

## **Laws, Rules, & Regulations Pertaining to Aquatic Nuisance Species (ANS) in Georgia**

Legislative authority for the management of Game and Fish within Georgia is governed by the Georgia General Assembly and is outlined in the Official Code of Georgia Annotated (OCGA), Title 27. OCGA 27-1-4 provides authority for the “*promulgation of rules and regulations to protect wildlife, the public, and natural resources of this state*” to the Board of Natural Resources (Board Rule). The governance and management of ANS within Georgia includes both legislative and regulatory processes.

This document seeks to highlight legislation (laws), rules, and regulations that specifically impact ANS management in Georgia. **It is important to note that this document is a reference guide to provide readers with information on most of the legislation and rules/regulations pertaining to ANS in our state, but is not necessarily inclusive of all laws, rules, and regulations pertaining to ANS.** Consequently, absolute confirmation of permitted legal activities and required licenses, permits, etc. should be obtained from GADNR Law Enforcement prior to engaging in said activities.

## LEGISLATION PROVIDED UNDER OCGA TITLE 27 PERTAINING TO ANS

**DEFINITIONS:** OCGA 27-1-2 provides definitions of the following terms used in this document:

- **Board:** Board of Natural Resources
- **Department:** Department of Natural Resources
- **Domestic:** Those taxa of animals which have traditionally lived in a state of dependence on and under the dominion and control of man and have been kept as tame pets, raised as livestock, or used for commercial breeding purposes, including, but not limited to, dogs, cats, horses, cattle, ratites, and chickens. Animals which live in a captive or tame state and which lack a genetic distinction from members of the same taxon living in the wild are presumptively wild animals, except that lawfully obtained farmed fish which are held in confinement in private ponds shall be known as and considered “domestic fish”, but only if they are fish species which are either indigenous to Georgia or are fish species which have been recognized prior to 1992 as having an established population in Georgia waters other than private ponds; provided, however, that *Morone americana*, white perch, shall not be a domestic fish.
- **Wild Animal:** any animal which is not wildlife and is not normally a domestic species in this state. This term specifically includes any hybrid or cross between any combination of a wild animal, wildlife, and a domestic animal. Offspring from all subsequent generations of such crosses or hybrids are wild animals.
- **Wildlife:** any vertebrate or invertebrate animal life indigenous to this state or any species introduced or specified by the Board and includes fish, except domestic fish produced by aquaculturists registered under OCGA 27-4-255, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks or any part thereof.

## **LEGISLATION PROVIDED UNDER OCGA TITLE 27 PERTAINING TO ANS**

### **LAWS:**

**Liberation of Wildlife:** [OCGA 27-2-14](#). *“It shall be unlawful for any person to liberate any wildlife within this state or to liberate domestic fish except into private ponds except under permit from the Department.....”*

**Wildlife Importation Permits:** [OCGA 27-2-19](#). *“It shall be unlawful to import any wildlife other than fish.....without obtaining, at no cost, a wildlife importation permit from the Department. The Department shall only issue such a permit when it has determined that the issuance of the permit is in the best interest of the wildlife in this state. If such a permit is issued, the Department shall prescribe the term for each such permit and may impose any conditions it determines necessary to ensure adequate public safety and the best interests of the wildlife of this state”.*

**Requirements for Lawful Transportation:** [OCGA 27-3-90](#). *“It shall be unlawful for any person to remove, ship, or transport from any point within this state to another point within this state or from any point within this state to any point beyond the borders of this state, except as otherwise provided, any wildlife taken in this state unless the wildlife is in the personal possession of or is carried openly by the person who took such wildlife and unless the person has in his possession a proper license or permit as prescribed by the wildlife laws, rules, and regulations.”*

**Wild Animals – Legislative Intent and Findings:** [OCGA 27-5-1](#). *“The General Assembly finds and declares that it is in the public interest to ensure the public health, safety, and welfare by strictly regulating in this state the importation, transportation, sale, transfer, and possession of those wild animals which pose a possibility of: 1) Harmful competition*

