diseases that pose a threat to humans, livestock and other domesticated animals, and native wildlife.
2. To allow importation/possession by only those persons who can demonstrate that they have 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 exotic animal.
3. To ensure that endangered and threatened species are not imported/possessed in Rhode Island without a permit.

**RULE 2. AUTHORITY:**

These Rules and Regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Section 4-18-9, and in accordance with 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

**RULE 3. APPLICATION:**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purpose of state law, goals, and policies.

**RULE 4. DEFINITIONS:**

Wherever used in these Rules and Regulations the following terms should be construed as follows:

1. **Department** shall mean the Department of Environmental Management
2. **Director** shall mean the Director of the Department of Environmental Management, or his/her duly authorized agent or agents.
3. **Domestic animal** shall mean any animal, which through extremely long association with humans, have been bred to a degree that 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. Such animals may include but are not limited to:

**Domestic Dog** (*Canis familiaris*) excluding hybrids with wild canids

**Domestic Cat** (*Felis catus*) excluding hybrids with wild felines

**Domestic Equines** (*Equus caballus*, *Equus asinus*) including hybrids thereof

**Domestic Cattle** (*Bos taurus* and *Bos indicus*)

**Domestic Swine** (*Sus scrofa domestica*)

**Domestic Sheep** (*Ovis aries*)

**Domestic Goat** (*Capra hircus*)

**Llama** (*Lama glama*)

**Alpaca** (*Lama pacos*)

**Dromedary** (*Camelus dromedarius*)

**Domestic Water Buffalo** (*Bubalis bubalis*)

**Domestic Yak** (*Bos grunniens*)

**Domestic Hamster** derived from and including the golden hamster (*Mesocricetus auratus*)

**Mongolian Gerbil** (*Meriones unguiculatus*)

**Laboratory Rat**, including breeds, varieties, and strains derived from the Norway rat (*Rattus norvegicus*)

**Laboratory Mouse**, including breeds, varieties, and strains derived from the house mouse (*Mus musculus*)

**Guinea Pig** (*Cavia porcellus*)

**Domestic Rabbit**, including breeds, varieties, and strains derived from the European rabbit (*Oryctolagus cuniculus*) but not including the European rabbit *ferae naturae* and not including the so-called "San Juan" rabbit.

**Domestic Geese** derived from the greylag goose (*Anser anser*), including, but not restricted to, Emden goose, Gray African goose, Pilgrim goose, Sebastopol goose, and Toulouse goose, derived from the swan goose (*Anser cygnoides*), including, but not restricted to, the African goose and the Chinese goose, derived from the Egyptian goose (*Alopochen aegyptiaca*).

**Domestic Ducks** derived from the Mallard (*Anas platyrhynchos*), including, but not restricted to, Aylesbury duck, Blue Swedish duck, Buff duck, Cayuga duck, Crested White duck, English call duck, Indian runner duck, Pekin duck, and Roen duck, derived from the Muscovy duck (*Cairina moschata*).

**Common Coturnix** (*Coturnix coturnix* or *C. japonica*).

**Domestic Chicken** (*Gallus "domesticus"*) derived from the red junglefowl (*Gallus gallus*).

**Peafowl** (blue peafowl) (*Pavo cristatus*).

**Domestic Guinea fowl** derived from the helmet guinea fowl (*Numida meleagris*).

**Domestic Turkey** derived from the wild turkey (*Meleagris gallopavo*)

and including breeds and varieties recognized by the American Poultry Association and the U.S. Department of Agriculture, but not including the wild turkey (*Ferae naturae*) and captive or captive-bred individuals thereof and not including the pen-raised or game-farm non-standard variety "Wild Turkey".

