

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife

- A. An individual is not required to possess a special license to lawfully possess restricted live wildlife under the following exemptions:
1. An individual may possess, transport, or give away a desert tortoise (*Gopherus agassizii*) without a special license if that individual possessed it before April 28, 1989. An individual who possessed a desert tortoise before this date may propagate it, and hold offspring in captivity for 24 months from the date of hatching. The individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department. An individual who receives a desert tortoise that is given away under this Section is also exempt from the special license requirements. An individual shall not export a desert tortoise from this state unless authorized in writing by the Department.
 2. A licensed veterinarian may possess wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed by the Department, if:
 - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board and makes the records available for inspection by an authorized Department employee; and
 - b. The Commission or Department assumes no financial responsibility for any care that a veterinarian provides, except care authorized by the Department.
 3. An individual may import, possess, and export restricted live wildlife if that individual:
 - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
 - b. Ensures that only one individual transports the wildlife. The individual may transport the wildlife personally or allow another individual to transport the wildlife;
 - c. Ensures that the wildlife is neither transferred nor sold to another individual; and
 - d. Ensures that the wildlife is accompanied by evidence of lawful possession, as defined in R12-4-401.
 4. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual may import, transport, possess, exhibit, and export restricted live wildlife for a government-authorized state or county fair or circus; or may import, possess, transport, and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual:
 - a. Possesses evidence of lawful possession as defined in R12-4-401 for the wildlife;
 - b. Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
 - c. Ensures that the wildlife does not come into physical contact with the public;
 - d. Keeps the wildlife under complete control by safe and humane means; and
 - e. Ensures that the wildlife is not in this state for more than 60 consecutive days.
 5. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual may import, transport, possess, exhibit for advertising purposes other than photography, and may export restricted live wildlife if that individual:
 - a. Ensures that the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401;
 - b. Maintains the wildlife under complete control by safe and humane means;
 - c. Prevents the wildlife from coming into contact with the public or being photographed with the public;
 - d. Does not charge a fee to the public to view the wildlife; and
 - e. Exports the wildlife from the state within 10 days of importation.
 6. An individual may possess restricted live wildlife that is taken alive under R12-4-404, R12-4-405, and R12-4-427, but the individual must possess the wildlife as prescribed by those Sections.
 7. An Arizona sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency.
 8. An individual may import, purchase, possess, transport, trade, give away, propagate, kill, and export restricted live wildlife if the individual is doing so for a medical or scientific research facility that is registered with the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Ave., Suite J, Sacramento, CA 95827-2623, (916) 857-6205.
 9. An individual may import and transport live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.
 10. Restaurants and markets that are licensed to sell food to the public may possess, exhibit, offer for sale, and sell live game fish or crayfish. Live game fish and crayfish shall be killed before they are transported from the restaurant or market.
 11. An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.
- B. An exemption granted by this Section is not valid for any wildlife protected by federal statute or regulation unless supported by federal permission or documentation rendering the exemption lawful.

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).