

**FISH AND GAME CODE - FGC**

**DIVISION 3. FISH AND GAME GENERALLY [2000 - 2948]**

*( Division 3 enacted by Stats. 1957, Ch. 456. )*

**CHAPTER 2. Importation, Transportation, and Sheltering of Restricted Live Wild Animals [2116 - 2203]**

*( Heading of Chapter 2 amended by Stats. 1987, Ch. 1231, Sec. 1. )*

**ARTICLE 1. Generally [2116 - 2127]**

*( Article 1 enacted by Stats. 1957, Ch. 456. )*

**2116.**

As used in this chapter, "wild animal" means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) which is not normally domesticated in this state as determined by the commission.

*(Amended by Stats. 1974, Ch. 1503.)*

**2116.5.**

The Legislature finds and declares that wild animals are being captured for importation and resale in California; that some populations of wild animals are being depleted; that many animals die in captivity or transit; that some keepers of wild animals lack sufficient knowledge or facilities for the proper care of wild animals; that some wild animals are a threat to the native wildlife or agricultural interests of this state; and that some wild animals are a threat to public health and safety. It is the intention of the Legislature that the importation, transportation, and possession of wild animals shall be regulated to protect the health and welfare of wild animals captured, imported, transported, or possessed, to reduce the depletion of wildlife populations, to protect the native wildlife and agricultural interests of this state against damage from the existence at large of certain wild animals, and to protect the public health and safety in this state.

*(Added by Stats. 1974, Ch. 1503.)*

**2117.**

As used in this chapter, "enforcing officers" means the department, the state plant quarantine officers, the local law enforcement agents, the county sheriffs, and the county agricultural commissioners. These enforcing officers are

authorized and empowered to enforce the provisions of this chapter or any regulation implementing this chapter.

*(Amended by Stats. 2005, Ch. 698, Sec. 2. Effective January 1, 2006.)*

**2118.**

It is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species:

(a)	Class Aves: (birds)
	Family Cuculidae (cuckoos)
	All Species.
	Family Alaudidae (larks)
	Skylark, <i>Alauda arvensis</i>
	Family Corvidae (crows, jays, magpies)
	All species.
	Family Turdidae (thrushes)
	European blackbird, <i>Turdus merula</i>
	Missel (or mistle), thrush, <i>Turdus viscivorus</i>
	Family Sturnidae (starlings and mynas or mynahs)
	All species of the family, except hill myna (or
	hill mynah),
	<i>Gracula religiosa</i> (sometimes referred to as
	<i>Eulabes religiosa</i> )
	Family Ploceidae (weavers)
	The following species:
	Spanish sparrow, <i>Passer hispaniolensis</i>
	Italian sparrow, <i>Passer italiae</i>
	European tree sparrow, <i>Passer montanus</i>
	Cape sparrow, <i>Passer capensis</i>
	Madagascar weaver, <i>Foudia madagascariensis</i>

	Baya weaver, <i>Ploceus baya</i>
	Hawaiian rice bird, <i>Munia nitoria</i>
	Red-billed quelea, <i>Quelea quelea</i>
	Red-headed quelea, <i>Quelea erythrogastra</i>
	Family Fringillidae (sparrows, finches, buntings)
	Yellowhammer, <i>Emberiza citrinella</i>
(b)	Class Mammalia (mammals)
	Order Primates
	All species except those in family Hominidae
	Order Edentata (sloths, anteaters, armadillos, etc.)
	All species.
	Order Marsupialia (marsupials or pouched mammals)
	All species.
	Order Insectivora (shrews, moles, hedgehogs, etc.)
	All species.
	Order Dermoptera (gliding lemurs)
	All species.
	Order Chiroptera (bats)
	All species.
	Order Monotremata (spiny anteaters, platypuses)
	All species.
	Order Pholidota (pangolins, scaly anteaters)
	All species.
	Order Lagomorpha (pikas, rabbits, hares)
	All species, except domesticated races of rabbits.
	Order Rodentia (rodents)
	All species, except domesticated golden hamsters, also known as Syrian hamster,