*for wildlife; 2) the introduction of a disease or pest harmful to wildlife; 3) Problems of enforcing laws and regulations relative to wildlife; 4) Threatening wildlife or other natural resources; or 5) Endangering the physical safety of human beings. The importation, transportation, sale, transfer, and possession of wild animals are privileges not to be granted unless it can be clearly demonstrated that such actions can be accomplished in a manner that does not pose unnecessary risk to Georgia's wildlife and other natural resources or the citizens of and visitors to this state. For these reasons, the General Assembly further finds and declares that only certain wild animals may be held for scientific or educational purposes, for public exhibition, or as pets and may only be lawfully held when the requirements of this chapter are met. The General Assembly further finds and declares that any wild animal for which a license or permit, or both, is required under the provisions of this chapter and for which no such license or permit, or both, has been obtained is a nuisance and is contraband and is subject to seizure by any peace officer authorized to enforce this chapter.”*

**Wild Animals – Powers of Board generally:** [OCGA 27-5-2](#). *“The Board shall have the authority to regulate the importation, transportation, sale, and possession of wild animals when and to the extent that importation, transportation, sale, or possession poses a possibility of: 1) Harmful competition for wildlife; 2) the introduction of a disease or pest harmful to wildlife; 3) Problems of enforcement of laws and regulations relating to wildlife; 4) Danger to wildlife or other natural resources; or 5) Danger to the physical safety of human beings. The Board is specifically authorized to supplement the list of wild animals set forth in this chapter for which a permit or license, or both, is required. The Board shall have the authority to require that any listed wild animal that is imported, transported, possessed, sold, or transferred by any person, including wild animal dealers, be labeled with the correct species, number, age, or other relevant information. The Board shall have the authority to require an applicant for a permit or license required under this chapter to supply*

*information and to supply it in such form as the Board deems necessary for the Department to discharge its responsibilities under this chapter.”*

**Wild Animal Licenses and Permits Generally:** [OCGA 27-5-4](#). *Unless otherwise provided in OCGA 27-5-5, it shall be unlawful for any person to import, transport, transfer, sell, purchase, or possess any wild animal listed in OCGA 27-5-5 or specified by the Board by regulation without first obtaining a wild animal license from the Department as provided in OCGA 27-2-23 or a wild animal permit as provided in this code section.....”* (Note: a wild animal permit is no required for persons buying triploid grass carp from properly licensed wild animal dealers authorized to sell grass carp where the bill of sale is retained by the buyer as proof of such sale and where the triploid grass carp are to be stocked only into a private pond...).

**Wild Animals for Which License or Permit Required:** [OCGA 27-5-5](#). *The following animals are considered to be inherently dangerous to human beings and are subject to the license or permit and insurance requirements provided for in.....OCGA 27-5-4.* (Note: the list of animals provided here is further described with specific requirements under Board Rule 391-4-8.

**Release or Escape from Captivity:** [OCGA 27-5-7](#). *It shall be unlawful for any person to release from captivity any wild animal (as defined in OCGA 27-1-2) or to import, transport, sell, transfer, or possess such a wild animal in such a manner so as to cause its release or escape from captivity. In the event a person imports, transports, sells, transfers, or possesses a wild animal in such a manner so as to pose a reasonable possibility that such wild animal may be released accidentally or escape from captivity, the Department may revoke the license or permit, or both, of such person...”*

## **RULES AND REGULATIONS PERTAINING TO ANS PROVIDED UNDER**

### **DNR BOARD RULE (BR) 391-4-8**

**DEFINITIONS: Board Rule 391-4-8-.02:** Unless the context clearly requires otherwise, the following terms as used in this Subject have the following meanings:

(a) “*Aquaria or tanks*” means containers for holding freshwater or marine fishes or freshwater or marine invertebrates from which no water is discharged, except during periodic cleaning, and such discharged water is passed through a filtering system capable of removing all animals and eggs and is disposed of only in a septic tank permitted by the county or in a waste-water treatment system permitted by the Environmental Protection Division of the department. Further, aquaria, tanks, and related components shall be constructed, maintained, and located to contain such species under normal and adverse operating and environmental conditions.

