New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources–Special Licenses Unit
625 Broadway, Albany, NY 12233-4752

WILD ANIMAL POSSESSION LICENSE

FACT SHEET

I. **WILD ANIMAL POSSESSION LAW:** Statutory Authority: Environmental Conservation Law Sections: 11-0103(6)(e) and 11-0512

No person shall knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a PET in New York.

The following persons are **EXEMPT** from this statute **PROVIDED** that the wild animal they own or harbor is solely for a purpose other than for use as a pet:

A. **Zoological facilities** licensed pursuant to the USDA Animal Welfare Act (United States Code, Title 7, Chapter 54, Sections 2131-2159) and Animal Welfare Regulations (Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, Parts 1-4). **NOTE**: Zoological facilities will be required to have a valid license from the Department of Environmental Conservation **IN ADDITION** to a USDA Animal Welfare Act license for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the New York State Department of Environmental Conservation (NYSDEC), Special Licenses Unit at (518) 402-8985.

B. **Exhibitors** licensed pursuant to USDA Animal Welfare Act (United States Code, Title 7, Chapter 54, Sections 2131-2159) and Animal Welfare Regulations (Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, Parts 1-4). **NOTE**: Exhibitors will be required to have a valid license from the Department of Environmental Conservation **IN ADDITION** to a USDA Animal Welfare Act license for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the NYSDEC, Special Licenses Unit at (518) 402-8985.

C. **Reptile exhibitors** who have demonstrated to the Department of Environmental Conservation, in accordance with regulations promulgated by the Department, that the sole purpose for which the regulated reptile is used is for exhibition to the public for profit or compensation. **NOTE**: Reptile exhibitors will be required to have a valid license from the Department of Environmental Conservation for certain reptile species. Information on the reptile species that require a special license from the Department may be obtained by calling the NYSDEC, Special Licenses Unit at (518) 402-8985.

D. **Research facilities** as defined in and licensed pursuant to the USDA Animal Welfare Act (United States Code, Title 7, Chapter 54, Sections 2131-2159) and Animal Welfare Regulations (Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, Parts 1-4). **NOTE**: Research facilities will be required to have a valid license from the Department of Environmental Conservation **IN ADDITION** to a USDA Animal Welfare Act license for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the NYSDEC, Special Licenses Unit at (518) 402-8985.

E. **Licensed veterinarians and incorporated humane societies, animal shelters, societies for the prevention of cruelty to animals or animal welfare organizations** in **TEMPORARY** possession of wild animals. **NOTE**: Incorporated humane societies, animal shelters, societies for the prevention of cruelty to animals will be required to have a valid license from the Department of Environmental Conservation for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the NYSDEC Special Licenses Unit at (518) 402-8985.

F. **State universities, private colleges or universities or state agencies** working with wild animals. **NOTE**: State universities, private colleges or universities or state agencies will be required to have a valid license from the Department of Environmental Conservation for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the NYSDEC Special Licenses Unit at (518) 402-8985.

G. **Licensed wildlife rehabilitators** who are tending to sick or injured wild animals.

H. **A person** having custody of a wild animal solely for the purpose of **transporting** it to a licensed veterinarian, licensed Wildlife Rehabilitator, humane society or other entity authorized to handle or treat wild animals.

I. **A wildlife sanctuary** described in the Internal Revenue Code, Title 26, Subtitle A, Chapter 1, Subchapter B, Part VI, Section 170 (Charitable, etc, Contributions and Gifts) AND that is **IN COMPLIANCE** with all applicable provisions of the USDA Animal Welfare Act (United States Code, Title 7, Chapter 54, Sections 2131-2159) and Animal Welfare Regulations (Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, Parts 1-4) AND operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals are provided care for their lifetime or rehabilitated and released back to their natural habitat, and, with respect to any animal owned by the organization **DOES NOT** use the animal for any type of

entertainment, recreational or commercial purpose **EXCEPT** for the purpose of

exhibition as defined by the Department of Environmental Conservation and **DOES NOT** sell, trade, lend or barter the animal or the animal's body parts. **NOTE**: A Wildlife Sanctuary will be required to have a valid license from the Department of Environmental Conservation for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the NYSDEC Special Licenses Unit at (518) 402-8985.