	Mesocricetus auratus; domesticated races of
	rats or mice (white or albino; trained,
	dancing or spinning, laboratory-reared);
	and domestic strains of guinea pig (Cavia
	porcellus).
	Order Carnivora (carnivores)
	All species, except domestic dogs (Canis
	familiaris) and domestic cats (Felis catus).
	Order Tubulidentata (aardvarks)
	All species.
	Order Proboscidea (elephants)
	All species.
	Order Hyracoidea (hyraxes)
	All species.
	Order Sirenia (dugongs, manatees)
	All species.
	Order Perissodactyla (horses, zebras, tapirs,
	rhinoceroses, etc.)
	All species except those of the family Equidae.
	Order Artiodactyla (swine, peccaries, camels,
	deer, elk, except elk (genus Cervus) which are
	subject to Section 2118.2, moose, antelopes,
	cattle, goats, sheep, etc.)
	All species except: domestic swine of the family
	Suidae; American bison, and domestic cattle,
	sheep and goats of the family Bovidae; races
	of big-horned sheep (Ovis canadensis) now
	or formerly indigenous to this state.

Mammals of the orders Primates, Edentata, Dermoptera, Monotremata, Pholidota, Tubulidentata, Proboscidea, Perissodactyla, Hyracoidea, Sirenia and Carnivora are restricted for the welfare of the animals, except animals of the families Viverridae and Mustelidae in the order Carnivora are restricted because such animals are undesirable and a menace to native wildlife, the agricultural interests of the state, or to the public health or safety.

(c)	Class amphibia (frogs, toads, salamanders)
	Family Bufonidae (toads)
	Giant toad or marine toad, <i>Bufo marinus</i>
(d)	Class Monorhina (lampreys)
	All species.
(e)	Class Osteichthyes (bony fishes)
	Family Serranidae (bass)
	White perch, <i>Morone</i> or <i>Roccus americana</i>
	Family Clupeidae (herring)
	Gizzard shad, <i>Dorosoma cepedianum</i>
	Family Sciaenidae (croakers)
	Freshwater sheepshead, <i>Aplodinotus grunniens</i>
	Family Characidae (characins)
	Banded tetra, <i>Astyanax fasciatus</i>
	All species of piranhas
	Family Lepisosteidae (gars)
	All species.
	Family Amiidae (bowfins)
	All species.
(f)	Class Reptilia (snakes, lizards, turtles, alligators)
	Family Crocodylidae
	All species.
(g)	Class Crustacea (crustaceans)

	Genus Cambarus (crayfishes)
	All species.
	Genus Astacus (crayfishes)
	All species.
	Genus Astacopsis (crayfishes)
	All species.
(h)	Class Gastropoda (slugs, snails, clams)
	All species of slugs.
	All species of land snails.
<p>(i) Other classes, orders, families, genera, and species of wild animals which may be designated by the commission in cooperation with the Department of Food and Agriculture, (1) when the class, order, family, genus, or species is proven to be undesirable and a menace to native wildlife or the agricultural interests of the state, or (2) to provide for the welfare of wild animals.</p> <p>(j) Except as expressly authorized in this code, any live nonindigenous Atlantic salmon or the roe thereof into the Smith River watershed.</p> <p>(k) Classes, families, genera, and species in addition to those listed in this section may be added to or deleted from the above lists from time to time by commission regulations in cooperation with the Department of Food and Agriculture.</p>	

*(Amended by Stats. 2003, Ch. 62, Sec. 97. Effective January 1, 2004.)*

### 2118.2.

Except as provided in Section 1007, it is unlawful to import any elk (genus Cervus) into this state. The department may import elk pursuant to Section 1007, if prior to such importation, the department issues written findings justifying the need for and explaining the purpose of the importation. This section shall not apply to zoos certified by the United States Department of Agriculture.

*(Added by Stats. 1979, Ch. 1074.)*

### 2118.3.

No part of any elk horn or antler shall be removed from any live elk for commercial purposes.

