

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

321 CMR 9.00: EXOTIC WILDLIFE

Section

9.01: Exemption List

9.02: List of Domestic Animals

9.01: Exemption List

Pursuant to the authority granted in M.G.L. c. 131, § 23, herewith is established a list of species which are exempt from the licensing provisions of M.G.L. c. 131, § 23. This list includes wild (*i.e.*, non-domesticated) vertebrate animals which may be imported, sold or possessed without a permit. Note, however, that listing below does not affect other licensing requirements which may be applicable under Federal, State or local laws, including special endangered species and export restrictions of other states.

(1) Purpose. The purpose of 321 CMR 9.01 is to list those species which are exempt from the licensing provisions of M.G.L. c. 131, § 23, and which may be imported, possessed, maintained, propagated, bought, sold, exchanged or offered for sale without a license or permit from the Division. Species not listed, or which are expressly listed as "require(s) a permit", are not exempt from the provisions of M.G.L. c. 131, § 23. Notwithstanding a species being exempt from these licensing provisions, such species shall be kept in a manner appropriate for their health and safety, including being secured from escape.

(2) Definitions. For the purposes of 321 CMR 9.01 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Aquarium means an enclosed indoor facility or an outdoor holding facility that lacks an inlet or outlet, or such other holding facility as approved by the Director.

Aquarium Trade Fish means those freshwater fish which cannot survive year-round in a wild environment above 30° north latitude (approximately from Jacksonville, FL west to Ensenada, CA) or below 30° south latitude (approximately from Puerto-Alegre, Brazil west to La Serena, Chile). Notwithstanding the foregoing, aquarium trade fish shall also include the goldfish (*Carassius auratus*), koi or Japanese carp (*Cyprinus carpio*), and guppies (*Poecilia spp.*), but shall not include tilapia (*Tilapia spp.*) which require a permit.

Director means the Director of the Division of Fisheries and Wildlife or his or her authorized agent.

Division means the Massachusetts Division of Fisheries and Wildlife, with principal offices at 251 Causeway Street, Suite 400, Boston, MA 02114.

Domestic or Domesticated means those species listed as domestic pursuant to 321 CMR 9.02(3).

Exempt or Kept without a Permit means that the animal may be imported, possessed, maintained, propagated, bought, sold, exchanged, or offered for sale or exchange without a license or permit.

License or Permit means a license or permit issued pursuant to the authority of M.G.L. c. 131, § 23.

Non-exempt or Require(s) a Permit means that the animal may not be imported, possessed, maintained, propagated, bought, sold, exchanged, or offered for sale or exchange except by a person holding a current and valid license or permit.

Person means any individual, partnership, profit or non-profit corporation, firm, business, or other commercial or non-commercial entity, club, organization, or association.

Species means an individual or individuals of any distinct non-domestic vertebrate animal population whose members interbreed when mature or are self-perpetuating through the production of viable offspring and can include any subspecies or variety of vertebrate animal.

