

NEW MEXICO LAWS

UAPPEAL

FELINES, CROCODILES, WOLVES, ALLIGATORS, PRIMATES

BANS keeping these species as pets.

(No source)

PRIMATE, SKUNK, RACCOON, FOX OR SYLVATIC CARNIVORES

The Health Department has the authority to regulate any subhuman primate, skunk, raccoon, fox or sylvatic carnivores as pets.

(NMSA 77-18-1).

PROTECTED SPECIES

BANS shooting, ensnaring or trapping for killing and injuring or destroying songbirds or birds who mainly eat insects.

- EXEMPT: scientific permit

PERMIT required to take, possess, trap, ensnare, destroy, give, purchase, sell or trade hawks and vultures (Falconiformes) and owls (Strigiformes).

- EXEMPT: nonresident falconer
- PERMITS:
 - Indian religious permit
 - scientific permit
 - falconry permit

PERMIT required for live possession and sale of all wild and captive-bred protected species, which are game, furbearing animals, endangered and threatened species, songbirds and primarily insect-eating birds, hawks, vultures and owls, and native reptiles and amphibians.

- Approved Fish Supplier (fish propagator verified as disease free)

- Aquaculture Permit
 - LIMITED TO: Salmonidae, esocidae, percichthyidae, ictaluridae, Centrarchidae, percidae; Nile and Mozambique tilapia incapable of reproducing

- Call Pen

- Class A Lake Permit (propagate game fish for sale)
 - LIMITED TO: salmonidae; esocidae; percichthyidae; ictaluridae; centrarchidae; percidae
 - 2nd permit required if over 3200 acres
 - Sales require invoice

- Class A Park Permit (propagate game birds and mammals for sale)
 - 2nd permit required if over 3200 acres
 - Sales require invoice

- Falconry Permit

- Field Trial Permit

- Fur Dealers Permit

- Game Bird Propagation Permit

- Nuisance Control Permit

- Protected Mammal Permit

- Regulated Shooting Preserve Permit (shoot propagated pheasant, quail, chukar, mallard)

- Wildlife Rehabilitation Permit (rehabilitate wildlife up to 180 days - BANS displays)
 - Nonreleaseable must be for fostering or socialization or transferred to other rehabilitators, zoo permit, falconers and raptor breeders or educational permit

- Zoo Permit

- Scientific Collecting Permit (take, capture, kill, transport game, birds, fish for science or propagation)

- Educational Use Permit (wildlife educational programs)
 - BANS public contact except herp under permit and BANS displaying tame animals or those that look like pets
 - Need 12 programs/year or static exhibit open 100 days/year

NOTE: Game commission must review and approve holding, possession and release permits for carnivores for recovery, reintroduction, conditioning, establishment, or reestablishment.

LIST: Protected Species

- Game Mammals:
 - Javelina (Tayassuidae)
 - American bison except captive-raised for meat production
 - Ibex and wild goats (Capra) except domestic
 - Bighorn sheep and wild sheep (Ovis) except domestic
 - Aoudad (Ammotragus)
 - Kudu (Tragelaphus)
 - Oryx (Oryx)
 - American pronghorn (Antilocapridae)
 - Cervidae
 - Pikas (Ochotonidae)
 - Squirrels (Sciurus)
 - Red squirrels (Tamiasciurus)
 - Marmots (Marmota)
 - Bears
 - Cougar

- Game Birds:
 - waterfowl (Anatidae)

- grouse and ptarmigans (Tetraonidae)
 - quail, partridges and pheasants (Phasianidae)
 - wild turkeys (Meleagridae) except domestic strain
 - francolins (Perdicidae)
 - cranes (Gruidae)
 - rails, coots and gallinules (Rallidae)
 - plovers, turnstones and surfbirds (Charadriidae)
 - shorebirds, snipe, sandpipers and curlews (Scolopacidae)
 - avocets and stilts (Recurvirostridae)
 - phalaropes (Phalaropodidae)
 - wild pigeons and doves (Columbidae) except domestic pigeons
- Game Fish:
 - Trout (Salmonidae)
 - Pike (Esocidae)
 - Catfish (Ictaluridae)
 - sea bass and white bass (Serranidae) – all introduced
 - sunfish, crappie and bass (Centrarchidae)
 - walleye pike and perch (Percidae)
 - sargo (Pomadasyidae) – all introduced
 - corvina, bairdiella and redfish (Sciaenidae) – all introduced
 - tilapia (Oreochromis)
 - striped bass, hybrid striped bass, white bass and others (Moronidae)
- Furbearing Animals:
 - Muskrat
 - Mink
 - Weasel
 - Beaver
 - Otter
 - Nutria
 - masked or blackfooted ferret
 - ringtail cat
 - raccoon
 - pine marten
 - coatimundi
 - badger
 - bobcat
 - all foxes
- Songbirds: including
 - Bluebirds including western and mountain
 - Bobolinks