*(Added by Stats. 1979, Ch. 1074.)*

#### **2118.4.**

The department shall seize any elk imported in violation of Section 2118.2.

*(Added by Stats. 1979, Ch. 1074.)*

#### **2118.5.**

The commission may designate wild animals which may be possessed without a permit.

*(Added by Stats. 1970, Ch. 1510.)*

#### **2119.**

The department shall publish from time to time as changes arise, a list of animals that may not be imported or transported into this state.

*(Amended by Stats. 2015, Ch. 154, Sec. 51. Effective January 1, 2016.)*

#### **2120.**

(a) The commission, in cooperation with the Department of Food and Agriculture, shall adopt regulations governing both (1) the entry, importation, possession, transportation, keeping, confinement, or release of any and all wild animals that will be or that have been imported into this state pursuant to this chapter, and (2) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of these wild animals, and to provide for the welfare of wild animals and the safety of the public.

(b) The regulations shall also include criteria for all of the following:

(1) The receiving, processing, and issuing of a permit and conducting inspections.

(2) Contracting out inspection activities.

(3) Responding to public reports and complaints.

(4) The notification of the revocation, termination, or denial of permits, and related appeals.

(5) The method by which the department determines that the breeding of wild animals pursuant to a single event breeding permit for exhibitor or a breeding permit is necessary and will not result in unneeded or uncared for animals, and the means by which the criteria will be implemented and enforced.

(6) How a responding agency will respond to an escape of a wild animal. This shall include, but not be limited to, the establishment of guidelines for the safe recapture of the wild animal and procedures outlining when lethal force would be used to recapture the wild animal.

(c) These regulations shall be developed and adopted by the commission on or before January 1, 2007.

*(Amended by Stats. 2007, Ch. 285, Sec. 30. Effective January 1, 2008.)*

#### 2121.

No person having possession or control over any wild animal under this chapter shall intentionally free, or knowingly permit the escape, or release of such an animal, except in accordance with the regulations of the commission.

*(Amended by Stats. 2007, Ch. 285, Sec. 31. Effective January 1, 2008.)*

#### 2122.

The commission shall promulgate regulations in cooperation with the State Department of Food and Agriculture for the guidance of enforcing officers. Such regulations shall include a list of the wild animals for which permits that may be issued under this chapter will be refused, and the disposition of such wild animals illegally imported into this state.

*(Amended by Stats. 1974, Ch. 1503.)*

#### 2123.

The department in cooperation with the State Department of Food and Agriculture shall furnish descriptive and illustrative material concerning the wild animals enumerated in or designated pursuant to Section 2118, as well as explanatory material setting forth the reasons for designating such animals as undesirable and a menace to native wildlife or to the agricultural interests of this state for the information and guidance of the enforcing officers.

*(Amended by Stats. 1974, Ch. 1503.)*

#### 2124.

(a) Except as otherwise authorized by this code or regulations adopted pursuant thereto, including, but not limited to, those provisions that authorize raising deer to produce venison for market it is unlawful for any person to possess, transport, import, export, propagate, purchase, sell, or transfer any live mammal listed under Section 2118 for the purposes of maiming, injuring, or killing the mammal

for gain, amusement, or sport. Except as otherwise authorized by this code or regulations adopted pursuant thereto, the buyer of a live mammal listed in Section 2118 shall not resell the live mammal to another buyer who has the intent to maim, injure, or kill that mammal for purposes of gain, amusement, or sport.

(b) This section does not apply to the meat, hide, or parts of a dead mammal.

*(Added by Stats. 1992, Ch. 888, Sec. 1. Effective January 1, 1993.)*

## 2125.

(a) In addition to any other penalty provided by law, any person who violates this chapter or any regulations implementing this chapter, is subject to a civil penalty of not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) for each violation. Except as otherwise provided, any violation of this chapter or of any regulations implementing this chapter is a misdemeanor punishable by imprisonment in a county jail for not more than six months, or by a fine of not more than one thousand dollars (\$1,000).