J. **A person** who is **NOT** a resident of New York who is in the state **ONLY** for the purpose of **traveling between locations outside the state**. In no event shall this time period exceed **TEN DAYS**. **NOTE**: People traveling through New York State will be required to have a valid license from the Department of Environmental Conservation for certain wildlife species. Information on the wildlife species that require a special license from the Department may be obtained by calling the NYSDEC Special Licenses Unit at (518) 402-8985.

K. **A person who is paralyzed from the neck down** who possesses a new world monkey trained to perform tasks for its owner by an organization described in Section 501(c) of the Internal Revenue Code and dedicated to improving the quality of life for persons paralyzed from the neck down.

II. WILD ANIMAL defined:

A. Wild Animal shall **NOT** include "companion animal" as defined in Section 350 of the Agriculture and Markets Law of New York State:

"Companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. Companion animal shall not include a "farm animal" as defined in Section 350 of the Agriculture and Markets Law of New York State.

B. Wild Animal **INCLUDES**, and is limited to, any or all of the following **ORDERS** and **FAMILIES**:

(1) Nonhuman primates and prosimians (Order: Primates including: Apes, monkeys, prosimians, lemurs and chimpanzees);

(2) Felidae (Family: Felidae–cats including lions, tigers, cheetahs, leopards, bobcats) and all hybrids thereof, with the exception of the species Felis catus (domesticated and feral cats, which shall mean domesticated cats that were formally owned and

that have been abandoned and that are no longer socialized, as well as offspring of such cats) and **HYBRIDS** of Felis catus that are registered by the American Cat Fanciers Association or the International Cat Association **PROVIDED** that such cats be without **ANY** wild felid parentage for a maximum of **FIVE** generations;

(3) Canidae (Family: Canidae–dogs including wolves, jackals and foxes) with the exception of domesticated dogs (Canis familiaris) and **CAPTIVE BRED** fennec foxes (Vulpes zerda);

(4) Ursidae (Family: Ursidae–bears);

(5) All reptiles that are venomous by nature, pursuant to Department of Environmental Conservation regulation, AND the following **SPECIES** and **ORDERS** and **ANY HYBRIDS** thereof:

a.	Burmese Python	(Python m. bivittatus)
b.	Reticulated Python	(Python reticulatus)
c.	African Rock Python	(Python sabae)
d.	Green Anaconda	(Eunectes murinus)
e.	Yellow Anaconda	(Eunectes notaeus)
f.	Australian Amethystine Python	(Morelia amethistina and M. kinghorni)
g.	Indian Python	(Python molurus)
h.	Asiatic (water) Monitor	(Varanus salvator)
i.	Nile Monitor	(Varanus nilocitus)
k.	White Throated Monitor	(Varanus albigularis)
l.	Black Throated Monitor	(Varanus ionides)
m.	Crocodile Monitor	(Varanus salvadori)
n.	Komodo Dragon	(Varanus komodensis)

(6) Crocodylia (Order: Crocodylia includes crocodiles, alligators, caimen and gavials).

III. WILD ANIMAL POSSESSION LICENSE

A. Statutory Authority: Environmental Conservation Law Section 11-0512(3)

B. Any person who possess or harbors a wild animal for use as a pet at the time that this Section takes effect (January 1, 2005) may retain possession of such animal for the remainder of that animal's life, **PROVIDED** that such person:

(1) has NOT been convicted of any offense relating to cruelty to animals, OR

(2) is NOT under a Judicial Order prohibiting possession of animals, AND

(3) applies to the Department of Environmental Conservation within six months of the effective date of this Section (BEFORE June 30, 2005), AND

(4) obtains from the Department of Environmental Conservation a Wild Animal Possession License, AND

(5) complies with ALL applicable Federal, State or Local Laws, including Ordinances, Rules, or Regulations adopted by a local Board of Health, OR

(6) ANY Rules or Regulations established by the Department of Environmental Conservation as requisites for ownership of such wild animal.

