

# DELAWARE LAW

## UAPPEAL

### **EXOTIC ANIMALS (Department of agriculture)**

BANS import, possession, sale and exhibition of poisonous snakes which can cause serious injury or death to humans.

- EXEMPT:
  - medical or psychological research
  - display in zoological park
  - traveling circus

BANS sale of certain exotic animals (only legal by import):

- Carnivores, hybrids of wild mammals, omnivores, primates
- Herbivores over 30# and rare and endangered species
- Crocodylians, tuataras, snakes over 5', monitors, Galapagos and Aldabras tortoises, and rare and endangered species

LEGAL without permit are certain exempt animals.

- LIST:
  - Mammals:
    - Chinchilla
    - Degu
    - Ferret
    - Gerbil
    - Guinea pig
    - Hamster
    - Hedgehog
    - Mouse
    - Norway rat
    - Possum
    - Rabbits
    - Sugar Glider
  - Reptiles:
    - Anoles
    - Agamas
    - Asian Water Dragon
    - Basilisks
    - Bearded dragon
    - Chameleon
    - Gecko

- Iguana
  - Skink (except the five-lined skink)
  - Swift lizard
  - Tegu
- REQUIREMENTS:
    - Must follow state vet powers section
    - May breed and do NOT need to report births and deaths
    - Must not be a nuisance
    - Allows immediate seizure and destruction if immediate public threat with no hearing to challenge it

PERMIT required for possession, sale or exhibition of other wild mammals, hybrids of wild mammals and reptiles exotic to Delaware.

- PERMITS:
  - **Individual** (pets) – 3 years
    - BANS Gila monsters, beaded lizards and Komodo dragons
  - **Accredited Zoo** (AZA) – 5 years
  - **Exhibitor** (other exhibitors) – 1 year
    - BANS Gila monsters, beaded lizards and Komodo dragons
  - **Rehabilitator** (short term care and rehabilitation – native need DNREC permit too) – 3 year
  - **Sales Permits** (breeding and selling except Accredited Zoo and Rehabilitation permit) – 1 year
    - BANS Gila monsters, beaded lizards and Komodo dragons
  
- CLASSES:
  - Carnivore
  - Herbivore
  - Hybrid of a Wild Mammal
  - Omnivore
  - Primate
  - Reptile

REQUIREMENTS:

General:

- Immediate reporting of any zoonotic disease
- Must NOT be a nuisance
- May be seized if immediate threat to the public

- Reptile sellers must inform buyers or adopters in writing that most reptiles carry Salmonella and include written information on sanitation measures to reduce risk of spread to humans
- Secure secondary enclosures (accredited zoos, exhibitors and rehabilitators may have waived)
- Only keep exotic in shared enclosures if sterile or unable to reproduce except for zoo license (all classes) and sales permit (herbivores and reptiles)
- Emergency evacuation plan
- Animal attack protocol
- Allow inspections
- Report name and contact changes within 30 business days
- Written records of any change of ownership; individual must notify Department of gifted
- Individual/Exhibitor: notify department of births and deaths on 1st of each month
- Notify the Department and animal control agency of escapes no later than 3 days

#### Exhibitor:

- Background check
- Notify Department within 60 days of exhibiting
- Annual inventory
- Dates of exhibition and exhibition activities
- Public health and safety plan, animal attack protocol and animal health plan
- Proof of any state permits
- Health certificates
- DE business license as applicable
- knowledge of exotics' health, safety and proper care

#### Rehabilitate:

- Background check
- Yearly inventory
- Written permission from state vet to extend time if carried over from prior year
- Identify each dead, adopted or relocated exotic and whether relocated in state or out-of-state
- Public health and safety plan, animal attack protocol, emergency evacuation plan and animal health, proper care and rehabilitation plan
- Not have more than 20 animals per class unless approved within 60 days of going over
- To Adopters: verify has appropriate permit, verify name and address on ID is same as permit, provide enclosure, proper care, nutrition and welfare requirements and inform of potential local laws, record of any interstate transfer, and keep name, address, telephone and e-mail for 3 years
- Adopters must obtain permit before adopting and give rehabilitator valid ID

#### Sales Permit:

- Permit for each class sold
- NOT required for Accredited Zoo and Research Permits AND required for Exhibitor
- Background check
- DE business license as applicable
- Notify department of births, deaths and acquisitions since last year
- Buyers: verify has appropriate permit, verify name and address on ID is same as permit, provide enclosure and welfare requirements and inform of potential local laws, report purchaser's name, address, telephone and e-mail and description of exotics on 1st of every month, record any interstate

sale, maintain purchaser's sell record for 3 years, attest in writing animals are in good health at time of sale

- Buyers must have permit before purchase and provide seller with ID

(3 Delaware Code Ch. 72; 7 Delaware Admin Code 903)

## **SUBJECT CREATURES**

PERMITS issued for "subject creatures" (mammals and hybrids and reptiles)

- Individual (pets – born animals need permit by 3 months)
- Class (businesses for resale, exhibition or scientific or medical research)
- Breeder (hobby breeders)
- Exhibition (educational displays and presentations – does not include hybrids)