(b) The Attorney General, or the city attorney of the city or the district attorney or county counsel of the county in which a violation of this article occurs, may bring a civil action to recover the civil penalty in subdivision (a) and the costs of seizing and holding the animal listed in Section 2118, except to the extent that those costs have already been collected as provided by subdivision (d). The civil action shall be brought in the county in which the violation occurs and any penalty imposed shall be transferred to the Controller for deposit in the Fish and Game Preservation Fund in accordance with Section 13001.

(c) In an action brought under this section, in addition to the penalty specified in subdivision (a), the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness' fees may also be recovered and those amounts shall be credited to the same operating funds as those from which the expenditures for those purposes were derived.

(d) (1) If an animal is confiscated because the animal was kept in contravention of this chapter or any implementing regulations, the person claiming the animal shall pay to the department or the new custodian of the animal an amount sufficient to cover all reasonable expenses expected to be incurred in caring for and providing for the animal for at least 30 days, including, but not limited to, the estimated cost of food, medical care, and housing.

(2) If the person claiming the animal fails to comply with the terms of his or her permit and to regain possession of the animal by the expiration of the first 30-day period, the department may euthanize the animal or place the animal with an appropriate wild animal facility at the end of the 30 days, unless the person claiming the animal pays all reasonable costs of caring for the animal for a second 30-day period before the expiration of the first 30-day period. If the

permittee is still not in compliance with the terms of the permit at the end of the second 30-day period, the department may euthanize the animal or place the animal in an appropriate wild animal facility.

(3) The amount of the payments described in paragraphs (1) and (2) shall be determined by the department, and shall be based on the current reasonable costs to feed, provide medical care for, and house the animal. If the person claiming the animal complies with the terms of his or her permit and regains possession of the animal, any unused portion of the payments required pursuant to paragraphs (1) and (2) shall be returned to the person claiming the animal no later than 90 days after the date on which the person regains possession of the animal.

*(Amended by Stats. 2006, Ch. 538, Sec. 180. Effective January 1, 2007.)*

#### 2126.

(a) Except as otherwise authorized by this code or regulations made pursuant thereto, it is unlawful for any person to take any mammal as identified by Section 2118.

(b) This section does not prohibit the euthanasia of a mammal as appropriately directed by a licensed veterinarian or animal health technician.

*(Added by Stats. 1992, Ch. 888, Sec. 3. Effective January 1, 1993.)*

#### 2127.

(a) The department may reimburse eligible local entities, pursuant to a memorandum of understanding entered into pursuant to this section, for costs incurred by the eligible local entities in the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(b) The department may enter into memorandums of understanding with eligible local entities for the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(c) The commission shall adopt regulations that establish specific criteria an eligible local entity shall meet in order to qualify as an eligible local entity.

(d) For the purposes of this division, "eligible local entity" means a county, local animal control officer, local humane society official, educational institution, or trained private individual that enters into a memorandum of understanding with the department pursuant to this section.

*(Amended by Stats. 2007, Ch. 285, Sec. 32. Effective January 1, 2008.)*

## **ARTICLE 2. Permits [2150 - 2157]**

*( Article 2 enacted by Stats. 1957, Ch. 456. )*

### **2150.**

(a) (1) The department, in cooperation with the Department of Food and Agriculture, may, upon application, issue a written permit to import into, possess, or transport within this state any wild animal enumerated in, or designated pursuant to, Section 671 of Title 14 of the California Code of Regulations, upon a determination that the animal is not detrimental or that no damage or detriment can be caused to agriculture, native wildlife, the public health or safety, or the welfare of the animal, as a result of the importation, transportation, or possession.

(2) A permit may be issued to any person only upon application and payment of a nonrefundable application fee in an amount determined by the department pursuant to Section 2150.2. Application forms shall be provided by the department and shall be designed to ascertain the applicant's ability to properly care for the wild animal or animals the applicant seeks to import, transport, or possess. Proper care includes providing adequate food, shelter, and veterinary care, and other requirements the commission may designate.