**Common Pigeon** (rock dove) derived from the blue rock pigeon (*Columba livia*).

4. **Enclosure** shall mean any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, or compartment.
5. **Endangered Species** shall mean those species of animals designated as threatened or endangered according to the United States Fish and Wildlife Service. This list is updated daily and can be referenced at the following URL: [http://ecos.fws.gov/tess\\_public/SpeciesReport.do](http://ecos.fws.gov/tess_public/SpeciesReport.do)
6. **Exempt Exotic Animal** shall mean any animal that is neither listed as defined as a domestic animal or native wild animal, but for which there is no requirement to obtain an exotic animal possession permit. The list of exotic animals that are exempt from the requirement of obtaining an exotic animal possession permit is found under RULE 7 of these Rules and Regulations.
7. **Exotic Animal** shall mean any vertebrate or invertebrate other than those defined as domestic animals, native wildlife, or exempt exotic animals pursuant to RIGL 4-18-3
8. **Exotic Animal Possession Permit** shall mean a permit issued by the Department, Division of Agriculture, for possession of all exotic animals not listed as exempt.
9. **Federally Accredited Veterinarian** shall mean any veterinarian who holds a current license in good standing in any state and who is recognized by the United States Department of Agriculture as having completed the necessary requirements for federal accreditation.
10. **Health Certificate** or **Certificate of Veterinary Inspection** shall mean an official form of the state of origin that states the animal(s)/bird(s) have been inspected and found free of contagious, infectious or communicable diseases , and contains the date of the veterinary inspection as well as the dates and results of all required tests, and describes the animal(s)/bird(s) by species, breed, age, sex, and any individual identification such as ear tags, tattoos, leg bands, microchip, or other means of individual identification, and contains the data for all required tests and vaccinations prior to entry into Rhode Island (including the name and address of the laboratory that performed the test), and has the complete name and address of the consignor and consignee, and contains the signature of the inspecting veterinarian as well as that of the official having jurisdiction over the disease of animals in the state of origin.
11. **Import Permit** shall mean a permit issued by the Department that will allow entry of an animal, domestic or otherwise, into the state of Rhode Island.

12. **Native Animal Possession Permit** shall be issued by the Department, Division of Fish and Wildlife as provided by Rhode Island General Law, Title 20, Chapters 20-1-18, 20-1-22, and 20-37-3. (see also Rules and Regulations Governing the Importation and Possession of Native Wildlife)
13. **Native Wildlife** shall mean animals occurring naturally, either presently or historically, within the boundaries of the State of Rhode Island.
14. **Nuisance Species** shall mean any animal which is not native but which has the potential upon release or escape into the wild to have a negative impact on native flora or fauna.
15. **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 Rhode Island General Laws.
16. **Quarantine** shall refer to the types enclosures necessary to ensure that the exotic animal will not have any contact, either directly or through fomites, with any domestic animal, wild animal, or person, other than the person(s) charged with the immediate care of the animal.
17. **RIDEM** shall mean the Department of Environmental Management.
18. **USFWS** shall mean the United States Fish and Wildlife Service.
19. **Veterinarian** shall mean an individual currently licensed to practice veterinary medicine in the state of Rhode Island.

## **RULE 5: REQUIREMENTS**

1. A permit to import into, receive, or possess in this state animals defined as exotic animals under section 4.7 herein, shall be restricted to the United States Department of Agriculture (USDA) and the American Association of Zoological Parks and Aquariums (AAZPA) approved zoos and research institutes or other USDA approved facilities as well as exhibitors and private persons seeking to import or possess an exotic animal for private ownership pursuant to the provisions of sections 4-18-3 and 4-18-6 of the Rhode Island General Law, 1956, as amended herein. Obtaining such permit does not preclude conformance with such other Federal, State, or Local requirements for licensure certification or permit which may be required.
2. No other person shall be allowed to import, receive, or possess any animals defined as exotic animals under section 4.7 herein, other than USDA/AAZPA approved zoos and research institutes, or as well as exhibitors and private persons seeking to import or possess an exotic animal.
3. The Director at his/her discretion may issue an exotic animal possession permit to import, receive, or possess exotic animals as defined in section

4.7. An exotic animal possession permit is not required for importation or possession of domestic animals as defined in section 4.3, or for importation or possession of exempt exotic animals as defined in section 4.6 and listed in Rule 7. Persons wishing to obtain a permit to import or possess native wildlife as defined in section 4.13 can do so through the Department, Division of Fish and Wildlife. Application for an exotic animal possession permit must include the following for each species.