C. Wild Animal Possession Licenses shall be valid in any jurisdiction within the State of New York where possession of a wild animal is **NOT PROHIBITED** by local laws or ordinances, rules or regulations adopted by a local Board of Health.

D. Wild Animal Possession Licenses will be issued for TWO years and MUST be renewed every two years for the life of the wild animal subject to continued compliance with the provisions of Section 11-0512 of the Environmental Conservation Law and any regulations promulgated under that Section.

E. The Department of Environmental Conservation will forward copies of Wild Animal Possession Licenses to the Clerk of the City, Town or Village where each wild animal is harbored.

F. Upon the death of the wild animal possessed under a Wild Animal Possession License, the licensee MUST inform the Department of such death and surrender the Wild Animal Possession License.

G. Qualifications to be issued a Wild Animal Possession License; the applicant:

(1) must be 21 years of age or older;

(2) must have legally possessed the wild animal **BEFORE** December 31, 2004;

(3) must not have been convicted of any offence related to the cruelty of animals;

(4) must not be under a Judicial Order prohibiting the possession of animals;

(5) must acknowledge that it is legal, under local Town or City government laws, to possess such wild animal in his or her Town or City;

(6) must mark the wild animal he or she wished to possess with a permanent form of identification;

(7) must identify and secure the services of a licensed veterinarian who agrees to treat the wild animal;

(8) must certify that he or she has facilities for housing and holding the wild animal that comply with or exceed those set forth in the USDA Animal Welfare Act and Animal Welfare Regulations including those provisions for temperature, ventilation, drainage, sanitation, food, water, exercise and veterinary care;

(9) must acknowledge that the wild animal will NOT be tied or chained outdoors AND will NOT be allowed to run at large AND will NOT be brought to any public park or commercial or retail establishment;

(10) must acknowledge that the wild animal in his or her possession will NOT be bred or used for breeding with any other animal;

(11) must acknowledge that if he or she is issued a Wild Animal Possession License, he or she will NOT be allowed to breed, sell, trade, barter or exchange the wild animal;

(12) will be required to pay a fee of $175.00 for a Wild Animal Possession License, the Wild Animal Possession License is valid for TWO years AND only ONE wild animal can be licensed under a Wild Animal Possession License.

IV. WILD ANIMAL POSSESSION LICENSE: DENIAL, REVOCATION, VIOLATIONS AND SEIZURE OF WILD ANIMALS

A. Any person possessing, owning or harboring a wild animal who is DENIED a Wild Animal Possession License OR whose Wild Animal Possession License is REVOKED shall surrender his or her wild animal to the Department of Environmental Conservation

OR an authorized agent of the Department at a location designated by the Department OR a police or peace officer of this State, a local animal control officer or a duly

incorporated Society for the Prevention of Cruelty to Animals; OR

B. provide proof, to the Department, that the wild animal she or he possessed has been humanely euthanized according to the American Veterinary Medical Association's standards by a licensed veterinarian.

C. The Department of Environmental Conservation, any police or peace officer of this State, a local animal control officer, or a duly incorporated Society for the Prevention of Cruelty to Animals is authorized to enforce the provisions of Section 11-0512 of the Environmental Conservation Law and issue notices of violation to persons in violation of this Section AND shall have the authority to SEIZE any wild animal held in violation of this Section.

D. A county Society for the Prevention of Cruelty to Animals MUST obtain a warrant before SEIZING a wild animal or arresting a person who owns or possesses a wild animal under Section 11-0512 of the Environmental Conservation Law.

E. Wild animals SEIZED OR SURRENDERED under Section 11-0512 of the Environmental Conservation Law **WILL BE**:

(1) transferred to a duly incorporated Wildlife Sanctuary as defined in Section 11-0103(32) of the Environmental Conservation Law (see Number I, I. above), OR

(2) transferred to a bona fide Zoological facility who has agreed to accept such wild animal, OR

(3) humanely euthanized.