(b) “Tag” means uniquely marked as determined by the Department.

(c) “Wild animal” is as defined in O.C.G.A. Sec. 27-1-2(75).

## **RULES and REGULATIONS**

### **BR 391-4-8-.03: Prohibited Wild Animals**

(1) The following wild animals are considered a significant threat to wildlife or other natural resources and **live** individuals are prohibited.

(a) **Mammals:** SEE RULE (Not included in this document)

(b) **Birds:** SEE RULE (Not included in this document)

(c) **Fishes:**

1. Order Anabantiformes: Family Channidae (snakeheads)-All species;

2. Order Characiformes: Family Alestidae-*Hydrocynus goliath* (African tigerfish);

3. Order Cypriniformes: Family Xenocypridae:

(i) Genus *Hypophthalmichthys* (bighead and silver carps);

(ii) *Mylopharyngodon piceus* (black carp);

4. Order Perciformes: Family Latidae (lates perches): Genus *Lates*-All species;

5. Order Siluriformes: Family *Siluridae* (sheatfishes) - *Siluris glanis* (wels catfish);

**(d) Invertebrates:**

1. Order Myida: Family Dreissenidae (dreissenid mussels) – All species;

2. Order Stylommatophora: Family Achatinidae: Subfamily Achatininae (giant African land snails)-All species; and

3. Order Decapoda: Family Cambaridae (crayfishes)- *Procambarus virginalis* (marbled crayfish or “marmokrebs”).

**BR 391-4-8-.04: Inherently Dangerous Wild Animals, License and Insurance Required**

(1) The following wild animals are considered inherently dangerous to human beings and pursuant to O.C.G.A. Sec. 27-5-4 are subject to licensing and liability insurance requirements (**NOTE: This document only includes aquatic species: SEE RULE FOR COMPLETE TERRESTRIAL AND AQUATIC LIST**).

(a) **MAMMALS:** SEE RULE (Not included in this document)

(b) **REPTILES:** SEE RULE (Not included in this document)

(c) **FISHES:**

1. Order Characiformes: Family Serrasalminidae: Subfamily Serrasalminae (pirhanas) - All species;
  2. Order Gymnotiformes: Family Gymnotidae (gymnotid eels): Genus *Electrophorus* - All species;
  3. Order Myliobatiformes: Family Potamotrygonidae (American stingrays) - All species;
  4. Order Perciformes:
    - i. Family Synanceiidae (stonefishes): Genus *Synanceia* - All species;
    - ii. Family Trachinidae (weeverfishes) - All species;
  5. Order Siluriformes: Family Trichomycteridae (candirus, etc.): Genus *Vandellia* - All species;
  6. Species listed in subparagraphs (c)2 and (c)4 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported or transferred for a 12-month period following the effective date of this rule **(NOTE: Rule took effect 12/4/2022, thus the 12-month period ended 12/4/2023)**;
- (d) **INVERTEBRATES:** (SEE RULE: Not included in this document).

**BR 391-4-8-.05: Wild Animals, License Required**

(1) The following wild animals are subject to licensing requirements pursuant to O.C.G.A. Sec. 27-5-4.

- (a) **MAMMALS:** (SEE RULE: Not included in this document).
- (b) **BIRDS:** (SEE RULE: Not included in this document).
- (c) **REPTILES:**
  1. Order Squamata:



(i) Family Pythonidae - *Python molurus* (Indian rock python);

(ii) Family Pythonidae - *Python bivittatus* (Burmese python);

(iii) Family Teiidae - *Salvator merianae* (Argentine black-andwhite tegu);

(iv) Family Varanidae - *Varanus niloticus* (Nile monitor);

2. Order Testudines:

(i) Family Pelomedusidae - *Pelomedusa subrufa* (African helmeted turtle);