- Catbirds
- Chickadees
- cuckoos and roadrunner
- flickers
- flycatchers
- grosbeaks
- humming birds
- kinglets
- martins
- meadowlarks
- nighthawks or bull bats
- nuthatches
- orioles
- robins
- shrikes
- swallows
- swifts
- tanagers
- titmice
- thrushes
- vireos
- warblers
- waxwings
- whipperwills [whippoorwills]
- woodpeckers
- wrens
- perching birds mainly eating insects

(NMSA 17-2-2, 17-2-3, 17-2-7, 17-2-13, 17-2-14, 17-3-26 to 17-3-29, 17-3-32.1, 17-3-36 et.al., 17-4-8 to 17-4-28, 17-5-2; NMAC 19.30.9.9, 19.31.5.7, 19.31.9.13, 19.35)

ENDANGERED AND THREATENED SPECIES

BANS take, possession, transport, export, process, sale and shipment of state endangered species and federal native and foreign endangered species.

- PERMIT issued for scientific, zoological or educational purposes, propagation in captivity or to protect private property
- EXEMPT: native American religious purposes

LISTS:

Endangered:

- Mammals:
 - Arizona shrew
 - Mexican long-nosed bat
 - (Penasco) least chipmunk
 - meadow jumping mouse
 - (Arizona) montane vole
 - gray wolf

- Birds:
 - brown pelican
 - aplomado falcon
 - white-tailed ptarmigan
 - whooping crane
 - least tern
 - common ground-dove
 - buff-collared nightjar
 - elegant trogon
 - northern beardless-tyrannulet
 - (southwestern) willow flycatcher
 - thick-billed kingbird
 - (Arizona) grasshopper sparrow

- Reptiles:
 - Gila monster
 - sand dune lizard
 - gray-checked whiptail
 - gray-banded kingsnake
 - Mexican gartersnake
 - plain-bellied water snake
 - (New Mexico) ridgenosed rattlesnake

- Amphibians:
 - Jemez mountains salamander
 - lowland leopard frog
 - boreal toad
 - Great Plains narrow-mouthed toad

- Fish:
 - Gila chub
 - Headwater chub
 - Chihuahua chub
 - roundtail chub
 - Rio Grande silvery minnow
 - spikedace
 - Arkansas river shiner excluding Pecos river drainage
 - (Pecos) bluntnose shiner
 - southern redbelly dace
 - Colorado pikeminnow
 - loach minnow
 - (Zuni) bluehead sucker
 - blue sucker
 - gray redhorse
 - Pecos gambusia

- Crustaceans:
 - Socorro isopod
 - Noel's amphipod

- Mollusks:
 - paper pondshell
 - Texas hornshell
 - Koster's springsnail
 - Alamosa springsnail
 - Chupadera springsnail
 - Socorro springsnail
 - Roswell springsnail
 - Pecos assiminea
 - wrinkled marshsnail
 - Florida mountainsnail

Threatened:

- Mammals:
 - North American least shrew
 - lesser long-nosed bat
 - spotted bat
 - western yellow bat
 - white-sided jackrabbit
 - (Organ mountains) Colorado chipmunk
 - southern pocket gopher
 - American marten

- Birds:

- neotropic cormorant
- bald eagle
- common black-hawk
- peregrine falcon
- (Gould's) wild turkey
- piping plover
- whiskered screech-owl
- boreal owl
- broad-billed hummingbird
- white-eared hummingbird
- violet-crowned hummingbird
- lucifer hummingbird
- Costa's hummingbird
- Gila woodpecker
- Bell's vireo
- gray vireo
- Abert's towhee
- Baird's sparrow
- yellow-eyed junco
- varied bunting

- Reptiles:

- western river cooter
- Slevin's bunch grass lizard
- canyon spotted whiptail
- mountain skink
- green ratsnake
- narrow-headed gartersnake
- western ribbonsnake
- (mottled) rock rattlesnake

- Amphibians:

- Sacramento mountain salamander
- Sonoran desert toad

- Fish:

- Gila trout excluding McKnight creek, Grant county
- Mexican tetra
- peppered chub
- suckermouth minnow

- Pecos pupfish
- White Sands pupfish
- Gila topminnow
- greenthroat darter
- bigscale logperch excluding Canadian river drainage