REQUIREMENTS:

- Must have primary and secondary enclosures (may be waived for reptiles)
- If exercised outside of enclosure, must have device to keep it under control
- Must be kept in secure enclosure if transported
- Must NOT be a nuisance including causing justifiable fear
- Requires prior inspection
- Must report transfer of ownership along with reporting escapes within 24 hours

(7 Delaware Admin Code 906)

## **EXOTIC AVIANS**

Allows Department of Agriculture to:

- inspect exotic avians for disease
- quarantine birds infected with contagious disease
- destroy infected birds that may infect poultry

## REQUIREMENTS:

- Must provide inspectors with name of person acquired from and copy of bill of sale
- Keep bill of sales for 1 year
- Must notify Department if more than 10% of birds possessed or shipped dies

(3 Delaware Code Ch. 81)

## GAME BREEDERS

PERMIT (Game Breeder Permit) required to breed more than 25 game birds or game animals for commercial purposes. – ANNUAL - \$17.50

- EXEMPT: breeding less than 25

PERMIT (separate one) needed to ship game out of state.

- Need tag for shipment

## GAME LIST:

### Birds:

- family Anatidae
- family Rallidae
- family Limicolae
- family Gallinae
- reed bird
- dove

### Animals:

- mink
- raccoon
- opossum
- gray squirrel
- otter
- muskrat
- red fox
- hare
- rabbit
- deer
- beaver

- snapping turtle
- frog

REQUIREMENTS:

- Must be kept under humane and sanitary conditions
- Requires report at end of license
- Permit required for fertility control

(7 Delaware Code Chapter 5, Subchapter III)

## **SCIENTIFIC, EDUCATION, OR PROPAGATING PURPOSES**

PERMIT required to take, capture, possess or transport protected wildlife, finfish, or shellfish for scientific, educational, or propagating purposes. - ANNUAL

REQUIREMENTS:

- Kept in humane and sanitary conditions
- Report within 30 days of expiration
- Permit required for fertility control on game animals and birds

(7 Delaware Code Chapter 5, Subchapter IV)

## **COMMERCIAL GAME PRESERVES**

PERMIT required to propagate, hold, raise, release and shoot rabbits and game birds (pheasant, grouse, quail and partridge). – ANNUAL - \$39.50

REQUIREMENTS:

- Satisfactory evidence that it will not conflict with reasonable prior public interest and result in improvement of game quantity
- 300-1000 acres of contiguous land and no more than 5000 acres of all game preserves in New Castle County
- Sufficient cover and feed
- Allows release and kill of game in excess of regular numbers

- Cooperate with Department and assist them in caring for game
- Keep records
- Mark, band or tag game being released
- Allows dog training and field trials any day except March-August
- Follow all game laws
- BANS trespass and allows Department to authorize owners to make arrest

(7 Delaware Code Chapter 5, Subchapter V)

## **NATIVE NONGAME BIRDS**

BANS catching, killing, possessing, purchasing, selling, transporting and shipping wild birds other than game birds and their nests and eggs.

- EXEMPT:
  - take, kill or ship house sparrows and starlings
  - take for scientific purposes

(7 Delaware Code § 734 etc.)

## **RABBITS**

BANS receiving European or San Juan rabbits or rabbits from US Public Health Service listed endemic area.

REQUIREMENTS (unlisted rabbits):

- Import requires certificate from Department of Health and Social Services but sale is exempt from license
- Exposing for sale of imported rabbits requires marking on 12x8" or larger card in readable letters with Shipped Rabbits, state of origin and shipper name
- Bill of lading available when offering for sale

(7 Delaware Code Ch. 7 Subchapter IV)

## **RED FOX**

BANS the sale, purchase, possession, exposure for sale, shipment, and wild-caught export of red fox.

- EXEMPT:
  - Hides
  - State or political subdivision animal exhibitions

(7 Delaware Code § 789)

## **SKUNKS AND RACCOONS**

PERMIT required to possess, sell and transport live skunks and raccoons.

(7 Delaware Code § 795)

## **TERRAPINS**

BANS the take and destruction of terrapin eggs taken from shores of saltwater bays, steams and rivers or on salt marshes and beaches.

BANS using dredge to catch or take terrapin in the Indian River or Rehoboth Bay or adjacent.

- EXEMPT: terrapins in private ponds

(7 Delaware Code Ch. 7 Subchapter V)

## **BULLFROGS**

BANS the possession of live bullfrogs 5 days after season close except scientific or propagating purposes.

- Take limited to 24 in 1 day or night
- Those legally taken may be possessed, bought, and sold in any quantity

(7 Delaware Code § 792-793)



## NATIVE REPTILES AND AMPHIBIANS (REST)

PERMIT required for wild take and possession of native reptiles and amphibians.

