DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2014 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify the Legislative Services Agency at LSA@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LSA will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 16

Importation of Wildlife

**SECTION 50‑16‑10.** “Wildlife” defined.

 For the purpose of this chapter, “wildlife” means a member of the animal kingdom including without limitation a mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1.

**SECTION 50‑16‑20.** Importation of wildlife for certain purposes prohibited; investigation; permit.

 (A) It is unlawful for a person to import, possess, or transport for the purpose of release or to introduce or bring into this State any live wildlife of the following types without a permit from the department:

 (1) a furbearer, a member of the family Cervidae, a nondomestic member of the families Suidae (pigs), Tayassuidae (peccaries), Bovidae (bison, mountain goat, mountain sheep), coyote, bear, or turkey (genus Meleagris). Furbearer includes, but is not limited to, red and gray fox, raccoon, opossum, muskrat, mink, skunk, otter, bobcat, weasel, and beaver;

 (2) a species of marine or estuarine fish, crustacean, mollusk, or other marine invertebrate not already found in the wild, or not native to this State.

 (3) a species of freshwater fish, crustacean, mollusk, or other freshwater invertebrate not already found in the wild or not native to this State.

 (B) A permit may be granted only after the investigations and inspections of the wildlife have been made as the department considers necessary and the department approves the possession, transportation, or importation into the State. The department may not issue a permit unless it finds:

 (1) the wildlife was taken lawfully in the jurisdiction in which it originated;

 (2) the importation, release, or possession of the wildlife is not reasonably expected to adversely impact the natural resources of the State or its wildlife populations.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1; 1992 Act No. 458, Section 1.

**SECTION 50‑16‑25.** Unlawful release of pigs; permit exceptions.

 (A) It is unlawful to possess, buy, sell, offer for sale, transfer, release, or transport for the purpose of release a member of the family Suidae (pig) into the wild. A person who holds a valid permit, issued by the Department of Natural Resources, for the taking, transporting, and releasing of a pig from a free roaming population or his agent may capture and release a free roaming pig so long as: (1) the permit holder has express permission from the landowner to capture and transport free roaming pigs from the tract on which the free roaming pig is to be captured, (2) the free roaming pig is captured, transported, and released pursuant to a permit issued by the Department of Natural Resources, and (3) the pig is released on the same tract on which the pig was captured or into a permitted pig enclosure utilized for hunting purposes. Under no circumstances may a free roaming pig be released in a county other than the county in which the pig was captured.

 (B) All free roaming pigs captured pursuant to a permit must be tagged at the point of capture as prescribed by the department and the tags must remain affixed to the pigs. Pig hunting enclosures must be permitted by the department at a cost of fifty dollars annually.

 (C) It is unlawful to transport a live pig captured in the wild except as permitted by this section.

HISTORY: 2005 Act No. 13, Section 1; 2010 Act No. 211, Section 1, eff upon approval (became law without the Governor’s signature on June 8, 2010).

**SECTION 50‑16‑30.** Importation of diseased animals prohibited.

 It is unlawful for a person to possess, transport, or otherwise bring into the State or release or introduce into the State any diseased wildlife or other animal that reasonably might be expected to pose a public health or safety hazard as determined by the South Carolina Department of Health and Environmental Control after consultation with the department.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1.

**SECTION 50‑16‑40.** Exception to permit requirement for wildlife imported for exhibition purposes.

 Wildlife imported for exhibition purposes only by state wildlife departments, municipal zoos or parks, public museums, public zoological parks, and public scientific or educational institutions operated not for profit, and transient circuses are not required to procure a permit under Section 50‑16‑20. Nothing in this chapter prohibits the department or its duly authorized agents from possessing, importing, or releasing wildlife.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1.

**SECTION 50‑16‑50.** Authority to promulgate regulations.

 The department may promulgate regulations to effectuate the provisions of this chapter.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1.

**SECTION 50‑16‑60.** Exception to permit requirement for certain wildlife imported for sale as pets.

 The importation of the following wildlife for sale in the pet trade does not require a permit:

 1. tropical fishes

 2. rats and mice

 3. rabbits

 4. canaries

 5. gerbils

 6. shell parakeets

 7. love birds

 8. cockatiels

 9. parrots

 10. toucans

 11. mynah birds

 12. finches

 13. hamsters

 14. guinea pigs

 15. reptiles

 16. amphibians.

 The provisions of this section do not privilege the import or possession of a species otherwise protected or regulated by other provisions of this title.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1.

**SECTION 50‑16‑70.** Penalties.

 (A) A person violating the provisions of this chapter, or any condition of a permit issued pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months, or both. The department must suspend the hunting privileges of a person convicted of violating this chapter for one year from the date of the conviction.

 (B) In addition to any other penalties provided by law, a person convicted of a violation of subsection (A) is also subject to the confiscation, forfeiture, and sale provisions contained in Section 50‑11‑740 for any property, vehicle, trailer, or other means of conveyance utilized to import, possess, or transport the animal.

 (C) For the purposes of this section, each animal imported in violation of subsection (A) constitutes a separate offense.

 (D) Notwithstanding Chapter 3, Title 22, magistrates court shall have jurisdiction over actions arising under this section.

HISTORY: 1979 Act No. 172, Section 1; 1989 Act No. 41, Section 1; 2010 Act No. 211, Section 3, eff upon approval (became law without the Governor’s signature on June 8, 2010); 2012 Act No. 228, Section 3, eff June 18, 2012.