- Crustaceans: NONE
- Mollusks:
 - lake fingernail clam
 - swamp fingernail clam
 - long fingernail clam
 - Lilljeborg's peaclam
 - Sangre de Cristo peaclam
 - Gila springsnail
 - Pecos springsnail
 - New Mexico springsnail
 - star gyro
 - shortneck snaggletooth
 - ovate vertigo
 - Hacheta Grande woodlandsnail
 - Cooke's peak woodlandsnail
 - Mineral creek mountainsnail
 - Doña Ana talussnail

(NMSA 17-2-37 to 17-2-46; NMAC 19.33)

REPTILES AND AMPHIBIANS

BANS killing, selling or exporting of horned toads.

BANS take of federal and state endangered and threatened species.

PERMIT (Reptile and Amphibians Commercial Collecting Permit) required for commercial taking or capturing of all native free-ranging reptiles and amphibians (protected nongame) along with anyone with annual bag limit or more than 50 individuals with limited take.

- ALSO NEED: nonresident hunting license (nonresidents)
- GRANDFATHERED: those held 7/1/01 and progeny
- EXCEPTIONS:
 - rattlesnake roundups (rattlesnakes only) – BANS purchase, sale and trade of other snakes

- fish bait
- lizard races
- emergency removal, capture or destruction of rattlesnakes to protect human life or property

TAKE METHODS: Field collection including hand-held flashlight, collection from roads, lizard noose, snake grabber, snake hook, seines, cast net, dip net

ANNUAL LIMITS: commercial and noncommercial

- Unlimited:
 - Bullfrog
 - Tiger Salamander (Aquatic)
 - Pond Slider (all except Pecos River and tributaries)

- 50 per species:
 - Couch's Spadefoot
 - Plains Spadefoot
 - Mexican Spadefoot
 - Common Side-blotched Lizard

- 30 per species:
 - Great Plains Toad
 - Green Toad
 - Red-spotted Toad
 - Texas Toad
 - Woodhouse's Toad
 - Boreal Chorus Frog
 - Greater Earless Lizard
 - Twin-spotted Lizard
 - Prairie Lizard
 - Southwestern Fence Lizard
 - Common Sagebrush Lizard
 - Plateau Lizard
 - Ornate Tree Lizard
 - Texas Banded Gecko
 - Western Banded Gecko
 - Chihuahuan Spotted Whiptail
 - Gila Spotted Whiptail
 - Eastern Spotted Whiptail
 - Little Striped Whiptail
 - Marbled Whiptail
 - New Mexico Whiptail
 - Six-lined Racerunner
 - Sonoran Spotted Whiptail
 - Common Checkered Whiptail
 - Tiger Whiptail
 - Desert Grassland Whiptail
 - Plateau Striped Whiptail

- Many-lined Skink
- Great Plains Skink
- Glossy Snake
- Ring-necked Snake
- Desert Nightsnake
- Chihuahuan Nightsnake
- Coachwhip
- Gophersnake

- 20 per species:
 - Tiger Salamander (Terrestrial)
 - Snapping Turtle
 - Pond Slider (Pecos River and tributaries)
 - Long-nosed Leopard Lizard
 - Clark's Spiny Lizard
 - Mountain Spiny Lizard
 - Desert Spiny Lizard
 - Crevice Spiny Lizard
 - Long-nosed Snake
 - Eastern Patch-nosed Snake
 - Western Patch-nosed Snake
 - Groundsnake
 - Smith's Black-headed Snake
 - Plains Black-headed Snake
 - Black-necked Gartersnake
 - Terrestrial Gartersnake
 - Checkered Gartersnake
 - Plains Gartersnake
 - Lined Snake
 - Western Diamond-backed Rattlesnake
 - Western Rattlesnake

- 15 per species:
 - Eastern Collared Lizard

- 10 per species:
 - Arizona Toad
 - Blanchard's Cricket Frog
 - Canyon Treefrog
 - Ornate Box Turtle
 - Yellow Mud Turtle
 - Spiny Softshell
 - Striped Plateau Lizard
 - Arizona Alligator Lizard
 - New Mexico Threadsnake
 - Western Threadsnake
 - Chihuahuan Hook-nosed Snake

- Mexican Hog-nosed Snake
- Western Hog-nosed Snake
- Plains Hog-nosed Snake
- Desert Kingsnake
- Striped Whipsnake
- Smooth Greensnake

- 5 per species:
 - Arizona Treefrog
 - Painted Turtle
 - Sonoran Mud Turtle
 - Smooth Softshell
 - Trans-Pecos Ratsnake
 - Eastern Racer
 - Cornsnake
 - Knobloch's Mountain Kingsnake
 - Sonoran Mountain Kingsnake
 - Western Milksnake
 - Sonoran Whipsnake
 - Common Gartersnake
 - Sonoran Lyresnake
 - Texas Lyresnake
 - Sonoran Coralsnake
 - Black-tailed Rattlesnake
 - Ornate Black-tailed Rattlesnake
 - Mojave Rattlesnake
 - Massasauga

- 2 per species:
 - Arizona Black Rattlesnake
 - Banded Rock Rattlesnake

NOTE: General cruelty to animals law specifically exclude reptiles.

