



# LEGAL ASPECTS OF THE EXOTIC PET TRADE

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# OUTLINE

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- Canadian laws applicable to the trade in exotic animals
    - International
    - Federal
    - Provincial
    - Municipal
  - Conclusion: Existing law largely fails to protect exotic animals
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# INTERNATIONAL LAW

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- Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)
    - Aims to ensure international trade in wild animals & plants does not threaten their survival
  - Protects at-risk animals
  - Import/export permits required for CITES-listed species - allowed where use is non-commercial, use will not threaten species survival
  - Welfare of individual animals is not a consideration
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# FEDERAL LAW



Environment Canada / Environnement Canada

**Travelling**  
with your **exotic pet?**

When travelling between countries, you will need a CITES permit for many exotic pets. Some examples are:

- + Most parrots
- + Some lizards, turtles and snakes
- + Hybrid cats (wild cat crossed with domestic cat)

Certificates of ownership, also known as **pet passports**, are available for species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Check before you travel.**  
The country you are visiting may also have additional requirements or restrictions.

[www.ec.gc.ca/CITES](http://www.ec.gc.ca/CITES)  
1-855-869-8670

Canada

- Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)
- Implements CITES, creates import / export permit system for at-risk species, including exotic pets
  - Common examples include most parrots; many lizards, snakes and turtles; hybrid cats, some fishes
- Does not specify conditions an animal must be kept in once it enters Canada
- Captive-bred animals are easier to import



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# FEDERAL LAW

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- Species at Risk Act (SARA)
    - Protects (some) Canadian wildlife species that are endangered or threatened
    - Prohibits the capture of wild animals from protected species
    - Captive-bred animals are largely exempt
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# FEDERAL LAW

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- Health of Animals Regulations
  - CFIA requires permits for the import of some animals into Canada
  - Reptiles & amphibians don't need permits - only turtles and tortoises
  - Birds often require permits
  - No primates (unless zoo, research) Customs & border patrol
  - Only a fraction of shipments are inspected



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# FEDERAL LAW

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- Criminal Code
  - s. 445.1: prohibition against causing “unnecessary pain suffering, or injury” to an animal
  - s. 446: prohibition against abandoning a captive animal “in distress”, or “wilfully neglect” or fail to provide suitable and adequate food, water, shelter and care
- Problems
  - Remedial, not preventative
  - Not meaningfully updated since 1950s
  - Weakness may make prosecution difficult
  - Enforcement

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# PROVINCIAL LAW — NEW BRUNSWICK

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- Society for the Prevention of Cruelty to Animals Act, RSNB 2014, c 132
    - No prohibition on causing or permitting an animal to be in distress
  - General Regulation, NB Reg 2000-4 - comply with (vague) standards of care
    - “adequate” source of food and water, “reasonable” protection from injurious heat or cold
    - adequate medical attention for wounded or ill animal
    - prohibition against confining an animal in a way that could threaten health of well-being due to: inadequate space, unsanitary conditions, inadequate ventilation, another animal, lack of opportunity to exercise, or state of disrepair
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# PROVINCIAL LAW – NEW BRUNSWICK

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- Possessing exotic animals not allowed without obtaining a permit
    - Can own and trade animals on exempt list in Exotic Wildlife Regulation, NB Reg 92-74
  - Pet stores, shelters, and sanctuaries require a license
    - Must keep records, including for acquisition and sale of exotic animals
    - Must comply with animal welfare standards listed in Pet Establishment Regulation, NB Reg 2010-74
  - Public Health Act allows officials to seize animals that pose a health hazard
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# PROVINCIAL LAW – PROBLEMS

## (NEW BRUNSWICK)

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- No detailed welfare standards for privately-owned exotic animals
  - Difficult to monitor exotic animal possession and enforce relevant laws
    - Complaint-based enforcement problematic when animals kept on private property
    - Need warrant to enter a home, even if an animal is believed need help
    - Lack of veterinary expertise
    - Inherent difficulty of proving animal welfare / cruelty offences
  - No rules specific to mobile live animal displays
  - Differential treatment for zoos and circuses
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# PROVINCIAL LAW - ONTARIO

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## Ontario Society for the Prevention of Cruelty to Animals Act (OSPACA Act)

- Do not cause or permit an animal to be in distress
  - O.Reg 60/09 - comply with Standards of Care
    - “adequate” food, shelter, space, care, etc. required
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# PROVINCIAL LAW – PROBLEMS (ONTARIO)

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- Not a cohesive regime to regulate exotic pets - No prohibitions - No detailed welfare standards
  - Remedial, not preventative
  - Difficult to monitor exotic animal possession and enforce relevant laws
    - Complaint-based enforcement problematic when animals kept on private property
    - Need warrant to enter a home, even if an animal is believed to be in distress
    - Lack of veterinary expertise
    - Inherent difficulty of proving animal welfare / cruelty offences
  - No rules specific to mobile live animal displays
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# MUNICIPAL LAW

## (NEW BRUNSWICK & ONTARIO)

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- Municipalities may be forced to fill gaps in federal / provincial regulation
  - When exotic animal bylaws exist, typically include a list of prohibited species + exemptions
  - Registry of exotic animals also possible
  - Downsides
    - Patchwork approach
    - Lack of municipal expertise
    - Cost of enforcement
    - Low registry uptake
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# PROVINCIAL REGULATORY OPTIONS (NEW BRUNSWICK)

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- Option 1: Ban keeping & sale of exotic animals
  - Option 2: Enhance existing positive list
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# OPTION 1: BAN EXOTIC ANIMAL TRADE & POSSESSION (NEW BRUNSWICK)

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- Ban the keeping and sale of exotic animals
  - Benefits
    - Comprehensive
    - Strongest protection for wild animal populations
    - Eliminates inevitable poor welfare outcomes for captive exotic animals
    - Protects public safety
    - Ease of enforcement
    - Eliminates need for local veterinary expertise on exotic animal welfare
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# OPTION 2: POSITIVE LIST

## (NEW BRUNSWICK)

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- New Brunswick already has a positive list model in place
  - Positive lists are growing in popularity
    - More safety-conscious, preventative/precautionary in nature
    - Evidence-based approach to welfare
    - Easiest, clearest approach to regulation
  - Negative lists can be cumbersome
    - Continual revisions as exotic pet trade exploits new species
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# PROVINCIAL REGULATORY OPTIONS (ONTARIO)

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- Option 1: Prohibit keeping & sale of exotic animals
  - Option 2: Introduce positive list
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# OPTION 1: END EXOTIC ANIMAL TRADE & POSSESSION (ONTARIO)

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- Prohibit the keeping and sale of exotic animals
  - Benefits
    - Comprehensive
    - Strongest protection for wild animal populations
    - Eliminates inevitable poor welfare outcomes for captive exotic animals
    - Protects public safety
    - Clarity in enforcement
    - Eliminates need for local veterinary expertise on exotic animal welfare
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# OPTION 2: POSITIVE LIST (ONTARIO)

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New approach growing in popularity: a concise list of permitted animals

- Belgium, Netherlands adopted; other EU countries moving in that direction
  - New Brunswick has a positive list model in place:
    - (Exotic Wildlife Reg – pet stores, shelters, sanctuaries – everyone needs a permit, must comply with welfare standards)
    - More safety-conscious, preventative/precautionary in nature
    - Evidence-based approach to welfare
    - Easiest, clearest approach to regulation
  - Negative lists - cumbersome, complicated, continually in need of revision
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