- a) The number, sex, age, and true scientific name and means of permanent individual identification of each individual animal
- b) The carrier and point of first arrival as well as the location where each animal will be kept within the state.
- c) The purpose for which the exotic animal will be imported and possessed
- d) The full name and complete address of the consignee and consignor
- e) A “health certificate” (certificate of veterinary inspection) issued by a federally accredited veterinarian licensed in the state of origin of the exotic animal. The health certificate is to include the results and dates of any testing that was determined necessary by the Director prior to entry into the state of Rhode Island. The health certificate must be as defined in section 4.10 herein.
- f) The location of where the animal(s) will be held in quarantine upon entry into the state of Rhode Island. This location and all enclosures must be inspected and approved prior to issuance of an exotic animal possession permit.
- g) The location of where the animal(s) will be permanently held after release from quarantine. This location and all enclosures must be inspected and approved prior to issuance of an exotic animal possession permit.
- h) The name and address of the veterinarian currently licensed in Rhode Island who will conduct the tests and examinations specified by the Department. A letter from a veterinarian currently licensed in Rhode Island stating that he/she will conduct any testing or examinations as will be required periodically by the Department
- i) Except for AAZPA certified facilities, any person desiring to import or possess an exotic animal shall also provide a detailed written description to the Department of the manner in which the animal(s)’ nutritional, housing, and exercise needs will be met. Approval of this document must be made prior to issuance of an exotic animal possession permit.
- j) Permit fee as specified by Rhode Island General Law 4-18-8
- k) Letter from the Department, Division of Fish and Wildlife, endorsed by the Chief of that division or his/her designee stating that the species is neither considered a native species nor a nuisance species as defined in this document.

## **RULE 6 ISSUANCE AND CONDITIONS**

1. Issuance of exotic animal import permits may be made by the Department upon the following:
  - a) Receipt of written application providing all of the information enumerated in RULE 5 not less than seven (7) days preceding the probable day of shipment of the animal(s).
  - b) Completion of an inspection by the department of the quarantine and final enclosures as enumerated in RULE 5 and approval of those enclosures.
  - c) Payment of the necessary permit fee as required under Rhode Island General Law 4-18-8.
  - d) Determination that possession of the exotic species will not endanger the public health or the health of native wildlife or domestic animals to an extent greater than possession of domestic animals or exempt exotic animals would.
  - e) Approval of the probable point of first entry into the state of Rhode Island
  - f) Receipt and approval by the State Veterinarian of a Health Certificate signed and issued within thirty (30) days of the anticipated arrival of the exotic animal. Such Health Certificate must be issued by a Federally Accredited Veterinarian licensed in the state of origin of the exotic animal(s), be countersigned by the State Veterinarian of the state of origin, and be accompanied by any test records determined to be necessary by the Department. The Health Certificate must state that the animals are free from signs of infectious, contagious, and zoonotic diseases in addition to the specific required tests.
2. The permit may, at the discretion of the Director, list specific conditions that must be met and maintained prior to issuance of an exotic animal possession permit.
3. The exotic animal possession permit is not transferable to another person or location without the expressed written permission to do so from the Director.
4. Any person in possession of an exotic animal possession permit must maintain possession of the animal(s) identified on that permit at the location specified on that permit, and the enclosures that were inspected prior to issuance of that permit.
5. Any modification of the enclosure must be inspected and approved before the permitted animal(s) are allowed to be housed within.
6. Any exotic animal as permitted shall not be used for breeding purposes without prior approval by the Department. If approval is granted, limits may be imposed as to the number of exotic animals allowed per location, enclosure, or person as in RULE 6 section 2.
7. The possessor of any permitted exotic animal must notify the Department within twenty-four (24) hours of the death of that animal, and immediately upon the escape of that animal.