(NMSA 17-2-4.2, 17-2-15, 30-18-1; NMAC 19.35.10)

BAIT DEALERS LICENSE

PERMIT (Bait Dealers License) required to take from streams and sell minnows (all nongame fish), amphibians, crayfish as bait.

- EXEMPT: those under 12 and personal use
- LIMITED TO: fathead minnow, red and golden shiners, gizzard and threadfin shad, tiger salamander larvae, mudpuppy, native crayfish (Western plains, Virile, conchas, Southern plains)

(NMSA 17-3-26 to 17-3-29, 17-3-36 et.al.; NMAC 19.30.9.9, 19.31.5.7, 19.31.9.13, 19.35.10)

CERVIDS

Captive cervid rules were amended 1/31/2014.

JAGUARS

BANS as protected species whenever they are removed from federal endangered species act.

(NMSA 17-2-4.1)

AQUATIC INVASIVE SPECIES

BANS possession, import, export, shipment, transport and release of aquatic invasive species.

- EXEMPT: government agencies
- INCLUDES: zebra and quagga mussels and other species listed

(NMSA 17-4-35; NMAC 19.30.14)

FERAL HOGS

BANS import, transport or holding for breeding, release or sale of any feral hogs or operating commercial feral hog hunting enterprise.

(NMSA 77-18-6; NMAC 21.30.9.8)

WILDLIFE TRAFFICKING ACT

BANS purchase or sale of covered animal species and parts (elephant, lion, rhino or other CITES I species).

- EXEMPT:
 - fixed component of not wholly or primarily covered animal parts or products with proof of more than 100 years old, total weight of animal part is less than 200g, and 50%+ of product not covered animal
 - component of gun or musical instrument
 - federally recognized Indian nation, tribe or pueblo
 - educational or scientific institution
 - noncommercial transfer to beneficiary of estate, trust or inheritance upon owner's death or is gift
 - when authorized by CITES or federal or state law
 - law enforcement agency

(NMSA 17-10 – Added 2020)

SKUNKS (HEALTH LAW)

PERMIT issued to import, buy, sell, trade and possess captive born skunks as pets.

- EXEMPT: zoological parks and research institutions

(NMAC 7.4.2.12)

WILD ANIMAL BITES (HEALTH LAW)

Skunks, bats, raccoons, coyotes, bobcats and other wild animals not born or reared in captivity that bite humans must be euthanized except rodents or hares.

(NMAC 7.4.2.9, 7.4.2.11)

EXOTIC ANIMAL IMPORT

PERMIT (Importation Permit) required to import animals, birds and fish except for Group I.

- EXEMPT:
 - domesticated animals or domesticated fowl
 - fish from government hatcheries
 - raptors by nonresident falconer

DIVIDED INTO:

- Approved Fish Supplier
- Commercial Business Pet Store
- Exhibition - Temporary 30 days
- Fish or Fish Eggs
- Game Birds or Eggs
- Non-game Exotic or Wildlife Held as Pets
- Protected Ungulate
- Qualified Expert (Group IV)
- Zoo/Scientific/Education

CATEGORIES:

- Group 1 (LEGAL without PERMIT – semi-domesticated)
- Group II (PERMIT – nondomestic not dangerous/invasive)
- Group III (OTHER RULES – nondomestic minimal concern)
- Group IV (BANS - dangerous/endangered/threatened/CITES Appendix I/furbearer)
 - PERMIT for scientific studies, restoration and recovery plans, zoological displays, temporary events/entertainment, service animals or qualified expert

Exempts permits to import carnivores to hold, possess or release on private property for recovery, reintroduction, conditioning or reestablishment from needing reviewed by directors. No longer requires fish hatchery renovation due to positive bacterial kidney disease. Clarifies fish whirling disease testing for different ages. (Adopted 1/15/21)

(NMSA 17-3-32; NMAC 19.30.9.9, 19.35.7, Import List 2010)