(b) The commission or the department shall deny a permit and the commission shall revoke a permit if it finds that a permittee or applicant has failed to meet, or is unable to meet, the requirements for importing, transporting, possessing, or confining any wild animal as established pursuant to Section 2120.

(c) A zoo is exempt from any permit requirement pursuant to this chapter except for animals whose importation, transportation, or possession is determined by the department, in cooperation with the Department of Food and Agriculture, to be detrimental or cause damage to agriculture, native wildlife, or the public health or safety. For purposes of this section, "zoo" means any organization which is accredited as meeting the standards and requirements of the American Zoo and Aquarium Association (AZA). Any California organization which is not accredited by the AZA may apply to the department for a waiver of specified permit requirements of this chapter. The department may grant or deny the request for a waiver for justified reasons. Foreign zoos outside this state are not subject to the permit requirements of this chapter beyond those specific permit requirements affecting California zoos or organizations with which they are collaborating. Any organization may appeal the determination of the department to the commission.

(d) An exhibitor licensed by the United States Department of Agriculture or a dealer who is so licensed who buys any animal specified in subdivision (c) from a zoo within the state, may sell or transfer it only to a private individual who has a permit issued pursuant to this section prior to the receipt of the animal or to a public or private organization that has a permit issued pursuant to this section

prior to the receipt of the animal. The exhibitor or dealer who sells or transfers that animal shall pay a fee pursuant to Section 2150.2 to the department.

(e) Any university, college, governmental research agency, or other bona fide scientific institution, as defined in regulations adopted by the commission, engaging in scientific or public health research is exempt from any permit requirement pursuant to this chapter except for animals whose importation, transportation, or possession is determined by the department, in cooperation with the Department of Food and Agriculture, to be detrimental or cause damage to agriculture, native wildlife, or the public health or safety.

(f) Notwithstanding the provisions of this section, every zoo, university, college, governmental research agency, or other bona fide scientific institution shall comply with the requirements of subdivision (a) of Section 2193 for all animals the zoo, university, college, governmental research agency, or other bona fide scientific institution possesses that are enumerated in, or designated pursuant to, Section 671 of Title 14 of the California Code of Regulations.

*(Amended by Stats. 2005, Ch. 698, Sec. 6. Effective January 1, 2006.)*

### **2150.1.**

Fees collected pursuant to this chapter for permits, permit applications, and facility inspections shall be deposited in the Fish and Game Preservation Fund. The department shall annually identify the amount collected for each type of permit, permit application, or inspection for which a fee is collected.

*(Repealed and added by Stats. 1990, Ch. 789, Sec. 4.)*

### **2150.2.**

The department shall establish fees for permits, permit applications, and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing this chapter.

*(Repealed and added by Stats. 1990, Ch. 789, Sec. 6.)*

### **2150.3.**

(a) The director shall appoint a committee to advise the director on the humane care and treatment of wild animals.

(b) The committee shall make recommendations to the director for the establishment of standards of performance for administration and enforcement, which shall include, but are not limited to, requiring that the eligible local entity possess a knowledge of humane wild animal training methods.

(c) The committee shall make recommendations to the director as to the frequency of inspections necessary for the enforcement and administration of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(d) The committee shall advise and assist the director in entering into memorandums of understanding with eligible local entities and in determining whether the memorandums of understanding meet the requirements of this chapter.

*(Amended by Stats. 2007, Ch. 285, Sec. 33. Effective January 1, 2008.)*

#### **2150.4.**

(a) The department or an eligible local entity shall inspect the wild animal facilities, as determined by the director's advisory committee, of each person holding a permit issued pursuant to Section 2150 authorizing the possession of a wild animal.

(b) In addition to the inspections specified in subdivision (a), the department or an eligible local entity, pursuant to the regulations of the commission, may inspect the facilities and care provided for the wild animal of any person holding a permit issued pursuant to Section 2150 for the purpose of determining whether the animal is being cared for in accordance with all applicable statutes and regulations. The department shall collect an inspection fee, in an amount determined by the department pursuant to Section 2150.2.