8. The exotic animal and the enclosure are subject to periodic inspection by representatives of the Department during normal business hours and without prior notice.
9. The Director may order immediate examination and testing of any permitted exotic animal(s) upon suspicion that the animal(s) may be harboring a disease that threatens public health or the health of domestic animals or native wildlife. Measures necessary to do so may include but not be limited to quarantine, seizure, euthanasia, and post-mortem examination.
10. Any person bitten, scratched or otherwise injured by an exotic animal must be immediately reported to the Animal Control Officer in the municipality where the animal is housed and to the State Veterinarian.
11. The release into the wild of any animal for which an exotic animal possession permit has been issued is prohibited whether or not such release was intentional or accidental.
12. Any animal imported with an exotic animal possession permit may, at the discretion of the Director, in accordance with RIGL 4-18-11, be required to undergo a period of quarantine. The terms of the quarantine will be established on a case-by-case basis.

## **RULE 7 EXEMPTIONS**

**1. List of Fish.** All aquarium trade fish may be kept without an exotic animal possession permit except endangered species. The Division of Fish and Wildlife may have additional regulations if the species of fish is considered to be native or nuisance. Possession of the following species requires an exotic animal possession permit:

1. Grass Carp or White Amur (*Ctenopharyngodon idella*)
2. Piranha (*Pygocentrus* spp. and *Serrasalmus* spp.)
3. Rudd (*Scardinius erythrophthalmus*)
4. Walking Catfish (*Clarias* spp and all members of the family *Clariidae*)
5. Snakeheads (*Channidae* and *Parachannidae*)

## **2. List of Amphibians.**

The RI DEM's Division of Fish and Wildlife considers all exotic amphibians to be a potential nuisance and a threat to native fauna. Therefore, possession of all exotic amphibians requires an exotic animal possession permit. Permits will be granted on a case-by-case basis only to those applicants who will ensure that the animal(s) will be kept in a manner such that it has no possible means of escape into the wild. Refer to the RI DEM's Division of Fish and Wildlife for additional regulations of native amphibian species.

### 3. List of Reptiles.

(a) Turtles: all exotic species of turtles may be kept without an exotic animal possession permit, except endangered species. Refer to The RI DEM's Division of Fish and Wildlife for additional regulations of native turtle species. Possession of the following species requires an exotic animal possession permit:

1. Argentina or Chaco Tortoise (*Geochelone chilensis*).
2. Gopher tortoises (*Gopherus polyphemus*) and all other species in the genus *Gopherus*.
3. Pancake Tortoise (*Malacochersus tornieri*).

**NOTE: the RI DEM's Division of Fish & Wildlife Regulations prohibit Possession of Red Eared Slider turtles**

(b) Snakes: All venomous snakes require an exotic animal possession permit. Refer to The RI DEM's Division of Fish and Wildlife for additional regulations of native snake species. The following snakes may be kept without an exotic animal possession permit except endangered species and the specific exceptions listed below:

1. All species of boas and pythons (family *Boidae*), may be kept without an exotic animal possession permit except those species that are endangered, and except the Emerald Tree Boa (*Corallus caninus*), Green Tree Python (*Chondropython* spp.), African Rock Python (*Python sebae*), Reticulated Python (*Python reticulatus*) and all species of Anaconda (*Eunectes* spp.).
2. Shield-tailed Snakes, Sunbeam Snakes, and others in the families *Uropeltidae* and *Xenopeltidae* may be kept without an exotic animal possession permit.
3. Worm Snakes, Thread Snakes, and others in the families *Typhlopidae*, *Leptotyphlopidae*, and *Anomalepididae* may

be kept without an exotic animal possession permit.

4. Snakes of the family *Colubridae*, as follows may be kept without an exotic animal possession permit:

Asian Rat Snakes (*Elaphe* spp. and *Ptyas* spp. and *Zaocys* spp.)

