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**H. 4100**

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Summary: Captive Wildlife

**HISTORY OF LEGISLATIVE ACTIONS**

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View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4100&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4100_20250226.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 17 TO TITLE 50 SO AS TO REGULATE CAPTIVE WILDLIFE IN THIS STATE; BY AMENDING SECTION 50‑16‑40, RELATING TO THE EXCEPTION TO PERMIT REQUIREMENTS FOR WILDLIFE IMPORTED FOR EXHIBITION PURPOSES, SO AS TO REMOVE EXCEPTIONS; AND BY REPEALING SECTION 50‑11‑1180 RELATING TO the AUTHORITY OF the DEPARTMENT TO ISSUE PERMITS TO COLLECT PROTECTED WILDLIFE FOR SCIENTIFIC OR PROPAGATING PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 50 of the S.C. Code is amended by adding:

CHAPTER 17

Captive Wildlife

 Section 50‑17‑10. For purposes of this chapter:

 (1) “AZA” means the Association of Zoos and Aquariums.

 (2) “Captive wildlife” means any wildlife, game animal, furbearing animal, part, product, egg, offspring, nest, dead body, derivative, or part thereof which is managed, protected, or the taking of which is specifically regulated by the department. This definition does not apply to the animal species of Chapter 2, Title 47.

 (3) “Department” means the South Carolina Department of Natural Resources.

 (4) “DPH” means the South Carolina Department of Public Health.

 (5) “Major wildlife violation” means a violation of any state or federal wildlife laws where the penalty carries more than one year in prison, results in the revocation of a state hunting or fishing license, or carries a fine of more than twenty‑five hundred dollars.

 (6) “Nonreleaseable” means captive wildlife that is determined to be unsuitable for release back into its natural habitat due to imprinting, habituation, or physical impairment.

 (7) “North American furbearer” means a badger, beaver, bobcat, coyote, Canada lynx, ermine, fisher, arctic fox, gray fox, kit fox, red fox, swift fox, marten, mink, muskrat, nutria, opossum, raccoon, ringtail, otter, skunk, weasel, wolf, or wolverine.

 (8) “Person” means an individual, partnership, corporation, organization, association, or other legal entity.

 (9) “Rabies vector species” means a bat, bobcat, coyote, fox, raccoon, or skunk.

 (10) “Registered animal” means captive wildlife possessed by a registered party prior to the enactment of this chapter.

 (11) “Registered party” means a person who registers captive wildlife possessed prior to the enactment of this chapter.

 (12) “Wildlife educator” means a person who possesses and uses captive wildlife for wildlife‑related educational programs and may require an exhibitor’s license under the United States Department of Agriculture’s Animal Welfare Act.

 (13) “Wildlife exhibitor” means a person who possesses and uses captive wildlife for wildlife‑related exhibits, or activities requiring an exhibitor’s license under the United States Department of Agriculture’s Animal Welfare Act.

 (14) “Wildlife rehabilitator” means a person who receives, harbors, or possesses living, sick, injured, impaired, or orphaned captive wildlife to restore the wildlife to its natural habitat as soon as is practicable.

 (15) “Wildlife rehabilitator apprentice” means a person who is sponsored by and is under the direction and supervision of an authorized wildlife rehabilitator.

 (16) “Wildlife researcher” means a person who studies wildlife occurring in the State and whose research requires observing, capturing, or handling of wildlife.

 Section 50‑17‑20. The department may promulgate regulations to implement this chapter including, but not limited to, regulations pertaining to the possession of captive wildlife and the standards for the humane confinement and care of captive wildlife.

 Section 50‑17‑30. (A) The department is authorized to issue permits for wildlife rehabilitation, apprentice wildlife rehabilitation, wildlife education, wildlife exhibition, and wildlife research under this chapter.

 (B) The department may charge twenty‑five dollars for wildlife rehabilitation, apprentice wildlife rehabilitation, wildlife education, and wildlife exhibition permits issued under this chapter. These permits are valid for three years after issuance.

 (C) The department may charge twenty‑five dollars for wildlife research permits under this chapter. Wildlife research permits issued under this chapter are valid for one year after issuance.

 (D) A person convicted of a major wildlife violation or a crime that carries a penalty of more than one year in prison is not eligible to be permitted under this chapter for five years from the date of conviction.

