

that would result in its becoming threatened if conditions surrounding the species begin or continue to deteriorate. Factors that can lead to classification as special concern include, but are not limited to, species rarity in the State, highly specialized food and/or habitat requirements, low reproductive rate, isolated populations of the species within the State and/or other characteristics that make the species particularly susceptible to environmental or habitat changes. This category includes a species that meets the foregoing criteria and for which there is little understanding of its current population status in the State.

“Threatened” (T) means a species that may become endangered if conditions surrounding it begin to or continue to deteriorate.

“Undetermined-unknown” (U) means a species that cannot be assigned a status of endangered, threatened, special concern or secure-stable because not enough information exists on which to base such a determination.

“Wild bird” means any bird other than a native, introduced, or feral game bird as defined in N.J.S.A. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. “Wild bird” also means the egg of a wild bird.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

“Special case” and definitions with a letter code recodified from 7:25-20.1.

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2012 d.037, effective February 21, 2012.

See: 43 N.J.R. 87(a), 44 N.J.R. 451(a).

Added definitions “Breeding population”, “Non-breeding population”, “Secure stable”, “Special concern” and “Undetermined-unknown”; deleted definitions “Declining”, “Extirpated”, “Increasing”, “Introduced”, “Peripheral”, “Special case”, “Stable” and “Undetermined”; and in definition “Endangered”, substituted “a” for “A” preceding “loss”, and updated the N.J.A.C. reference.

7:25-4.2 Permit required

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or Federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation is false, and who has submitted the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under

State law, including revocation of any permit obtained based upon false information. All permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims for penalties pursuant to N.J.S.A. 23:2A-10. Revocation of all Department-issued permits for repeated violations shall occur as set forth in (c) below.

(b) No person shall liberate within this State any nongame species or exotic mammal, bird, reptile or amphibian unless such person has first received a permit from the Department which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall take effect until final agency action on the notice of violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or Superior Court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by

Federal law, with a person residing outside of New Jersey in accordance with that state's laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulations appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action affirming a violation or within two years of a conviction or guilty plea in municipal or Superior Court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger or its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director other than those animals authorized by the Director and originally possessed by the permittee and the offspring from interbreeding between those individual animals. No animal may be possessed pursuant to a hobby permit extended by discretion of the Director if possession of the animal violates any Federal, state or local law.

1. The violator may request a hearing to contest an administrative notice of violation, proposed suspension or revocation, as the case may be, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, or in any separately-mailed notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation.

Amended by R.1985 d.251, effective May 20, 1985.
See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(c) added.

Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Clarification of types of animals to which permits apply in (b).
Amended by R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.3 Exotic species and nongame species requiring a permit for possession

(a) Exotic species and nongame species requiring a permit for possession include, but are not limited to the following:

1. Birds:
 - i. Red-fronted parrot—*Amazona viridigenalis*;
 - ii. Turquoise-fronted parrot—*Amazona aestiva*;
 - iii. Yellow-cheeked parrot—*Amazona a. autumnalis*;
 - iv. Half-moon conure—*Aratinga canicularis eburnirostrum*;
 - v. Jenday parrot—*Aratinga jendays*;
 - vi. African gray parrot—*Psittacus erithacus*;
 - vii. Macaws—*Ara* spp. & *Anodorhynchus* spp. (Except endangered forms).
2. Mammals:
 - i. Ferrets—*Mustela putorius furo*;

- ii. Kinkajou—*Potos flavus*;
 - iii. Coatimundi—*Nasua* spp.;
 - iv. European hedgehog—*Erinaceus europeus*;
 - v. Llama—*Lama glama*;
 - vi. Exotic Sheep—Except *Ovis aries*;
 - vii. Exotic Goats—except *Capra hircus*.
3. Reptiles:
- i. Pythons—Family Pythonidae;
 - ii. Rat Snakes—*Elaphe* spp.;
 - iii. Bosas—Family Boidae (other than *Boa Constrictors*);
 - iv. King Snakes—*Lampropeltis* spp.;
 - v. Raceer—*Coluber* spp.;
 - vi. Ringneck Snakes—*Diadophis punctatus*;
 - vii. Green Snakes—*Opheodrys* spp.;
 - viii. Collared Lizard—*Crotaphytus collaris*;
 - ix. Monitor—*Varanus* spp.;
 - x. Skinks—Family Scincidae;
 - xi. Ameiva—*Ameiva* spp.;
 - xii. Chuckwalla—*Sauromalus obesus*;
 - xiii. Alligator Lizard—*Gerrhonitus* spp.;
 - xiv. Geckos-family—Gekkonidae other than Tokay Gecko;
 - xv. Armadillo Lizard—*Cordylus cataphractus*;

(b) The Department may issue a permit for the possession of the above exotic mammals, birds, reptiles or amphibians or nongame species provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-4.7.

Amended by R.1991 d.132, effective March 18, 1991.
 See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).
 Clarification of types of animals to which permits apply in (b).

7:25-4.4 Exempted species

(a) The following listed species of exotic or nongame mammals, birds, reptiles or amphibians may be possessed in this State without a permit.