*Bogetophis* spp.

Brown and Redbelly Snakes (*Storeria* spp.)

Diadem Snakes (*Spalerosophis* spp.)

Garter and Ribbon Snakes (*Thamnophis* spp.)

Glossy Snakes (*Arizona* spp.)

Gopher and Pine Snakes (*Pituophis* spp.)

Green Snakes (*Opheodrys* spp.)

Ground Snakes (*Sonora* spp.)

House Snakes (*Boaedon [Lamprophis]* spp.)

Kingsnakes and Milk Snakes (*Lampropeltis* spp.)

North American Rat Snakes (*Elaphe* spp.) except the Black Rat Snake (*E.o. obsoleta* (other than albinistic and leucistic individuals) which requires a permit.

*Pseudaspis* spp.

*Pseustes* spp.

Texas Indigo Snake (*Drymarchon corais erebennus*)

Tropical Rat Snakes (*Spilotes* spp.)

Water Snakes (*Nerodia [Natrix]* spp.)

Western Hognose Snake (*Heterodon nasicus*)

(c) Lizards: Possession of all chameleons (*Chameontidae*), the Gila Monster and Beaded Lizard (*Heloderatidae*), and all Monitors (*Varanidae*) requires an exotic animal possession permit. The following lizards may be kept without a permit except for endangered species. The Division of Fish and Wildlife may have additional regulations if the species of lizard is considered native or nuisance.

1. All Skinks (*Scincidae*) may be kept without an exotic animal possession permit except for the following:

Florida Sand Skinks (*Neoseps* spp.)  
Solomon Island Ground Skink (*Tribolonotus* spp.)

2. The following Girdle-tailed Lizards (*Cordylidae*) may be kept without a permit:  
False Club-tailed Lizards (*Pseudocordylus* spp.)  
Girdle-tailed Lizards (*Cordylus* spp.)  
Plated Lizards (*Gerrhosaurus* spp.)  
Rock Lizards (*Platysaurus* spp.)  
Zonosaurus spp.

3. All Teiids (*Teiidae*) may be kept without an exotic animal possession permit except for the following:  
Brown Water Teiids (*Neusticurus* spp.)  
*Dicrodon* spp.  
Earless Teiids (*Bachia* spp.)  
Rough Teiids (*Echinosaura* spp.)  
Snake Teiids (*Ophiognomon* spp.)  
Spectacled Teiids (*Gymnophthalmus* spp.)  
Worm Teiids (*Scolacosaurus* spp.)

4. The following Lacertid Lizards (*Lacertidae*) may be kept without an exotic animal possession permit:  
*Acanthodactylus* spp.  
*Gallotia* spp.  
*Lacerta* spp.  
*Podarcis* spp.  
*Psammodromus* spp.

5. The following Lateral-fold Lizards (*Anguinae*) may be kept without an exotic animal possession permit:  
Alligator Lizards (*Gerrhonotus* spp.)  
Glass Lizards (*Ophisaurus* spp.)  
Slowworm (*Anguis* spp.)

6. All Gekkos (*Gekkonidae*) may be kept without an exotic animal possession permit except the Big Bend Gekko (*Coleonyx reticulatus*).

7. The following Iguanid Lizards (*Iguanidae*) may be kept without an exotic animal possession permit:  
Basilisks (*Basiliscus* spp.)  
Collared and Leopard Lizards (*Crotaphytus* spp.)  
Common or Green Iguanas (*Iguana i. iguana*)  
False or Spring-tailed Iguanas (*Ctenosaurus* spp.)  
*Liolaemus* spp.  
New World Chameleons (*Anolis* spp. and *Ctenotus* spp.)  
Spiny Lizards (*Sceloporus* spp.)  
Tree and Bush Lizards (*Urosaurus* spp.)  
*Uranoscodon* spp.  
Zebra-tailed Lizards (*Callisaurus* spp.)