 Section 50‑17‑40. (A) Unless otherwise authorized by this title, it is unlawful to:

 (1) possess live captive wildlife without a permit or other authorization issued by the department;

 (2) import or export live captive wildlife without an import or export permit from the department;

 (3) import, export, or possess a live North American furbearer without a permit from the department; or

 (4) breed captive wildlife except in recognized AZA breeding programs.

 (B) Possession of native reptiles and amphibians under Chapter 15, Title 50 is exempt from this chapter.

 (C) Unless otherwise authorized under this title, captive wildlife possessed before the effective date of this chapter must be registered with the department within ninety days of the effective date. A registered animal is allowed to remain with the registered party provided that no reproduction is permitted, and the registered party does not violate Section 47‑1‑40.

 Section 50‑17‑50. (A) Wildlife research permits must only be issued for wildlife research, scientific collection, or propagation.

 (B) A person applying for a wildlife research permit must submit a research proposal outlining the wildlife research, scientific collection, or propagation that is to be conducted and provide the person’s working experience and educational background.

 (C) A person working under the direct supervision of a wildlife research permittee may participate under the permit.

 Section 50‑17‑60. (A) The following are not required to obtain a permit under this chapter:

 (1) employees of the department while working in their official capacity;

 (2) employees of other local, state, or federal agencies operating in their official capacity;

 (3) zoos and other facilities accredited or certified by the AZA;

 (4) zoological displays that do not possess native North American wildlife;

 (5) transient circuses not based in this State;

 (6) persons otherwise authorized by this title, by permit, or license to possess captive wildlife during specified seasons, or a household possessing not more than one gray squirrel or one Virginia opossum;

 (7) persons who deliver or transport captive wildlife to a wildlife rehabilitator or other persons authorized by the department;

 (8) transportation agents or companies traveling with captive wildlife through, but not originating in, the State where the destination state or country has issued an import permit;

 (9) transportation agents or companies traveling with captive wildlife out of state where the department has issued an export permit;

 (10) wildlife research not involving capture, handling, disturbance, or any kind of taking of captive wildlife on private lands;

 (11) wildlife research not involving capture, handling, disturbance, or any kind of taking of captive wildlife on wildlife management areas, heritage preserves, or any other property owned or managed by the department; and

 (12) licensed hunters possessing a live raccoon for no more than seven days during the raccoon hunting season and only for the purposes of dog training. The raccoon must be released no more than seven calendar days from when it came into the hunter’s possession.

 (B) Persons exempt from the permitting requirements for wildlife research on wildlife management areas, heritage preserves, or any other property managed by the department may only enter the property when open to the general public. The exemption granted under this section provides no special access or privileges to any department‑owned or department‑managed property.

 Section 50‑17‑70. (A) The department may seize captive wildlife for:

 (1) failing to register an animal as required;

 (2) failing to obtain or maintain required permits;

 (3) failing to provide proper care;

 (4) failing to maintain captive wildlife in an acceptable condition after notification from the department of deficiencies, or if the deficiencies cannot or will not be able to be corrected within a twenty‑four‑hour period;

 (5) failure to report annual activities as required; or

 (6) any other violation pursuant to this chapter, emergency, or exigent circumstance, as determined by the department.

 (B) The department may place seized captive wildlife in another authorized facility, at its discretion, with the approval of the receiving facility. The name and location of the facility are confidential.

 (C) The department may request the aid of local county and city governments to assist with captive wildlife seizures and with the temporary housing of seized animals.

 (D) The department may euthanize or authorize euthanasia of seized captive wildlife or captive wildlife that has escaped from captivity.

 (E) A person from whom captive wildlife is seized is liable for any reasonable costs incurred by the department or its agent as a result of the care provided to the seized captive wildlife pending the outcome of any permit revocation or charges under this statute including, but not limited to, veterinary care, shelter, evaluation, treatment, or euthanasia.

 (F) The department is not liable for the escape or destruction caused by captive wildlife possessed by others under the authority of this title.

 (G) The department may charge a person for any reasonable costs incurred in the capture or destruction of escaped captive wildlife possessed under the authority of this title.

 Section 50‑17‑80. (A) A person who possesses rabies vector species under the authority of this chapter may be required by the department to be inoculated with the pre‑exposure rabies prophylaxis vaccines.

 (B) Rabies vector species outside of their enclosures must be restrained to prevent the possibility of escape, nose‑to‑nose contact with other animals, and to prevent direct contact with people.