- EXEMPT: 1 of each native herp listed below
- GRANDFATHERS: wild-caught ones possessed before 8/15/99 with notification given by 12/15/99
- Wild-caught ones may only be released within 30 days

HERP LIST: [Official List](#) (allows 1 of each without permit)

- Reptiles:
  - Northern fence lizard
  - Northern black racer
  - Five-lined skink
  - Black rat snake
  - Eastern garter snake
  - Eastern hognose snake
  - Eastern worm snake
  - Northern water Snake
  - Ringneck snake
  - Diamondback terrapin
  - Common musk turtle
  - Eastern box turtle
  - Eastern mud turtle
  - Painted turtle
  - Redbelly turtle
  - Snapping turtle
- Amphibians:
  - Bullfrog
  - Green frogs
  - New Jersey chorus frog
  - Northern cricket frog
  - Pickerel frog
  - Southern leopard frog
  - Wood frog
  - Red-spotted newt
  - Northern spring peeper
  - Northern dusky salamander
  - Northern two-lined salamander
  - Redback salamander
  - Eastern spadefoot
  - American toad
  - Gray treefrog

# **NATIVE PROTECTED WILDLIFE**

## **POSSESSION**

BANS possession of game fish that have a closed season.

Possession of other game animals, birds and fish that are allowed must comply with possession limits.

- Must be legally taken except when given by the Department

LIMITS: 2x the daily bag or creel limit for game birds and game animals when legal to possess.

- EXCEPT: Migratory Bird Treaty Act game birds must comply with federal law
- EXEMPT: processed game for consumption and terrapins as allowed under that law

(7 Delaware Code § 715)

## **BARTER, SALE AND PURCHASE**

BANS barter, sale, offer for sale, or purchase of protected game birds, animals and fish.

- EXEMPT:
  - muskrat, snapping turtle and diamond back terrapin trade during season
  - trade of lawfully taken muskrat skins and lawful size terrapins
  - food dispensers offering pheasants and quail for consumption – need invoice from game breeder

(7 Delaware Code § 715)

## **COMMERCIAL USE**

PERMIT required to collect, possess, import, export, buy or sell native wildlife for commercial purposes.

- EXEMPT: possession, import and sale of those legally taken from another state

(7 Delaware Admin Code 3900 15.0)

## **BREEDING**

PERMIT required to breed native wildlife in captivity.

- EXEMPT: accredited zoos and federal falconry permittees

REQUIREMENTS:

- BANS release of captive-bred species
- Bill-of-sale for captive-bred

(7 Delaware Admin Code 3900 15.0)

## **ENDANGERED SPECIES**

BANS import, transport, possession and sale of endangered species except under special permit

- Federal endangered species legal only under federal permit
- PERMIT issued to import for zoological, educational, and scientific purposes or conservation propagation

LIST: [Endangered Species](#)

(7 Delaware Code CHAPTER 6; 7 Delaware Admin Code 3900 16.0)

## **WILDLIFE REHABILITATION**

PERMIT (Wildlife Rehabilitation Permit) required for rehabilitation of native wildlife

- EXEMPT: Veterinarians treating injured wildlife if returned to wild or sent to rehabilitator
- BANS releasing sick animals

REQUIREMENTS:

- Rabies vector species (bats, raccoons, skunks, foxes, coyotes and woodchucks) require rabies pre-exposure immunization AND may only be released in same county with release noted on annual report
- Follow “Minimum Standards for Wildlife Rehabilitation”
- Must release into wild or euthanize unless authorized for scientific propagation or educational purposes
- Allow inspections

(7 Delaware Admin Code 3900 13.0)

## **FALCONRY**

PERMIT (Falconry Permit) required to take, transport or possess raptors for falconry – 3 years - FREE

- EXEMPT: Non-residents with resident state falconry license
- BANS endangered/threatened species except when grandfathered or taken where legal

PERMIT (Capture Permit) required to capture birds of prey (limit 12).

### REQUIREMENTS:

- Must follow US falconry laws
- Must acquire permit within 60 days of moving to DE
- Follow limitations and seasons listed
- Need hunting license to hunt game with raptors

(7 Delaware Code Ch. 7, SubCh. 1, 725; 7 Delaware Admin Code 3900 14.0)

## **COYOTES, NUTRIA, FERAL SWINE**

BANS possession, purchase, sale, barter, trade, or transfer of live coyote and nutria except as allowed by department

BANS release of feral swine and requires escape reporting within 72 hours

(7 Delaware Code Ch. 7, SubCh. VII; 7 Delaware Admin Code 3900 23.0)

## **VACCINATION OF WILD ANIMALS**

BANS administering rabies vaccines to native wild mammals, native wild animal hybrids, exotic mammals or exotic mammal hybrids when not intended for use in that animal unless approved by the Department of Agriculture. Defines exotic as not native to or generally found in Delaware (ecologically foreign).

(3 Delaware Code 8204-8205; Amended HB 4 – Signed into law 6/3/21)

## **IMPORT (Agriculture)**

Department of Agriculture may ban import of or require permit for certain animals that may pose rabies risk.

### **REQUIREMENTS:**

- Health certificate required to import wild animals or semi-wild animals under domestication
- Psittacine birds require Psittacosis-free health certificate
- Ratites need health certificate, individual identification and negative AGID for avian influenza within 30 days
- Regulates import of aquatic species other than finfish, shellfish, endangered and threatened species and injurious species

(3 Delaware Admin Code 904)