

1 Sec. A. 10 V.S.A. § 4001 is amended to read:

2 § 4001. DEFINITIONS

3 Words and phrases used in this part, unless otherwise provided, shall be
4 construed to mean as follows:

5 * * *

6 (15) Wild animals or wildlife: all animals, including birds, fish,
7 amphibians, and reptiles, other than domestic animals, domestic fowl, or
8 domestic pets.

9 * * *

10 (40) Domestic pet: domesticated dogs, domesticated cats, domesticated
11 ferrets, psittacine birds, or any domesticated animal.

12 (41) Domestic animal: cattle, sheep, goats, equines, deer, American
13 bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, camelids,
14 ratites, and water buffalo.

15 (42) Release: to intentionally or knowingly desert or forfeit ownership
16 and allow or enable to escape.

17 Sec. B. 10 V.S.A. § 4709 is amended to read:

18 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
19 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR
20 FERAL SWINE

1 (a) A person shall not bring into, transport into, transport within, transport
2 through, or possess in the State any live wild bird or animal of any kind,
3 including any manner of feral swine, without authorization from the
4 Commissioner or his or her designee. The importation permit may be granted
5 under such regulations therefor as the Commissioner shall prescribe and only
6 after the Commissioner has made such investigation and inspection of the birds
7 or animals as she or he may deem necessary. The Department may dispose of
8 unlawfully possessed or imported wildlife as it may judge best, and the State
9 may collect treble damages from the violator of this subsection for all expenses
10 incurred.

11 (b) No person shall bring into the State from another country, state, or
12 province wildlife illegally taken, transported, or possessed contrary to the laws
13 governing the country, state, or province from which the wildlife originated.

14 (c) No person shall place a Vermont-issued tag on wildlife taken outside
15 the State. No person shall report big game in Vermont when the wildlife is
16 taken outside the State.

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

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

1 (f)(1) The Commissioner shall not issue a permit under this section for the
2 importation or possession of the following live species, a hybrid or genetic
3 variant of the following species, offspring of the following species, or
4 offspring or a hybrid of a genetically engineered variant of the following
5 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral
6 hog, ~~feral swine~~, old world swine, razorback, Eurasian wild boar, or Russian
7 wild boar (Sus scrofo Linnaeus). A feral swine is:

8 (A) a domestic pig that is outside of an enclosure for more than 96
9 hours and is free roaming on public or private land;

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

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

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

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

18 (iv) visible tusks; or

19 (C) an animal that is genetically determined to be a Eurasian wild
20 boar or Eurasian wild boar-domestic pig hybrid as characterized with an
21 appropriate genome-wide molecular tool by the U.S. Department of

1 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to
2 be a feral swine hybrid based on results of genetic testing conducted at the
3 National Wildlife Research Center.

4 (2) The definition of feral swine under subdivision (1) of this subsection
5 shall not include feral swine collared and used by State or federal wildlife
6 damage management entities, such as the U.S. Department of Agriculture,
7 Animal and Plant Health Inspection Service, Wildlife Services, to determine
8 the location of free-ranging feral swine.

9 (3) This subsection shall not apply to the domestic pig (*Sus domesticus*)
10 involved in domestic hog production and shall not restrict or limit the authority
11 of the Secretary of Agriculture, Food and Markets to regulate the importation
12 or possession of the domestic pig as livestock or as a domestic animal under
13 Title 6 of the Vermont Statutes Annotated.

14 (4) Any feral swine may be removed or destroyed by the Department;
15 the Agency of Agriculture, Food and Markets or a designee; or the U.S.
16 Department of Agriculture, Animal and Plant Health Inspection Service,
17 Wildlife Services. The Department shall notify the Agency of Agriculture,
18 Food and Markets prior to removal of or destruction of the feral swine.

19 (5) The Department shall notify the Agency of Agriculture, Food and
20 Markets of the disposition of the feral swine.

1 (6) Any person who kills a feral swine in Vermont shall report to a State
2 game warden and shall present the carcass to the State game warden within 24
3 hours.

4 (7) The State or its designee shall not be liable for damages or claims
5 associated with the removal or destruction of feral swine provided that the
6 actions of the State agents or designees are reasonable. The removal or
7 destruction of feral swine shall be deemed reasonable where:

8 (A) the Department has acted in accordance with subdivision (4) of
9 this subsection; and

10 (B) the Department determines that the swine:

11 (i) is a threat to public safety;

12 (ii) has harmed or posed a threat to any person or domestic
13 animal;

14 (iii) has damaged private or public property; or

15 (iv) has damaged or is damaging natural resources, including
16 wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable
17 natural areas; or rare, threatened, or endangered species; or

18 (v) the Department determines that the swine constitutes or could
19 establish a breeding feral swine population in Vermont. The Department shall
20 consult with U.S. Department of Agriculture, Animal and Plant Health

1 Inspection Service, Wildlife Services and the Agency of Agriculture, Food and
2 Markets in making this determination.

3 (g)(1) A person shall not release into the wild:

4 (A) a domestic pet; or

5 (B) a domestic animal that the Commissioner, by rule, designates as
6 having the potential to become an imminent danger to public health or welfare.

7 (2) A person shall not release a non-native wild animal into the wild
8 unless authorized by the Commissioner under subsection (d) of this section.

9 (3) Enforcement of subdivision (1) and (2) of this subsection shall not
10 limit or restrict the authority of the Commissioner or law enforcement under
11 other provisions of law, including 13 V.S.A. chapter 8.