- 1. Birds:
 - i. Budgerigar—*Melopsittacus undulatus*;
 - ii. Cockatiel—*Nymphicus hollandicus*;
 - iii. Peafowl—*Pavo cristatus*;
 - iv. Rock dove—*Columba livia*;
 - v. Canary—*Serinus canaria*;

- vi. House sparrow—*Passer domesticus*;
 - vii. European starling—*Sturnis vulgaris*;
 - viii. Zebra finch—*Poephila guttatus*;
 - ix. Society finch—*Lonchura domesticus*.
2. Mammals:
- i. Hamster—*Mesocricetus auratus*;
 - ii. Gerbil—*Meriones mongolinensis*;
 - iii. Guinea pig—*Cavia porcellus*;
 - iv. Pigmy goats—*Carpa hircus*;
 - v. Mice and Rats—*Mus* spp. and *Rattus* spp.;
 - vi. Chipmunk—*Tamias* spp. & *Eutamias* spp.;
 - vii. Red Squirrel—*Tamiasciurus hudsonicus* & *douglasii*;
 - viii. Flying Squirrel—*Glaucomypus* spp.
3. Reptiles:
- i. American anole—*Anolis carolinensis*;
 - ii. Common iguana—*Iguana iguana*;
 - iii. Boa Constrictor—*Constrictor constrictor*;
 - iv. Eastern painted turtles—*Chrysemys picta picta*;
 - v. Snapping turtles—*Chelydra serpentina*;
 - vi. Fence lizard—*Sceloporus occidentalis* & *undulatus*;
 - vii. Garter snake—*Thamnophis* spp. (except *T. sirtalis tetrataenia*);
 - viii. Tokay gecko—*Gekko gecko*;
 - ix. Ribbon snake—*Thamnophis* spp. (except *T. sirtalis tetrataenia*).
4. Amphibians:
- i. Leopard frogs—*Rana pipiens*;
 - ii. Green frogs—*Rana clamitans*;
 - iii. American toad—*Bufo woodhousei americana*;
 - iv. Fowlers toad—*B.w.fowleri*;
 - v. Bullfrogs—*Rana catesbiana*;
 - vi. Red Newts—*Notophthalmus viridescens*;
 - vii. Dusky salamanders—*Desmognathus fuscus*.

(b) Such exotic or nongame mammals, birds, reptiles or amphibians must be housed or caged in such a manner as to prevent liberation.

Amended by R.1995 d.48, effective January 17, 1995.
 See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.5 Additional species

A permit shall be required for any other exotic mammals, birds, reptiles or amphibians or nongame species not specifically exempted by N.J.A.C. 7:25-4.4.

Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Clarification of types of animals to which permits apply.

7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required

(a) The Division may issue, but shall not be limited to, the following categories of permits:

1. Individual hobby—issued to persons holding exotic mammals, birds, reptiles or amphibians or nongame species for hobby purposes or as pets.

2. Scientific holding—issued to qualified persons holding exotic mammals, birds, reptiles or amphibians or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.

3. Zoological holding—issued to private and public institutions which exhibit exotic mammals, birds, reptiles or amphibians or nongame species, including possession, importation, exportation and sale of species listed in the permit.

4. Pet shop—issued to individuals and establishments engaged in the retail sale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.

5. Animal Dealer—issued to individuals and establishments engaged in the wholesale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.

6. Animal Exhibitor—issued to exhibitors of exotic mammals, birds, reptiles or amphibians or nongame species other than zoos. Traveling exhibits, small exhibitions not qualifying as zoos, and circuses are included, including importation, exportation, and sale of species listed in the permit.

7. Animal Theatrical Agencies—issued to persons owning exotic mammals, birds, reptiles or amphibians or nongame species to be hired for advertising, acting or theatrical appearances, including importation, exportation and sale of species listed in the permit.

8. Scientific Collecting—issued to persons to collect nongame species or escaped exotic mammals, birds, reptiles or amphibians for scientific studies or other approved purposes, when such activity is shown to have a beneficial effect on the conservation of the species, the public welfare or the environment.

9. Special Purpose Salvage—issued to persons or institutions to salvage dead migratory birds or parts thereof for scientific or educational purposes.

10. Special Wildlife Salvage—issued to persons or institutions to salvage dead nongame species or parts thereof, other than migratory birds, for scientific or educational purposes.

11. Endangered Species—issued to persons or institutions for the possession of endangered species for conservation or research purposes.

12. Depredation Control—issued to persons or establishments to control nongame species which are creating a hazard to public safety, crops, livestock or similar concerns.

13. Rehabilitation—issued to persons to rescue, rehabilitate and release nongame and endangered birds.

14. Bird Breeder—issued to persons meeting the regulatory criteria for possessing wild-caught bird species to acquire birds for use as new breeding stock to increase genetic variety (see N.J.A.C. 7:25-4.19). This permit does not authorize the resale of wild-caught birds acquired under this permit except with the permission of the Department to another holder of a bird breeder permit. Those engaged in the retailing or wholesaling of birds must also have a pet shop or animal dealer permit.

(b) All possession permits shall expire on December 31 of the year of issue, unless otherwise indicated.

(c) The possession permits shall require an annual application and inspection fee as listed:

Categories of Permits	Annual Application and Inspection Fee
Individual Hobby	\$ 10.00
Individual Hobby/Birds	\$ 20.00
Scientific Holding	\$ 35.00
Zoological Holding	
—less than 10 animals	\$ 60.00
Zoological Holding	
—more than 10 animals	\$110.00
Pet Shop	\$100.00
Animal Dealer	\$100.00
Animal Exhibitor	
Single Exhibit	\$ 35.00
Annual	\$110.00
Animal Theatrical Agency	\$110.00
Scientific Collecting	\$ 22.00
Special Purpose Salvage	\$ 7.00
Special Wildlife Salvage	\$ 7.00
Endangered Species	\$ 7.00
Depredation Control	\$ 22.00
Rehabilitation	\$ 7.00
Bird Breeder	\$150.00

(d) Pet shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. The sale of exotic mammals, birds, reptiles or amphibians, or nongame species to any individual must be accompanied by an "Exotic or Nongame Sales Receipt" the form of which shall be prescribed by the Department, and an application packet. This "Exotic or Nongame Sales Receipt" will be a temporary possession permit valid for a period of 20 days after the date of sale.