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- (3) Categorical Non-exemptions: No species in any of the following categories may be exempted:
- (a) Threatened or endangered species listed pursuant to the U.S. Endangered Species Act of 1973;
 - (b) Species listed in the Red Book(s) of the International Union for the Conservation of Nature;
 - (c) Species appearing on the Massachusetts list of endangered, threatened, and special concern species at 321 CMR 10.90: *List of Endangered, Threatened, and Special Concern Species*.
- (4) Exemption Criteria: Animals exempted below are believed to meet the following criteria:
- (a) Accidental release of the fish, amphibian, reptile, bird, or mammal will not result in an adverse effect on the ecology of the state;
 - (b) The animal in captivity, or escaped therefrom, poses no substantial danger to humans, either by injury or disease;
 - (c) Proper care of the animal is no more demanding in any major respect than proper care of domestic animals;
 - (d) Trade in the fish, bird, mammal, reptile or amphibian has no significant adverse effect on the wild population of such animal in any of its native habitats.
- (5) Sources of Acquisition. Except as provided in 321 CMR 3.05: *Hunting, Fishing, Trapping and Taking of Reptiles and Amphibians in All the Counties of the Commonwealth*, exempt animals may be obtained from the following sources only:
- (a) lawfully propagated within Massachusetts, or
 - (b) lawfully taken or lawfully propagated without Massachusetts, provided that the export, sale, or exchange of such animals is lawful in the state or country in which animals are taken or propagated.
- (6) Liberation. No person shall liberate or cause to be liberated any exempt animal, except in accordance with a liberation permit issued pursuant to 321 CMR 2.15: *Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals*.
- (7) Quarantine. Notwithstanding the provisions of 321 CMR 9.01(1), the Director may examine, quarantine and destroy exempt animals and may restrict or prohibit the importation thereof in accordance with the provisions of M.G.L. c. 131, §§ 19, 19A, 25A, and 25B, and the penalty for violation of such quarantine shall be as provided in M.G.L. c. 131, § 25C.
- (8) List of Fish. All aquarium trade fish may be kept without a permit except species categorically non-exempt pursuant to 321 CMR 9.01(3), and except that the following species are prohibited without a permit:
- (a) Grass Carp or White Amur (*Ctenopharyngodon idella*)
 - (b) Piranha (*Pygocentrus* spp. and *Serrasalmus* spp.)
 - (c) Rudd (*Scardinius erythrophthalmus*)
 - (d) Walking Catfish (*Clarias* spp. and all members of the family Clariidae).
- Notwithstanding 321 CMR 9.01(8)(a) through (d), the fathead minnow (*Pimephales promelas*) may be kept without a permit as a pet or for sale as a pet, but require a permit when sold as bait fish pursuant to 321 CMR 4.09: *Artificial Propagation and Maintenance of Fish*.
- (9) List of Amphibians. All amphibians may be kept without a permit except species categorically non-exempt pursuant to 321 CMR 9.01(3).
- (10) List of Reptiles.
- (a) Turtles. All species of turtles may be kept without a permit, up to a limit of 100 turtles and/or eggs, in any combination, of each species, except for the following species for which a permit is always required:
 1. Species categorically non-exempt pursuant to 321 CMR 9.01(3).
 2. Argentina or Chaco Tortoise (*Geochelone chilensis*).
 3. Gopher Tortoises (*Gopherus polyphemus*) and all other species in the genus *Gopherus*.
 4. Pancake Tortoise (*Malacochersus tornieri*).