(c) No later than January 1, 2009, the department, in cooperation with the committee created pursuant to Section 2150.3, shall develop, implement, and enter into memorandums of understanding with eligible local entities if the department elects not to inspect every wild animal facility pursuant to subdivisions (a) and (b). Eligible local entities shall meet the criteria established in regulations adopted pursuant to subdivision (b) of Section 2157.

*(Amended by Stats. 2007, Ch. 285, Sec. 34. Effective January 1, 2008.)*

#### **2150.5.**

Classes, orders, families, genera, and species which may not be imported, transported, possessed, or released alive in this state solely because of concern for the welfare of the animal may be possessed under permit when the owner can demonstrate that such animal was legally acquired and possessed in California before the effective date of this section. The department may require the owner of an animal which may be possessed under this section to mark or otherwise identify such animal and progeny, so as not to endanger the welfare of that animal, to the satisfaction of the department. The owner shall not transfer

such animal or progeny to any other person without prior approval of the department.

*(Added by Stats. 1974, Ch. 1503.)*

#### 2151.

A permit shall be issued only upon written application from the person desiring to import or transport the species, enumerating all of the following:

- (a) The approximate number and true scientific name of each species of wild animal for which a permit is requested.
- (b) The carrier and probable point of first arrival in this State of each shipment of such species.
- (c) The purpose for which they are to be imported or transported.
- (d) The name and address of the consignee.
- (e) The name and address of the consignor.

*(Amended by Stats. 1961, Ch. 617.)*

#### 2152.

Each permit issued shall set forth all of the following:

- (a) The number and true scientific name of the species of wild animal for which the permit is granted.
- (b) A statement of the manner and conditions under which the entry of such species is permitted.
- (c) A statement of the conditions under which the species shall be kept after importation or during transportation.

*(Enacted by Stats. 1957, Ch. 456.)*

#### 2153.

Whenever any permit is issued under the provisions of this article, one copy shall be sent by the department to the State Department of Food and Agriculture, one copy to the county agricultural commissioner or to the state plant quarantine officer having jurisdiction at the place designated in the application as the probable point of first arrival in the state of such species, and one copy shall accompany each shipment of wild animals involved.

*(Amended by Stats. 1974, Ch. 1503.)*

#### 2155.

The provisions of this chapter and regulations adopted pursuant thereto shall apply to the progeny of any wild animal imported or possessed under such laws and regulations, except that no permit shall be required for the possession of progeny if a permit has already been obtained by the owner for the parent, and the progeny are kept at the same site.

*(Added by Stats. 1974, Ch. 1503.)*

#### 2156.

Neither the provisions of this chapter nor the regulations of the commission shall prevent any city or county from enacting ordinances relating to the possession or care of wild animals provided such ordinances are more restrictive.

*(Added by Stats. 1974, Ch. 1503.)*

#### 2157.

(a) Every person holding a permit issued pursuant to Section 2150 shall uniquely identify each wild mammal that poses a risk to the health and safety of the public and report this identification to the department to maintain in a registry.

(b) The commission shall adopt regulations that address the following:

(1) Identify the mammals that pose a risk to the health and safety of the public and are subject to subdivision (a). This identification shall include the following species of mammals: wild cats, elephants, nonhuman primates, bears, and wolves.

(2) Acceptable forms of identification.

(3) How and when a permittee must notify the department of the unique identifier required in subdivision (a).

(c) The department shall establish a registry listing the permit number, type, expiration date, the name and address of the permittee, and an inventory of each mammal and to the identification assigned or affixed to the mammal pursuant to subdivision (a) that is covered by the permit.

(d) These regulations shall be developed and adopted by the commission, on or before January 1, 2007.