8. The following Agamid Lizards (*Agamidae*) may be kept without an exotic animal possession permit:  
*Amphibolorus* spp.  
*Calotes* spp.  
*Hydrosaurus* spp.  
*Pogona* spp.  
Water Dragon (*Physignathus* spp.)

9. Night Lizards (*Xantusidae*): All Night Lizards (*Xantusia* spp.) may be kept without an exotic animal possession permit, except for the Utah Night Lizard (*Xantusia virgilis utahensis*).

#### 4. List of Birds.

(a) Possession of the following groups of birds is prohibited without a permit issued by the USFWS co-signed by RIDEM Division of Fish & Wildlife:

1. Endangered species of birds.
2. Migratory birds listed in the Code of Federal Regulations, 50 CFR 10.13. (Migratory Bird Treaty Act).

**NOTE: RI DEM Division of Fish & Wildlife Regulations prohibits the possession of mute swans or their eggs.**

(b) The following birds or groups of birds may be kept without an exotic animal possession permit:

1. Blue or Button Quail (*Coturnix chinensis*)
2. *Columbidae* (pigeons and doves)
3. *Estrildidae* (Waxbills and allies)
4. *Fringillidae* (Finches and allies)
5. *Ploceidae* (Weaver Finches except the Red-billed, Black-fronted, and Sudan Diochs, which require a permit)
6. *Psittacidae* (parrots and their allies) except for *Myiopsitta monachus* Monk Parakeet, which requires a permit
7. *Ramphastidae* (Toucans, Aracaris, and Toucanets)
8. *Sturnidae* (Starlings and Mynahs, except the Rose-colored Starling (Pink Starling or Rosy Pastor) (*Sturnus roseus*), which requires a permit)

## 5. List of Mammals.

The following mammals may be kept without an exotic animal possession permit:

1. Four-toed (African pygmy) hedgehog (*Erinaceus albiventris*) (= *Atelerix pruneri*)
2. Chinchilla (*Chinchilla* spp.) derived from captive stock
3. Deer Mouse and White-footed Mouse (*Peromyscus maniculatus* and *P. leucopus*)
4. Degu (*Octodon degus*)
5. Egyptian Spiny Mouse (*Acomys cahirinus*)
6. House Mouse (*Mus musculus*)
7. Jerboas (*Dipus* spp.)
8. Norway Rat (*Rattus norvegicus*)
9. Paca (*Cuniculus* spp.)
10. Striped hamster (*Cricetulus barabensis*), also known as the Chinese or Siberian dwarf hamster.
11. Sugar Glider (*Petaurus breviceps*)

## RULE 8 VIOLATIONS

Any violation pursuant to the provisions of Rhode Island General Laws Chapter 4-18 and/or these Rules and Regulations may be cause for imposing penalties in accordance with the provisions of the above mentioned statute and/or these Rules and Regulations, as well as revocation of existing exotic animal possession permits.

1. Any exotic animal imported into or possessed within the state of Rhode Island without obtaining a permit to do so prior to import or possession will be considered to be contraband. Any such animal may be confiscated by the Department or any other law enforcement agency. Any confiscated animal may be euthanized and its entire carcass or parts thereof may be held as evidence. Any confiscated animal not euthanized may be kept by the Department with the owner of the animal being responsible for cost of care including but not limited to cost of feeding, boarding, veterinary care, transportation, and routine husbandry.
2. If an exotic animal is judged to have been illegally possessed or imported, the Department may make a reasonable effort to find suitable placement for the animal or at the discretion of the Director, the animal may be euthanized.

## **RULE 9 APPEAL AND HEARING PROCEDURE**

### Opportunity for Hearing

1. Denials -- Any person whose application for a permit, permit renewal, or other approval has been denied by the permitting agency, acting through the Division of Agriculture, may appeal to the Administrative Adjudication Division for review of the decision on which the denial is based.
2. 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(21).
3. Hearings and Administrative Procedure -- Pursuant to the authority granted to the Department in Chapter 42-17.7-9.
  - a. Any person who seeks an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these Rules and Regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island, 02908 within twenty (20) calendar days of receipt of the contested agency enforcement action.
  - b. Any person who seeks an adjudicatory hearing relative to the denial of a permit or sub-permit arising under these Rules and Regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island, 02908 within thirty (30) calendar days of receipt of the contested agency action.

