
TITLE 3 AGRICULTURE
DELAWARE ADMINISTRATIVE CODE

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DEPARTMENT OF AGRICULTURE
POULTRY AND ANIMAL HEALTH
900 Poultry and Animal Health

906 Possession, Sale or Exhibition of Non-Native and Invasive Animal Species

1.0 Scope and Authority

These regulations govern the possession, sale and exhibition of exotic animal species determined to be invasive in the State of Delaware. These regulations are promulgated pursuant to the authority granted by 3 **Del.C.** Ch. 72. The State Veterinarian or a designee of the State Veterinarian or the Department shall have the authority to administer these Rules and Regulations and shall be solely responsible for making the determinations required hereunder. If future situations warrant, these regulations may be amended.

26 DE Reg. 1051 (06/01/23)

2.0 Definitions

The following terms when used in these Rules and Regulations shall have the following meanings:

"Department" means The Delaware Department of Agriculture.

"Exotic" means a live wild mammal, hybrid of a wild mammal, and a live reptile not native to or generally found in Delaware as defined in 3 **DE Admin. Code** 903, Section 3.0 and 7 **DE Admin. Code** 3900, Section 23.0. An exotic animal is ecologically foreign to Delaware, but allowed for possession, sale, and exhibition if a permit has been issued by the Department.

"Invasive animal species" or **"invasive animal"** means those species that are not native to or generally found in Delaware that as determined by the State Veterinarian become overpopulated and cause harm to the environment, adversely affecting habitats, bioregions, or causing ecological, environmental, or economic damage.

26 DE Reg. 1051 (06/01/23)

3.0 Invasive Animal Species

- 3.1 The Department and State Veterinarian oversee exotic animal species in the State of Delaware and have the authority to determine whether an exotic animal species is invasive. This will occur through the promulgation of regulations by the department. If an animal species is determined to be invasive, the sale, trade, breeding, import, barter, gifting, release into the wild, and auction of the animal species is prohibited.
- 3.2 The State Veterinarian may determine that an animal species is invasive based on the potential of the animal species to become feral, and if that animal species is not native to or generally found in the State of Delaware and is at-large.
- 3.3 The Department will not issue a permit to possess, breed, sell, or exhibit an animal species that is determined to be invasive.
- 3.4 The State Veterinarian or the Department will issue a public notice indicating that an animal species is determined to be invasive. An owner or caretaker that possesses, breeds, sells, or exhibits an animal species, determined to be invasive, prior to the date of the public notice is required to:
 - 3.4.1 Tag the animal with a visible form of identification and register the device with the Department.
 - 3.4.2 Cease breeding or other activity that increases the count of the animal species that is determined to be invasive.
 - 3.4.3 Provide adequate housing and secure fencing such that the invasive animal species cannot escape.
 - 3.4.4 Report within 12 hours to the Department in-person or by telephone if the animal is at-large.
 - 3.4.5 House male and female animals, capable of reproducing, separately to ensure that breeding does not occur.
 - 3.4.6 Obtain an Invasive Animal Permit from the Department.
 - 3.4.7 Allow the Department, State Veterinarian, or duly authorized agent access to the premises where the animal species is being held to assess compliance with these Rules and Regulations, and to examine the welfare of the animal species in the event of or threat of a contagious or infectious disease.

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4.0 Species Declared as Invasive Animal Species

- 4.1 Potbellied pigs
 - 4.2 Feral swine of any kind
- 26 DE Reg. 1051 (06/01/23)**

5.0 Requirements for Permits

- 5.1 An owner or caretaker of an exotic animal species must obtain an Exotic Animal Permit from the Delaware Department of Agriculture for any animal species not determined to be invasive pursuant to this regulation and not determined to be exempt pursuant to 3 **DE Admin. Code** 903. The State Veterinarian will not issue an Exotic Animal Permit for an animal species that is determined to be invasive.
- 5.2 If an owner or caretaker of an animal species that has been determined to be invasive has already obtained an Exotic Animal Permit for that animal, the owner or caretaker must obtain an Invasive Animal Permit. The Exotic Animal Permit will become void.
- 5.3 The State Veterinarian may inspect the premises where an invasive animal species is being held. This includes premises for which an owner or caretaker has obtained an Exotic Animal Permit for an animal, prior to that animal species being determined to be invasive.

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6.0 Cancellation of a Permit

- 6.1 The State Veterinarian may cancel a permit issued under 3 **DE Admin. Code** 903 if the applicant or permit holder is not in compliance with this regulation or 3 **Del.C.** Ch. 72.
- 6.2 If the State Veterinarian proposes to cancel a permit already issued, the Department will notify the permit holder of the intended action.

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7.0 Notification of Transfer or Escape

- 7.1 Prior to any change of possession or relocation for any reason whatsoever; the transferor or person relocating an invasive animal species shall notify the Department in writing on forms provided by the Department of such transfer or relocation. No transfer of possession or relocation of an invasive animal species may occur unless and until the transferee or the person accepting the relocated invasive animal applies for and is granted a new permit by the Department as provided in this regulation or receives approval from the State Veterinarian to relocate such invasive animal across state lines.
- 7.2 Within 12 hours of the escape of any invasive animal species from the custody of its custodian, the custodian shall notify the Department, by phone or in-person, of the escape, and provide reasonable assistance and cooperation to the Department to recapture the invasive animal species.

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8.0 Violations

- 8.1 If a permitted invasive animal species is found at-large without visible identification, and the Department is not able to contact the owner or caretaker, the Department or other State or federal agents may euthanize the animal immediately on-site.
- 8.2 If the Department has reason to believe that an invasive animal species is being kept by a person without an Invasive Animal Permit, the Department shall notify the person of such violation. The lack of money or resources needed to come into compliance with this regulation and 3 **Del.C.** Ch. 72 shall not be good cause for an extension of this regulation.
- 8.3 If an owner or caretaker fails to comply with this regulation, the State Veterinarian may order the seizure and euthanization of the permitted invasive animal species kept in violation of this regulation without further notice to the owner or caretaker.
- 8.4 If an individual or retail establishment is found selling or otherwise making available to members of the public an animal species determined to be invasive, the establishment will be found in violation of this regulation. The

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State Veterinarian may order the seizure and euthanization of any invasive animal species found on the premises of the establishment.

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9.0 Emergency Action

Nothing in this regulation shall be construed to prohibit the Department from confiscating and destroying any invasive animal species without notice or a hearing when in the opinion of the State Veterinarian such emergency action is required to protect the public health, safety or welfare.

26 DE Reg. 1051 (06/01/23)