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5. Spotted Turtle (*Clemmys guttata*).
 6. Red-eared Slider (*Trachemys scripta*, including all subspecies and forms).
- (b) Snakes. All venomous snakes require a permit. The following snakes may be kept without a permit:
1. All species of boas and pythons (family Boidae), except those species categorically non-exempt pursuant to 321 CMR 9.01(3), and except the African Rock Python (*Python sebae*), Reticulated Python (*Python reticulatus*) and all species of Anaconda (*Eunectes* spp.), which require a permit.
 2. Shield-tailed Snakes, Sunbeam Snakes, and others in the families Uropeltidae and Xenopeltidae.
 3. Worm Snakes, Thread Snakes, and others in the families Typhlopidae, Leptotyphlopidae, and Anomalepididae.
 4. Snakes of the family Colubridae, as follows:
 - Asian Ratsnakes (*Elaphe* spp. and *Ptyas* spp. and *Zaocys* spp.)
 - Trans-Pecos Ratsnake (*Bogetophis* spp.)
 - Brown and Redbelly Snakes (*Storeria* spp.)
 - Diadem Snakes (*Spalerosophis* spp.)
 - Garter and Ribbon Snakes (*Thamnophis* spp.)
 - Glossy Snakes (*Arizona* spp.)
 - Gopher and Pine Snakes (*Pituophis* spp.)
 - Green Snakes (*Opheodrys* spp.)
 - Ground Snakes (*Sonora* spp.)
 - House Snakes (*Boaedon* [*Lamprophis*] spp.)
 - Kingsnakes and Milk Snakes (*Lampropeltis* spp.)
 - North American Ratsnakes (*Pantherophis* spp.) except the Black Ratsnake (*Pantherophis alleghaniensis* other than *albinistic* and *leucistic* individuals) which requires a permit.
 - Mole Snake (*Pseudaspis cana*)
 - Puffing Snakes (*Pseustes* spp.)
 - Texas Indigo Snake (*Drymarchon corais erebennus*)
 - Tropical Rat Snakes (*Spilotes* spp.)
 - Water Snakes (*Nerodia* [*Natrix*] spp.)
 - Western Hognose Snake (*Heterodon nasicus*)
- (c) Lizards: The Gila Monster and Beaded Lizard (*Heloderatidae*) require a permit. The following lizards may be kept without a permit:
1. All Skinks (*Scincidae*) except for the following which require a permit: Species categorically non-exempt pursuant to 321 CMR 9.01(3).
 - Florida Sand Skinks (*Neoseps* spp.)
 - Solomon Island Ground Skink (*Tribolonotus* spp.)
 2. The following Girdle-tailed Lizards (*Cordyloidea*) may be kept without a permit:
 - False Club-tailed Lizards (*Pseudocordylus* spp.)
 - Girdle-tailed Lizards (*Cordylus* spp.)
 - Plated Lizards (*Gerrhosaurus* spp. and *Zonosaurus* spp.)
 - Rock Lizards (*Platysaurus* spp.)
 3. All Teiids (*Teiidae*), including Jungle Runners (*Ameiva* spp.) and Tegus (*Tupinambis* spp.), may be kept without a permit except for the following which require a permit: Species categorically non-exempt pursuant to 321 CMR 9.01(3).
 - Desert Tegu (*Dicrodon* spp.)
 4. The following Lacertid Lizards (*Lacertidae*) may be kept without a permit:
 - Fringe-fingered Lizards (*Acanthodactylus* spp.)
 - Wall Lizards (*Eremias* spp. and *Gallotia* spp.)
 - Sand Lizards (*Lacerta* spp. and *Psammmodromus* spp.)
 - Asian Grass Lizards (*Takydromus* spp.)
 5. The following Lateral-fold Lizards (*Anguinae*) may be kept without a permit:
 - Alligator Lizards (*Gerrhonotus* spp.)
 - Glass Lizards (*Ophisaurus* spp.)
 - Slowworm (*Anguis* spp.)
 - European legless lizard (*Pseudopus apodus*)

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6. All Geckos (*Gekkonidae*) may be kept without a permit except for those species categorically non-exempt pursuant to 321 CMR 9.01(3) and the Big Bend Gecko (*Coleonyx reticulatus*) which require a permit.
7. The following Iguanid Lizards (*Iguanidae*) may be kept without a permit:
 - Basilisks (*Basiliscus* spp.)
 - Collared and Leopard Lizards (*Crotaphytus* spp.)
 - Common or Green Iguanas (*Iguana i. iguana*)
 - False or Spring-tailed Iguanas (*Ctenosaurus* spp.)
 - Tree Iguanas (*Liolaemus* spp.)
 - New World Chameleons (*Anolis* spp. and *Ctenotus* spp.)
 - Spiny Lizards (*Sceloporus* spp.)
 - Tree and Bush Lizards (*Urosaurus* spp.)
 - Diving Lizards (*Uranoscodon* spp.)
 - Zebra-tailed Lizards (*Callisaurus* spp.)
8. The following Agamid Lizards (*Agamidae*) may be kept without a permit:
 - Dragon Lizards (*Amphibolorus* spp.)
 - Forest, Garden and Bloodsucker Lizards (*Calotes* spp.)
 - Sailfin Lizards (*Hydrosaurus* spp.)
 - Bearded Dragons (*Pogona* spp.)
 - Water Dragon (*Physignathus* spp.)
 - Frilled Lizards (*Chlamydosaurus* spp.)
 - Uromastyx Lizards (*Uromastyx* spp.)
9. All Night Lizards (*Xanusiidae*, *Xantusia* spp.) may be kept without a permit, except for the Utah Night Lizard (*Xantusia virgilis utahensis*) which requires a permit.
10. All true Chameleons (*Chamaelenoidea*) may be kept without a permit, except species categorically non-exempt pursuant to 321 CMR 9.01(3).
11. The following Monitor Lizards (*Varanidae*) may be kept without a permit: Spiny-tailed or Ridge-tailed Monitor (*Varanus acanthurus*).

(11) List of Birds.

