

1 15A NCAC 10H .1401 is proposed for amendment as follows:

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3 **15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

4 (a) The rules in this Section apply to all captivity licenses issued by the Wildlife Resources ~~Commission, Commission.~~  
5 ~~including those applicable to non-farmed cervids in accordance with G.S. 106-549.97.~~

6 (b) The possession of ~~any species of~~ native wild animal ~~animals~~ or wild birds ~~bird and any member of the family~~  
7 ~~Cervidae~~ is unlawful, unless the individual ~~in possession~~ obtains a captivity license from the Commission as provided  
8 by this Rule. This Rule shall not apply to ~~any endangered, threatened, or special concern species as defined by 15A~~  
9 ~~NCAC 10I-0100~~ or farmed cervids as defined by G.S. 106-549.97.

10 (c) Captivity licenses may be issued by the Commission to ~~qualified~~ individuals meeting the requirements ~~for~~  
11 ~~rehabilitation and captivity licenses~~ detailed in this Section for holding ~~of~~ wild animals or wild birds alive in captivity  
12 for ~~scientific, educational, exhibition, or other purposes, as~~ purposes specified in G.S. 113-272.5.

13 (d) The following definitions shall apply to ~~all rules~~ the Rules in this Section:

14 (1) "Apprentice" means an individual applying for a captivity license for rehabilitation that has not held  
15 this license in North Carolina or a similar license in another state.

16 ~~(1)(2)~~ "Animal" means a wild animal and wild bird, as defined in this Rule.

17 ~~(2)(3)~~ "Category" means a designation on a captivity license for rehabilitation that defines a species or  
18 subset of species.

19 ~~(3)(4)~~ "Educational institution" or "scientific research institution" means any public or private school,  
20 facility, organization, or institution of vocational, professional, or higher education that uses live  
21 animals as part of a course of training, or for research, or other experiments, and is at least 50 percent  
22 funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of  
23 federal, State, or local government. These terms do not include elementary or secondary schools.

24 ~~(4)(5)~~ "Education" or "educational purposes" means providing instruction or information to the public  
25 about wild animals or wild birds.

26 ~~(5)(6)~~ "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape,  
27 protects the animal from injury, and is equipped with structural barriers to prevent any physical  
28 contact between the animal and the public.

29 ~~(6)(7)~~ "Exhibition" means any display of wild animals or wild birds for the public, whether for-profit or  
30 not-for-profit.

31 ~~(7)(8)~~ "Facility" means a designated location in North Carolina where wild animals or wild birds are held  
32 for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.

33 ~~(8)(9)~~ "Farmed cervid" means the term as defined in G.S. 106-549.97.

34 ~~(9)(10)~~ "Foster" or "surrogate" means a wild animal, or a wild bird held under a U.S. Fish and Wildlife  
35 Service federal migratory bird rehabilitation ~~permit~~ permit, used to rear wild animals or wild birds  
36 being held under a captivity license for rehabilitation.

1 ~~(10)~~(11) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or  
2 objects that impacts its ability to survive in the wild unassisted.

3 ~~(11)~~(12) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or  
4 objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.

5 ~~(12)~~(13) "Migratory birds" means the term as defined in G.S. 113-129.

6 ~~(13)~~(14) "Native" means a wild animal or wild bird that occurs or historically occurred in the wild in North  
7 Carolina.

8 ~~(14)~~(15) "Nest box" or "den" means a structure that provides a retreat area that is within, attached to, or  
9 adjacent to an enclosure.

10 ~~(15)~~(16) "Non-farmed cervid" means the term as defined in G.S. 106-549.97.

11 ~~(16)~~(17) "Non-native" means a wild animal or wild bird that does not occur and has not historically occurred  
12 in the wild in North Carolina.

13 ~~(17)~~(18) "Pet" means ~~any~~ an animal kept or used for amusement or companionship.

14 ~~(18)~~(19) "Publicly operated zoo" means a park or facility where living animals are kept and exhibited to the  
15 public, and that is operated by a federal, State, or local government agency.

16 ~~(19)~~(20) "Rabies species" are raccoon, skunk, fox, bat, bobcat, ~~or~~ and coyote.

17 ~~(20)~~(21) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,  
18 manufactured home, or any other place where people reside.

19 ~~(21)~~(22) "Shelter" means a structure or feature that protects captive wild animals or wild birds from direct  
20 sunlight and precipitation.

21 ~~(22)~~(23) "Scientific use" and "scientific purpose" means the use of wild animals or wild birds for application  
22 of the scientific method to investigate any relationships amongst natural phenomena or to solve a  
23 biological or medical problem. This definition applies only to educational or scientific research  
24 institutions unless otherwise approved by the Commission.

25 ~~(23)~~(24) "Unfit" means wild animals or wild birds that are:

26 (A) incapacitated by injury or other means to the extent that they cannot feed or care for  
27 themselves without human assistance;

28 (B) rendered imprinted by proximity to humans, pets, or objects; or

29 (C) a non-native species.

30 ~~(24)~~(25) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals except feral  
31 swine or marine mammals found in coastal fishing waters.

32 ~~(25)~~(26) "Wild bird" means the term as defined in 15A NCAC 10B .0121.

33 (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply  
34 for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.

35 (f) Applicants for either license shall meet the following requirements:

36 (1) ~~Be~~ be 18 years of age ~~or older~~ at the time of application;

1           (2)     have no convictions for violations of the Rules of this Section in the previous three years;

2           ~~(2)(3)~~   Have have no criminal convictions under G.S. 113-294 or G.S. 14, Article 47 of the North Carolina  
3           General Statutes within 10 years of the date of application; and

4           ~~(3)(4)~~   Have have no criminal convictions under the federal Animal Welfare Act within 10 years of the date  
5           of application.

6       (g) ~~No~~ A captivity license shall not be transferable either by license holder or by site of a holding facility.

7       (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is  
8       issued.

9       (i) Except as otherwise provided in this Section, ~~no~~ a transportation permit ~~shall be~~ is not required to move wild  
10      animals or wild birds held under a captivity license within the State. ~~Any~~ A person transporting an animal ~~that is~~ held  
11      under a captivity license shall have the captivity license or a copy of the license in ~~his or her~~ their possession. ~~An~~  
12      ~~exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds~~  
13      ~~into or out of the State.~~

14      ~~(j)~~ An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild  
15      birds into or out of the State.

16      ~~(j)(k)~~   Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and  
17      Consumer Services requirements for disclosing reportable diseases. A list of current reportable diseases as determined  
18      by the North Carolina Department of Agriculture and Consumer Services is available at no cost at [www.ncagr.gov](http://www.ncagr.gov),  
19      and is incorporated by reference, including subsequent amendments and editions.

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21      *History Note:     Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*  
22                      *Eff. January 1, 2020.*