(ii) Family Trionychidae (softshell turtles) - *Pelodiscus sinensis* (Chinese softshell turtle);

3. The species listed in subparagraph (c) shall only be licensed for scientific, educational, or public exhibition purposes consistent with O.C.G.A. Sec. 27-5-4; provided, however, that such species possessed on or before the effective date of this rule may be held as a pet without a license or permit provided that the owner tags and registers all individuals with the GADNR Law Enforcement Division within 12 months following the effective date of this rule (**NOTE: Rule took effect 12/4/2022, thus the 12-month period ended 12/4/2023**);

(d) **AMPHIBIANS:**

1. Order Anura: Family Bufonidae (true toads): Genus *Rhinella* (cane toads) - All species;

(e) **FISHES:**

1. Order Osteoglossiformes: Family Arapaimidae (Arapaimas) - All species;

2. Order Characiformes:

(i) Family Characidae (characins) - *Psalidodon fasciatus* (banded Astyanax);

(ii) Family Erythrinidae (trahiras) - All species;

3. Order Cypriniformes:

(i) Family Xenocyprididae (east Asian minnows) - *Ctenopharyngodon idella* (grass carp);

4. Order Siluriformes:

(i) Family Clariidae (airbreathing catfishes) - All species;

(ii) Family Heteropneustidae (airsac catfishes, giant walking catfishes) - All species;

(iii) Family Sisoridae (sisorid catfishes): Genus *Bagarius* (goonch catfishes) - All species;

5. Order Synbranchiformes: Family Synbranchidae (swamp eels) - All species;

6. All exotic fishes which are not held in aquaria or tanks. This includes any fish species meeting the definition of wild animals. This subparagraph shall not apply to any species of fish regulated by any rule in this Subject, to domestic fish as defined in 27-1- 2(23), or by any other Georgia law;

7. Species listed in subparagraphs (e)1, (e)2(ii), (e)4(iii), and (e)5 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported, or transferred for a 12-month period following the effective date of this rule (**NOTE: Rule took effect 12/4/2022, thus the 12-month period ended 12/4/2023**);

(f) **INVERTEBRATES:**

1. Order Architaenioglossa:

(i) Family Ampulariidae: Genus *Pomacea* (apple snails) - All species;

(ii) Family Viviparidae: Genus *Cipangopaludina* (asian mystery snails) - All species;

2. Order Decapoda:

(i) Family Astacidae (crayfishes) - All species;

(ii) Family Cambaridae (crayfishes) - All species, except that *Cambarellus* spp., *Procambarus clarkii* (red swamp crayfish), and *Procambarus zonangulus* (White River crayfish) may be sold, purchased or possessed without a license or permit;

(iii) Family Cambaroididae (crayfishes) - All species;

(iv) Family Parastacidae (crayfishes) - All species;

(v) Family Penaeidae (penaeid shrimps) - All species, except that dead penaeid shrimps may be possessed without a license when purchased for human consumption;

3. Order Littorinimorpha; Family Tateidae: – *Potamopyrgus antipodarum* (New Zealand Mud Snail);

4. Order Neogastropoda: Family Nasseridae – *Anentome helena* (assassin/bumblebee snail);

5. Order Unionida:

(i) Family Etheriidae (etheriid mussels) - All species;

(ii) Family Hyriidae (hyriid mussels) -All species;

(iii) Family Iridinidae (iridinid mussels) - All species;

(iv) Family Mycetopodidae (Mycetopodid mussels) - All species;

(v) Family Unionidae: Genera *Anodonta* and *Sinanodonta* (pond mussels) - All species;

6. All freshwater and marine invertebrate wild animals which are not held in aquaria or tanks. This subparagraph shall not apply to any species of invertebrate regulated by any other rule in this Subject;

7. Species listed in subparagraphs (f)1, f)2, f)3, f)4, or f)5 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported or transferred for a 12- month period following the effective date of this rule; and

8. The species listed in subparagraph (f)1 shall only be licensed for scientific purposes consistent with O.C.G.A. Sec. 27-5-4.