- (a) The following groups of birds are prohibited without a permit:
 1. Species categorically non-exempt pursuant to 321 CMR 9.01(3).
 2. Migratory birds listed in the Code of Federal Regulations, 50 CFR 10.13.
 3. Any other bird native to the United States and Canada.
- (b) Except for species listed in 321 CMR 9.01(11)(a), the birds or groups of birds may be kept without a permit:
 1. Blue or Button Quail (*Coturnix chinensis*)
 2. *Columbidae* (pigeons and doves)
 3. *Estrildidae* (Waxbills and allies)
 4. *Fringillidae* (Finches and allies)
 5. *Ploceidae* (Weaver Finches except the Red-billed, Black-fronted, and Sudan Diochs (*Quelea quelea*) which require a permit.
 6. *Psittacidae* (parrots and their allies)
 7. *Ramphastidae* (Toucans, Aracaris, and Toucanets)
 8. *Sturnidae* (Starlings and Mynahs, except the Rose-colored Starling (Pink Starling or Rosy Pastor) (*Sturnus roseus*)) which requires a permit.
 9. Emu (*Dromaius novaehollandia*)
 10. Rhea (*Rhea* spp.)
 11. Ostrich (*Struthio camelus*)

(12) List of Mammals.

- (a) The following mammals may be kept without a permit:
 1. Four-toed (African pygmy) hedgehog (*Erinaceus albiventris*) (= *Atelerix pruneri*)
 2. Chinchilla (*Chinchilla* spp.) derived from captive stock.
 3. Deer Mouse and White-footed Mouse (*Peromyscus maniculatus* and *P. leucopus*)
 4. Degu (*Octodon degus*)
 5. Egyptian Spiny Mouse (*Acomys cahirinus*)
 6. House Mouse (*Mus musculus*)
 7. Jerboas (*Dipus* spp.)
 8. Norway Rat (*Rattus norvegicus*)

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9. Paca (*Cuniculus* spp.)
10. Southern Flying Squirrel (*Glaucomys volans*)
11. Striped hamster (*Cricetulus barabensis*), also known as the Chinese or Siberian dwarf hamster. NOTE: the golden hamster (*Mesocricetus auratus*) may be kept without a permit pursuant to 321 CMR 9.02.
12. Sugar Glider (*Petaurus breviceps*)
13. American Bison (*Bison bison*)

9.02: List of Domestic Animals

(1) Definitions. For the purposes of 321 CMR 9.02, the following words or phrases shall have the following meanings.

Director means the Director of the Massachusetts Division of Fisheries and Wildlife or his or her agent.

Domestic animals means only those animals listed in 321 CMR 9.02(3), except as provided in 321 CMR 9.02(2)(d).

(2) Exemptions, presumption, etc.

(a) Domestic animals as listed in 321 CMR 9.02(3) shall be exempt from the provisions of M.G.L. c. 131, § 23, and may be possessed, propagated, maintained, imported, bought, sold, or otherwise disposed of, provided that such is not contrary to any local, state, or federal law.

(b) Ferrets (*Mustela furo* or *Mustela putorius furo*) may be possessed, bought, and sold only in accordance with provisions of M.G.L. c. 131, § 77 and 321 CMR 2.07.

(c) Any vertebrate taxa not listed in 321 CMR 9.02 shall be presumed to be wild and shall be subject to the provisions of M.G.L. c. 131.

(d) This list of domestic animals shall be in addition to the list of exempt wild animals established pursuant to 321 CMR 9.01.

(e) Hybrids between or among wild mammals and domestic mammals, except for wild canid and wild felid hybrids, shall be considered domestic animals. Wild canid and wild felid hybrids shall be subject to the provisions of M.L. c. 131, § 77A.

(3) List of Domestic Animals:

Birds:

Domestic geese derived from the greylag goose (*Anser anser*), including, but not restricted to, Emden goose, Gray African goose, Pilgrim goose, Sebastopol goose, and Toulouse goose. Domestic geese derived from the swan goose (*Anser cygnoides*), including, but not restricted to, the African goose and the Chinese goose.

Domestic geese derived from the Egyptian goose (*Alopochen aegyptiaca*).

