

1 (d) Nothing in this section shall prohibit the Commissioner or duly
2 authorized agents of the Department of Fish and Wildlife from bringing into
3 the State for the purpose of planting, introducing, or stocking or from planting,
4 introducing, or stocking in the State any wild bird or animal.

5 (e) Applicants shall pay a permit fee of \$100.00.

6 (f)(1) The Commissioner shall not issue a permit under this section for the
7 importation or possession of the following live species, a hybrid or genetic
8 variant of the following species, offspring of the following species, or
9 offspring or a hybrid of a genetically engineered variant of the following
10 species: feral swine including wild boar, wild hog, wild swine, feral pig, feral
11 hog, old world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus*
12 *scrofa* Linnaeus). A feral swine is:

13 (A) a domestic pig that is outside of an enclosure longer than 96
14 hours and is free roaming on public or private land; or

15 (B) an animal that exhibits at least one of the following skeletal
16 characteristics:

17 (i) skull characteristics of an elongated snout or sloping
18 appearance with little or no stop at the eye line;

19 (ii) a shoulder structure with a steep or predominate ridge along
20 the back appearance, known as a razorback;

1 (iii) hindquarters proportionally smaller than the forequarters
2 lacking natural muscling found in commercial species; or

3 (iv) visible tusks.

4 (C) an animal that is genetically determined to be a Eurasian wild boar
5 or Eurasian wild boar-domestic pig hybrid as characterized with appropriate
6 genome-wide molecular tools by USDA Wildlife Services to be a feral swine
7 or feral swine hybrid based on results of genetic testing conducted at the
8 National Wildlife Research Center.

9 (D) This definition does not include feral swine collared and used by
10 state and/or federal wildlife damage management entities, such as the U.S.
11 Department of Agriculture, Wildlife Services, to determine the location of free
12 ranging feral swine.

13 (2) This subsection shall not ~~apply to the domestic pig (Sus domesticus)~~
14 ~~involved in domestic hog production and shall not~~ restrict or limit the authority
15 of the Secretary of Agriculture, Food and Markets to regulate the importation
16 or possession of the domestic pig as livestock or as a domestic animal under
17 Title 6 of the Vermont Statutes Annotated.

18 (3) Any feral swine may be removed or destroyed by the Department;
19 the Agency of Agriculture, Food and Markets; or a designee, such as the U.S.
20 Department of Agriculture, Animal and Plant Health Inspection Service,
21 Wildlife Services. The Department shall notify ~~the owner, if possible;~~ the

1 Agency of Agriculture, Food and Markets; and the municipality where the
2 feral swine is located, prior to the removal or destruction of the feral swine.

3 (4) The Department shall notify the owner, if possible; the Agency of
4 Agriculture, Food and Markets; and the municipality where the feral swine is
5 located of the disposition of the feral swine.

6 (5) Any person who kills a feral swine in Vermont shall report to a State
7 game warden and shall present the carcass to the State game warden within 24
8 hours for identification and examination, disease sample collection, or case
9 assignment.

10 (6) The State, or its designee pursuant to (f)(1)(C)(3) of this section,
11 shall not be liable for damages or claims associated with the removal or
12 destruction of feral swine provided that the actions of the State agents or
13 designees are reasonable. The removal or destruction of feral swine shall be
14 deemed reasonable where:

15 a. the Department has acted in accordance with Section 3 above;

16 b. the Department determines that the swine:

17 i. is a threat to public safety;

18 ii. has harmed or posed a threat to any person or domestic animal;

19 iii. has damaged private or public property; or

20 iv. has damaged or is damaging natural resources, including

21 wetlands, vernal pools, wildlife and its habitat, rare and

1 irreplaceable natural areas, or rare, threatened or endangered
2 species; or

3 c. the Department determines that the swine constitutes or could
4 establish a breeding feral swine population in Vermont. ~~The Department shall~~
5 ~~consult with USDA Wildlife Services and the Vermont Agency of Agriculture,~~
6 ~~Food and Markets in making this determination.~~

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9 Sec. 17. 13 V.S.A. § 351b is amended to read:

10 § 351b. SCOPE OF SUBCHAPTER

11 This subchapter shall not apply to:

12 (1) activities regulated by the Department of Fish and Wildlife pursuant
13 to 10 V.S.A. ~~Part~~ part 4, including the act of removing or destroying feral
14 swine in accordance with 10 V.S.A. § 4709(f)(3) and (4);

15 (2) scientific research governed by accepted procedural standards
16 subject to review by an institutional animal care and use committee;

17 (3) livestock and poultry husbandry practices for raising, management,
18 and use of animals;

19 (4) veterinary medical or surgical procedures; and

20 (5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

1 Sec. 18. 20 V.S.A. § 3350 is added to read:

2 § 3350. THE DISPOSITION OF FERAL SWINE

3 (a) The General Assembly finds that feral swine have the potential for
4 spreading disease to domestic livestock, may cause devastating destruction to
5 natural ecosystems, and pose a threat to human health and safety.

6 (b) In light of the potential impacts of feral swine, and notwithstanding the
7 provisions of law in this chapter, the Department of Fish and Wildlife may
8 remove or destroy feral swine in accordance with the requirements of 10
9 V.S.A. § 4709(f)(3).

10 (c) The exercise by the Department of Fish and Wildlife of the authority
11 under 10 V.S.A. § 4709 (f)(3) shall not prevent any person from pursuing or
12 collecting the remedies set forth in this chapter.

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