Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

CHAPTER 352
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 402

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PROHIBITIONS CONCERNING GAME AND FISH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 7, Title 7 of the Delaware Code by making insertions as follows:

SUBCHAPTER VIII

NON-NATIVE WILDLIFE

§ 800. Definitions

For the purposes of Part 1 of this title, unless otherwise specifically defined, or another intention clearly appears, or the context requires a different meaning, the following definitions shall apply:

(1) "Non-native wildlife species" means those wildlife species exclusive of finfish, that, as determined by the Department, have not historically and naturally occurred in Delaware. Non-native wildlife species include but are not limited to those wildlife species, such as coyotes, that are or become present through natural range expansion or through human actions to include but not limited to unintentional or intentional introduction or release. Non-native wildlife species may include genetically modified native species. Non-native wildlife species do not include wildlife otherwise identified under this title as a game animal, game bird, or form of unprotected wildlife, and do not include feral cats and animals otherwise identified by statute as an agricultural commodity or livestock or determined to be an agriculture commodity or livestock by and in coordination with the Delaware Department of Agriculture.

(2) "Invasive wildlife species" means non-native wildlife species, including but not limited to nutria, whose presence, establishment, or proliferation causes or is likely to cause, as determined by the Department, biological or environmental harm to native wildlife species or their habitats or associated economic harm.

§ 801. Non-native wildlife.

The Department, with the advice and recommendations of the Freshwater Fish and Wildlife Advisory Council, may establish such rules and regulations concerning the importation, possession, transportation, disposition, introduction, release, elimination, harvest, or management of any non-native wildlife species to include but not limited to invasive wildlife species in any specified localities as it deems necessary or advisable for the protection or conservation of native wildlife species or their habitats or for the protection of agriculture, domestic animals, property, or human health or safety.

§ 802. Non-native wildlife injurious to native wildlife, agriculture, and other interests

The Department may issue an appropriate order authorizing and specifying the times and means for an agency, organization, business, industry, person, or group of persons to take, harvest, or capture any species of non-native wildlife that is or has the potential to become, as determined by the Department upon appropriate evaluation or investigation, seriously injurious to native wildlife or their habitat or to agriculture, domestic animals, property, or human health or safety.

Approved July 20, 2012