 (C) Any exposure of saliva from a rabies vector species to a person or pet by bite, open bleeding wounds, or contact with mucous membranes must be reported immediately to DPH per the Rabies Control Act.

 (D) For the purposes of public health and safety and per guidance from the current National Association of State Public Health Veterinarians Compendium of Animal Rabies Prevention and Control, DPH can demand the immediate surrender or submission of any possessed rabies vector species at its discretion. Refusal to surrender a rabies vector species for rabies testing after a bite to anyone other than the permittee is a violation and any captive wildlife permits must be surrendered.

 (E) A person who possesses rabies vector species and whose actions cause a rabies exposure, as determined by DPH, is solely liable for the cost of any rabies postexposure prophylaxis treatment. The department is not liable for any costs associated with rabies vector species seized under this chapter.

 (F) Rabies testing protocol due to a bite from a rabies vector species shall conform to the current National Association of State Public Health Veterinarians Compendium of Animal Rabies Prevention and Control.

 Section 50‑17‑90. (A) All wildlife deemed nonreleasable may be placed at a department‑permitted entity as approved by the department.

 (B) All nonreleasable captive wildlife with a physical impairment must be evaluated by a veterinarian to corroborate that the impairment prevents chance of survival in the wild upon the release of the animal.

 (C) All nonreleasable captive wildlife that is imprinted or habituated cannot remain with the permitted entity if the permittee caused the imprinting or habituation.

 (D) After rehabilitation or medical attention will no longer provide improved recovery, wildlife that is unable to feed, move about, or stand to conduct normal life support functions vital to surviving in the wild, must be euthanized unless otherwise directed by the department.

 (E) The department may require nonreleasable captive wildlife to be permanently marked.

 Section 50‑17‑100. (A) The department may require the keeping and submission of records of activities authorized under this chapter.

 (B) The department may inspect a location where captive wildlife are being held during reasonable hours to assess the condition of the location, general husbandry and environment of the location, the well-being of any captive wildlife, and to evaluate permit compliance.

 (C) A permittee under this chapter who refuses to allow inspection is subject to immediate permit suspension or revocation.

 Section 50‑17‑110. A person who digitally manipulates documents, applications, or photographs in order to deceive or mislead the department, or who wilfully makes false or misleading statements on any required application, document, report, or form, in order to obtain or renew any permit for the possession, taking, or other permitted use of captive wildlife is guilty of a misdemeanor and, upon conviction, must be fined no more than one thousand dollars or imprisoned no more than thirty days, or both. Each deceptive photograph or document constitutes a separate offense.

 Section 50‑17‑120. (A) Except as otherwise provided, a person who violates a section of this chapter, a condition of a permit, or a regulation promulgated under this chapter is guilty of a misdemeanor and, upon conviction, must be:

 (1) for a first offense, fined no less than fifty dollars nor more than five hundred dollars, imprisoned no more than thirty days, or both;

 (2) for a second offense within two years of a conviction for the first offense, fined no less than five hundred dollars nor more than one thousand dollars, imprisoned no more than thirty days, or both; and

 (3) for a third or subsequent offense within two years of a conviction for the second offense, fined no less than one thousand dollars nor more than five thousand dollars, imprisoned for no more than six months, or both.

 (B) Each captive wildlife possessed in violation of this chapter constitutes a separate offense.

 (C) A person who is convicted under this section is not eligible to be permitted under this chapter or to work under the authority of a permittee for a period determined by the court, but must be no less than five years from the date of conviction, if captive wildlife are seized due to neglect, confined abandonment, or maltreatment.

 Section 50‑17‑130. (A) It is unlawful for a person to display or otherwise exhibit captive wildlife to the public without a wildlife education or a wildlife exhibition permit unless an exemption applies under Section 50‑17‑60.

 (B) Captive wildlife exhibited to the public in violation of this section is subject to seizure by the department.

SECTION 2. Section 50‑16‑40 of the S.C. Code is amended to read:

 Section 50‑16‑40. Wildlife imported for exhibition purposes only by state wildlife departments, municipal zoos accredited by the Association of Zoos and Aquariums or parks, public museums, public zoological parks, and public scientific or educational institutions operated not for profit, and transient circuses based out of state 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.

SECTION 3. Section 50‑11‑1180 of the S.C. Code is repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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