Domestic ducks derived from the Mallard (*Anas platyrhinos*), including, but not restricted to, Aylesbury duck, Blue Swedish duck, Buff duck, Cayuga duck, Crested White duck, English call duck, Indian runner duck, Pekin duck, and Roen duck.

Mallards (*Anas platyrhinos*) reared in captivity and properly marked in accordance with the provisions of the Code of Federal Regulations, 50 CFR 21.13.

Domestic muscovy derived from the Muscovy duck (*Cairina moschata*).

Common coturnix (*Coturnix coturnix* or *C. japonica*)

Domestic chicken (*Gallus "domesticus"*) derived from the red junglefowl (*Gallus gallus*).

Peafowl (blue peafowl) (*Pavo cristatus*).

Domestic guineafowl derived from the helmet guineafowl (*Numida meleagris*)

Domestic turkey derived from the wild turkey (*Meleagris gallopavo*) and including breeds and varieties recognized by the American Poultry Association and the U.S. Department of Agriculture, but not including the wild turkey *ferae naturae* and captive or captive-bred individuals thereof and not including the pen-raised or game-farm non-standard variety "Wild Turkey".

Common pigeon (rock dove) derived from the blue rock pigeon (*Columba livia*)

Mammals:

Domestic dog (*Canis familiaris*).

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Mink (*Mustela vison*) propagated in captivity for two or more generations pursuant to provisions of M.G.L. c. 128, § 8B.
 Domestic cat (*Felis catus*).
 Domestic ass (*Equus asinus*).
 Domestic horse (*Equus caballus*).
 Domestic swine (*Sus domesticus*), including breeds and varieties derived from the wild hog (*Sus scrofa*) but not including captive European wild hog, or free-living or feral wild hogs or wild swine.
 Llama (*Lama glama*).
 Alpaca (*Lama pacos*).
 Dromedary (*Camelus dromedarius*).
 Domestic water buffalo (carabao) (*Bubalis bubalis*).
 Domestic cow (*Bos taurus*).
 Domestic yak (*Bos grunniens*).
 Zebu (*Bos indicus*).
 Domestic goat (*Capra hircus*), including breeds and varieties derived from the wild goat or bezoar (*Capra aegagrus*).
 Domestic sheep (*Ovis aries*).
 Domestic hamster derived from the golden hamster (*Mesocricetus auratus*).
 Mongolian gerbil (*Meriones unguiculatus*).
 Laboratory rat, including breeds, varieties, and strains derived from the Norway rat (*Rattus norvegicus*).
 Laboratory mouse, including breeds, varieties, and strains derived from the house mouse (*Mus musculus*).
 Guinea pig (*Cavia porcellus*).
 Domestic rabbit, including breeds, varieties, and strains derived from the European rabbit (*Oryctolagus cuniculus*) but not including the European rabbit *ferae naturae* and not including the so-called "San Juan" rabbit.

(4) Quarantine. Notwithstanding the provisions of 321 CMR 9.02(2), the Director may examine, quarantine, and destroy domestic animals and may restrict or prohibit the importation thereof in accordance with provisions of M.G.L. c. 131, §§ 19 and 25A-25B.

(5) Penalties. The penalties for violation of a quarantine as provided in 321 CMR 9.02(4) shall be as provided in M.G.L. c. 131, § 25C.

(6) Liberation. No person shall liberate or cause to be liberated any domestic animal, except for the liberation and recapture of homing or racing pigeons.

(7) Reimbursement of Damages. For the purposes of reimbursement of damages pursuant to M.G.L. c. 140, § 161A, wild birds and mammals held by a person in compliance with M.G.L. c. 131, § 23 and 321 CMR 2.12 shall be considered domestic live stock or fowl.

(8) Other Laws. 321 CMR 9.02 is in addition to other applicable statutes including, but not limited to, M.G.L. c. 59, § 8A; M.G.L. c. 64H, § 6(p); M.G.L. c. 128, § 1A; M.G.L. c. 129; M.G.L. c. 131; and M.G.L. c. 140, and shall be construed consistently therewith.

REGULATORY AUTHORITY

321 CMR 9.00: M.G.L. c. 131, § 23; c. 140, § 161A.