(4) Any costs associated with SEIZING, TRANSFERRING OR EUTHANIZING a wild animal shall be borne by the person who owned, harbored or possessed the wild animal.

(5) The Department of Environmental Conservation shall have the authority to seek injunctive relief in any court of appropriate jurisdiction to prevent continued violations of Section 11-0512 of the Environmental Conservation Law.

F. Any person who knowingly breeds a wild animal or knowingly possesses, owns, harbors, sells, barters, transfers, exchanges, or imports a wild animal for use as a pet in violation of the provisions of Section 11-0512 of the Environmental Conservation Law shall be

subject to a penalty of not more than $500.00 for the first offence and not more than $1000.00 for a second and subsequent offences.

G. Each instance of breeding, owning, harboring, sale, barter, transfer, exchange or import of a wild animal in violation of Section 11-0512 of the Environmental Conservation Law shall constitute a separate offence.

H. Nothing in Section 11-0512 of the Environmental Conservation Law shall prevent any City, Town or County from enacting more restrictive provisions governing the possession of wild animals as pets.

V. WILD ANIMAL POSSESSION LICENSE APPLICATIONS

Wild Animal Possession License Applications are available by writing or calling

NYSDEC
Special Licenses Unit
625 Broadway
Albany, NY 12233-4752

(518) 402-8985

Report No.__ _____

Report of the Presence of Wild Animals

The information recorded here is essential to emergency services personnel so that they may protect themselves and your neighbors, provide for the safety of your animals, ensure the maximum protection and preservation of your property, and provide you with emergency services without unnecessary delay.

Every person in New York State, who owns, possesses, or harbors a wild animal, as set forth in General Municipal Law §209-cc, must file this Report annually, on or before April 1 of each year, with the clerk of the city, village or town (if outside a village) where the animal is kept. A list of the common names of animals to be reported is enclosed with this form. Failure to file as required will subject you to penalties under law.

A separate Report is required to be filed annually for each address where a wild animal is harbored.

Exemptions: Pet dealers, as defined in section 752-a of the General Business Law, and zoological facilities licensed pursuant to 7 USC 2132, are not required to file this report.

Instructions for completing this form:

1. Please print or type all information, using blue or black ink.
2. Fill in the information requested on this page.
3. On the continuation sheets, fill in the information requested for each type of animal that you possess.
4. Return the completed forms to the City, Town, or Village Clerk of each municipality where the animal or animals are owned, possessed or harbored.
5. File a new report each year, by April 1, for as long as you keep the animal or animals.
6. You are referred to General Municipal Law § 209-cc for additional information. Copies of this statute and the list of common names of animals to be reported may also be accessed at the OFPC website: www.dhses.ny.gov/ofpc/legislation/animallaw/wildanimals.cfm

Name: _____
Business Name (if a business):_____
Street Address: _____
City, State and Zip: _____
Telephone Number: _____
Address Where Animal is Located (if different than above):

_____
_____
Name of Emergency Contact: _____
Daytime phone number: _____
After-hours phone number:____ _____
Signature and title (if a business) of person completing form:

_____

_____

THIS FORM MUST BE FILED WITH YOUR CITY, TOWN (IF THE ANIMAL IS LOCATED OUTSIDE A VILLAGE) OR VILLAGE CLERK. **DO NOT FILE THIS FORM WITH THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.**

Instructions to the Municipal Clerk:

Forward copies of this Report to:

1. Each NY State Police troop, County Sheriff, and municipal police agency having jurisdiction over the location of the wild animal;

2. The fire chief of each fire department, fire corporation, or fire company serving the location of the wild animal;

3. Each ambulance or emergency medical service department, ambulance corporation,or ambulance or emergency medical service company serving the location of the wild animal.

Report No. _____

Report of the Presence of Wild Animals
List of Animals at this Address

Common name of animal	Number of such animals at this location	Scientific name (genus and species), if known