**RULE 10 SEVERABILITY**

If any provisions of these Rules and Regulations, or the application thereof to any person or circumstance, 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 11 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 Rhode Island General Laws Chapter 4-18 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 the application filed.

**RULE 12 EFFECTIVE DATE**

The foregoing “Rules and Regulations Governing the Importation and Possession of Exotic Animals,” after due notice, are hereby filed with the Secretary of State this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to become effective twenty (20) days thereafter in accordance with the provisions of Rhode Island General Law of 1956 as amended, Chapters 4-18, 42-35, 42-17.1, 42-17.6.

W. Michael Sullivan, PhD. \_\_\_\_\_  
Director of the RI Department of Environmental Management  
Notice given on: \_\_\_\_\_  
Effective: \_\_\_\_\_



## **Concise Summary of Amendments to “Rules and Regulations Governing the Importation and Possession of Wild Animals”**

The proposed regulations provide updates and clarification to existing regulations as described below. Most significantly these regulations allow for the establishment of three categories of animals, domestic animals, exempt exotic animals, and exotic animals. Animals classified as domestic or exempt exotic do not require a possession permit for ownership. Animals classified as exotic require a possession permit for ownership. All animals that do not appear on either the list of domestic animals or the list of exempt exotic animals require a possession permit by default. These regulations also provide some realignment of species between various lists.

An electronic copy of the proposed regulations is available on the DEM website at <http://www.dem/ri.gov/programs/bnatres/agricult/wanimlpn.htm>.

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

<b>Section</b>	<b>Description of Change</b>
<b>Amendment of Rules and Regulations Governing the Importation and Possession of Wild Animals</b>	
Title	The title of the regulations will be amended to include the adjective “Exotic” to qualify wild animals and delineate them from “Native” wild animals, which are regulated under the DEM/Division of Fish and Wildlife.
Entire document	The entire document has been reviewed with the intention of clarifying which animal may be owned without a permit and for which animals a permit is required. Existing regulations did not sufficiently address this as many animals were not clearly categorized as being exempt or in need of a permit.
Entire document	The categorization of various animal species has been done to encompass animals that are considered a nuisance or invasive species as well as those that are considered a public or animal health threat.
Rule 7	Creates a list of exempt exotic animals for which no permit is required. This list did not exist in the previous version of this document.

**Other significant changes from current regulations**

Rule 7.2	Categorizes all amphibians as nuisance/invasive. This categorization was influenced by the Division of Fish and Wildlife biologists who feel that amphibians common in pet store trade would have the potential to decimate native amphibians due to their invasive tendencies and the fact that they often carry diseases.
Rule 4.6(k)	Requires that the applicant provide a letter from the DEM/Division of Fish & Wildlife stating that the animal for which the permit is sought, does not represent a threat to native species and is not considered endangered or restricted on the federal level.

*State of Rhode Island and Providence Plantations  
Department of Administration  
Budget Office*

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

**Name of Administrative Rule:** Rules and Regulations Governing the Importation and Possession of Exotic Wild Animals

**Date of Notice:** February 16<sup>th</sup>, 2010      **Date of Hearing:** March 4<sup>th</sup>, 2010

RIGL: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 4-18 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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**FISCAL IMPACT**

<i>Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2009	\$ 0	FY 2009	\$ 0	FY 2009	\$ 0
FY 2010	\$ 0	FY 2010	\$ 0	FY 2010	\$ 0
FY 2011	\$ 0	FY 2011	\$ 0	FY 2011	\$ 0

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**Summary of Policy Change:** These regulations are an amendment to current regulations to attempt to clarify the existing regulations. Existing regulations were outdated and largely failed to identify animals that are a threat to public health, animal health, or the environment. Existing regulations allowed for too much gray area between which animals were allowed without permit and which ones required a permit for ownership.