*(Added by Stats. 2005, Ch. 698, Sec. 8. Effective January 1, 2006.)*

### **ARTICLE 3. Regulation and Enforcement [2185 - 2195]**

*( Article 3 enacted by Stats. 1957, Ch. 456. )*

#### 2185.

(a) Any person who transports, receives, or imports into the State, or transports within the State, any live wild animal enumerated in or designated pursuant to

Section 2118, shall hold said animal in confinement for inspection and immediately notify the nearest enforcing officer of the arrival thereof. If there is found in any shipment any species not specified in the permit issued under this chapter, or more than the number of any species specified, said animals shall be refused admittance as provided in Section 2188 of this chapter.

(b) Notwithstanding Section 2117, for the purposes of this section, "enforcing officer" means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

*(Amended by Stats. 2005, Ch. 698, Sec. 9. Effective January 1, 2006.)*

#### 2186.

(a) If during inspection upon arrival any wild animal is found to be diseased, or there is reason to suspect the presence of disease, or there is reason to suspect the presence of disease that is or may be detrimental to agriculture, to native wildlife, or to the public health or safety, the diseased animal, and if necessary, the entire shipment shall be destroyed by, or under the supervision of, the enforcing officer, unless no detriment can be caused by its detention in quarantine for a time and under conditions satisfactory to the enforcing officer for disinfection, treatment, or diagnosis, or no detriment can be caused by its return to its point of origin at the option and expense of the owner or possessor.

(b) Notwithstanding Section 2117, for the purposes of this section, "enforcing officer" means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

*(Amended by Stats. 2007, Ch. 285, Sec. 36. Effective January 1, 2008.)*

#### 2187.

(a) Whenever any wild animal is brought into this state under permit, as provided in this chapter, the enforcing officers may, from time to time, examine the conditions under which that species is kept, and report to the department any suspicion or knowledge of any disease or violations of the conditions of the permit or of the regulations promulgated under this chapter. The enforcing officer may order the transfer of the animal to new owners or the correction of the conditions under which the species is being kept if not in conformance with the terms of the permit, at the expense of the owner or possessor. If neither transfer or improvement of conditions is accomplished, the officer may order destruction of the animal.

(b) Notwithstanding Section 2117, for the purposes of this section, "enforcing officer" means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

*(Amended by Stats. 2007, Ch. 285, Sec. 37. Effective January 1, 2008.)*

**2189.**

(a) As used in this section "nonnative wild animal" means any nonnative animal species, or hybrid thereof, that is not normally domesticated pursuant to this code or regulations adopted pursuant thereto and that is not designated as a furbearing, game, nongame, threatened, or endangered animal.

(b) No person shall import into this state any live nonnative wild animal except pursuant to this chapter or regulations adopted pursuant thereto.

(c) Any live nonnative wild animal that is possessed or transported within this state in violation of this chapter or regulations adopted pursuant thereto shall be disposed of in accordance with regulations adopted pursuant to Section 2122, at the expense of the owner or possessor. The owner or possessor shall pay the costs associated with the seizure, care, holding, transfer, and destruction of the animal.

(d) Any live, nonnative wild animal found at large within this state shall be either summarily destroyed or, if captured, shall be confined for not less than 72 hours following notification of the local humane society. Any local, state, or federal governmental agency that has public safety responsibilities is authorized to implement this subdivision.

(e) If, during the 72-hour holding period, any person claims ownership of the animal, that person shall only be allowed to dispose of the animal pursuant to subdivision (c).

(f) After the 72-hour holding period, if the animal is unclaimed, it shall be disposed of in accordance with regulations adopted pursuant to Section 2122 unless the animal is listed as a threatened or endangered species by either state or federal regulation. Notwithstanding subdivision (c), if the animal is listed as a threatened or endangered species in either regulation, the department shall be notified of the animal's location and the department shall be responsible for proper disposition.

*(Amended by Stats. 2007, Ch. 285, Sec. 38. Effective January 1, 2008.)*

**2190.**

It is unlawful for any person who keeps in confinement, with or without a permit, any wild animal of a species enumerated in or designated pursuant to Section 2118, to liberate, ship, or transport the animal except in accordance with the conditions of a permit first obtained from the department.

