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

1. It shall be prohibited for any person to:

a. knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a pet in New York state, except as provided in subdivision three of this section; or

b. intentionally release or set at-large any wild animal, authorized by this section for use as a pet, from the location where the animal is permitted to be possessed or harbored.

2. This section shall not apply to the following persons and entities with respect to wild animals owned or harbored by them solely for a purpose other than for use as a pet:

a. Zoological facilities licensed pursuant to 7 USC. Sec. 2131 et seq.;

b. Exhibitors licensed pursuant to the Animal Welfare Act, 7 USC. Sections 2132-2134 and reptile exhibitors who have demonstrated to the department, in accordance with regulations promulgated by the commissioner, that the sole purpose for which the wild animal or animals are used is for exhibition to the public for profit or compensation;

c. Research facilities as defined in the Animal Welfare Act, 7 USC. Section 2132 (e), which are licensed by the United States Secretary of Agriculture;

d. Licensed veterinarians and incorporated humane societies, animal shelters, societies for the prevention of cruelty to animals or animal welfare organizations in temporary possession of wild animals;

e. State universities, private colleges or universities, or state agencies working with wild animals;

f. Wildlife rehabilitators licensed pursuant to the provisions of subdivision three of section 11-0515 of this title and regulations promulgated thereunder, who are tending to sick or injured wild animals;

g. A person having custody of a wild animal solely for the purpose of transporting it to a licensed veterinarian, wildlife rehabilitator, humane society or other entity authorized by this section to handle or treat wild animals;

h. A wildlife sanctuary as defined in subdivision thirty-two of section 11-0103 of this article;

i. A person who is not a resident of this state who is in the state only for the purpose of travelling between locations outside the state. In no event shall this time period exceed ten days;

j. A person who is paralyzed from the neck down who possesses a new world monkey trained to perform tasks for its owner by an organization described in section 501(c) of the Internal Revenue Code of 1986 and dedicated to improving the quality of life of persons paralyzed from the neck down.

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

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

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

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

d. Reports a release to the local police department and animal control immediately upon discovery of the release. Each escape during a twelve month period of time will subject the possessor to penalties by the department pursuant to subdivisions eight and nine of this section.

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

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

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

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

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

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

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

(6) A detailed certification establishing that the location in which the wild animal will be kept complies with all appropriate standards of

care and at minimum complies with the standards for animal care set forth in the Federal Animal Welfare Act and other applicable federal, state and local standards, including, but not limited to housing, temperature, ventilation, drainage, sanitation, food, water, exercise and veterinary care appropriate to the species and sufficient to maintain the wild animal in good health.

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

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

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

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

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

7. A person possessing, owning or harboring a wild animal who is denied a license pursuant to subdivision four of this section, or whose license is revoked, shall surrender such wild animal to the department or an authorized agent thereof at a location designated by the department for such surrender or a police or peace officer of this state, a local animal control officer, or a duly incorporated society for the prevention of cruelty to animals, or provide proof that the

animal has been humanely euthanized according to American Veterinary Medical Association standards by a licensed veterinarian.

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

9. Notwithstanding any other provision of law, 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 or intentionally releases or sets at-large any wild animal, authorized by this section for use as a pet, from the location where the animal is permitted to be possessed or harbored in violation of the provisions of this section shall be subject to a penalty of not more than five hundred dollars for the first offense and not more than one thousand dollars for a second and subsequent offenses. Each instance of breeding, owning, harboring, sale, barter, release, transfer, exchange, or import of a wild animal in violation of this section shall constitute a separate offense.

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