**Summary of Fiscal Impact:** There will be negligible fiscal impact on the state level. There will be minimal effects if any due to enforcement of these regulations. In effect, these regulations simply attempt to more clearly define and slightly expand the list of restricted species of animals. It is not anticipated that the necessary permits will generate any significant revenues as few, if any, are currently sought yearly and the cost of a permit is only \$5.

**City or Town Impact:** There should be no impact on the municipal level since enforcement of these regulations is on the state level, and any revenue generated by enforcement actions or permit fees are also on the state level.

Approved:

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Rosemary Booth Gallogly  
Executive Director/State Budget Officer

Date



February 5, 2010

**Economic Impact & Regulatory Flexibility Memo:**

“Rules and Regulations Governing Importation and Possession of Exotic Wild Animals”

To: Peter Dennehy, RI Department of Administration  
Sherry Lynn Carrera, RI Economic Development Corporation  
Kerry King, Officer of the Governor

Pursuant to: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 4-18 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

These regulations are necessary to ensure public health, animal health, and preservation of the state’s natural fauna by regulating the importation and possession of those exotic animal species that pose a threat. These proposed regulations are an amendment to existing regulations. Existing regulations are in need of an update and some clarification. These regulations will more clearly define which animals are allowed in the State without need of an exotic animal possession permit, and for which animals a permit is required. Animals are categorized based on their ability to threaten public health, animal health, or natural fauna by being either a disease threat or by being invasive. These regulations will also restrict ownership of endangered species of wildlife. As written they should have a negligible effect on small business.

**Economic Impact:**

Per RIGL 42-35.1-4:

1. It is estimated that approximately 44 licensed pet shops will experience a minor negative economic impact by these regulations since there will be a slight increase in the number of species for which ownership will require a permit. The majority of profit from most pet shops is not from the sale of animals but from supplies.
2. There will be a slight increase in the administrative costs to those pet shops that wish to sell species for which an exotic animal possession permit is required. It should be noted that the sale of very few restricted animals will occur, and in fact, very few permits are sought currently.
3. These regulations will result in a negligible negative effect on small businesses. Few pet shops currently sell appreciable numbers of animals that would be restricted by these regulations. These regulations would not necessarily result in the pet shops not being allowed to sell these animals if the person seeking to buy the animals is willing to meet the requirements necessary to be granted a permit.

4. There is no less burdensome means of achieving the goal of these regulations.

**Regulatory Flexibility:**

Per RIGL 42-35.1-4:

1. Less stringent compliance and reporting requirements for small businesses have been considered but would not be effective in achieving the goal of these regulations. Specifically, public education was considered, but due to the complexity of issues regarding specific education on all of the various species, and with each species having different potential negative impact, the prospect of education as a sole deterrent to the public seeking and possessing species of animals that are considered dangerous or invasive is not practical. The only practical means of controlling the importation and possession of exotic species of animals that are considered dangerous or invasive is to have clear and enforceable regulations.
2. There are no deadlines for compliance or reporting associated with these regulations.
3. There is no consolidation necessary since there are no compliance or reporting requirements associated with these regulations.
4. There is no need to establish performance standards since these regulations will not result in modification of design standards, and potentially will have only minimal influence on operational standards of small businesses.
5. Very few small businesses will be affected by these regulations and those that are will only have minimal negative effects. There is no need for exemption for small businesses from the regulations since these regulations will apply to only a small portion of the animal inventory that pet shops sell. Most usual pet trade animals will not be more stringently regulated as a result of these rules. These rules will only apply to those species that are considered dangerous or invasive. The cost of mitigation if a dangerous or invasive animal escapes, which will likely be borne by the state, will far outweigh any slight negative impact that these regulations will impose.

Ken Ayars

Chief, Division of Agriculture  
RI Department of Environmental Management