*(Added by renumbering Section 2189 by Stats. 1961, Ch. 617.)*

### 2192.

Notwithstanding Part 2.5 (commencing with Section 18900) of Division 13 of the Health and Safety Code, Section 11356 of the Government Code, or any other provision of law, regulations of the commission relating to the construction, fixtures, and other minimum caging standards adopted by the commission for the confinement of live wild animals pursuant to this chapter are not building standards subject to the approval of the State Building Standards Commission.

*(Amended by Stats. 2007, Ch. 285, Sec. 39. Effective January 1, 2008.)*

### 2193.

(a) Every person who holds a permit issued pursuant to Section 2150 shall immediately report by telephone the intentional or unintentional escape or release of the wild animal, to the department and the nearest enforcing officer of the city or county in which the wild animal was released or escaped. The permitholder shall be liable for all expenses associated with efforts to recapture the wild animal. For the purposes of this subdivision, the exhibition of a wild animal on a movie set, film set, television set, still photography set, or any other professional activity allowable under a permit issued pursuant to Section 2150, does not constitute an intentional or unintentional escape or release of the wild animal unless the person exhibiting the wild animal has lost control of the wild animal.

(b) The commission shall promulgate regulations establishing the criteria for permitholders to notify the department prior to taking possession of or transferring an animal and upon the death of an animal.

(c) These regulations shall be developed and adopted by the commission on or before January 1, 2007.

*(Added by Stats. 2005, Ch. 698, Sec. 12. Effective January 1, 2006.)*

### 2195.

When a wild animal enumerated in, or designated pursuant to, Section 671 of Title 14 of the California Code of Regulations is properly confiscated by the department, the new custodian with whom the animal is placed by the department may bring a civil action to recover the reasonable costs incurred by the custodian for any necessary relocation of the animal to a new facility, any actual and necessary costs to construct new caging to house the animal, and any actual and necessary costs to return the animal to a healthy state, to the extent that the department or new custodian has not already collected the costs pursuant to paragraphs (1) and (2) of subdivision (d) of Section 2125. The prior owner or possessor from whom the animal was confiscated shall be liable for

these costs only if the conditions that led to the animal's confiscation were the result of acts or omissions of the prior owner or possessor.

*(Added by Stats. 2005, Ch. 698, Sec. 13. Effective January 1, 2006.)*

#### **ARTICLE 4. Mammals Used for Hire [2200 - 2203]**

*( Article 4 added by Stats. 1987, Ch. 1231, Sec. 2. )*

##### **2200.**

For purposes of this article, "mammal" means any wild animal of the class Mammalia as specified in Article 1 (commencing with Section 2116) or regulations adopted pursuant thereto which affects commerce.

*(Added by Stats. 1987, Ch. 1231, Sec. 2.)*

##### **2201.**

The Animal Trust Fund is hereby established in the State Treasury. Upon appropriation by the Legislature, the money in the fund is available to the department for the administration of this article and to make grants pursuant to Section 2203. The department may use not more than 5 percent of the money in the fund for the costs of administering this article.

*(Added by Stats. 1987, Ch. 1231, Sec. 2.)*

##### **2202.**

The department may seek grants and accept donations from private and public organizations and agencies for the purposes of this article for deposit in the Animal Trust Fund.

*(Added by Stats. 1987, Ch. 1231, Sec. 2.)*

##### **2203.**

(a) The director, with the advice of the committee established pursuant to Section 2150.3, shall adopt regulations to establish and administer a grant program, including eligibility criteria, by which persons or governmental agencies who operate facilities to care and shelter mammals may apply for grants for maintenance, operations, and capital improvements. The program shall include provisions for emergency grants with an expedited review process.

(b) Each member of the committee who is eligible to receive per diem and mileage shall be allowed per diem and mileage in accordance with the rules of

the Department of Human Resources for attending any meeting of the committee involving this article.

*(Amended by Stats. 2012, Ch. 665, Sec. 14. Effective January 1, 2013.)*