

1 15A NCAC 10H .1402 is proposed for amendment as follows:

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3 **15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION**

4 (a) A captivity license for rehabilitation ~~shall be required for~~ authorizes the lawful possession of injured, crippled, or  
5 orphaned native wild animals or wild birds for the purpose of providing short term care and eventual release into the  
6 animal's natural habitat. ~~A captivity license for rehabilitation shall not be issued for:~~

- 7 (1) ~~— Possession of~~ endangered, threatened, or special concern species ~~as defined by 15A NCAC 10I~~  
8 ~~.0100; specified in Rules 10I .0103 through .0105 of this Chapter Rehabilitation of these species~~  
9 also requires an endangered species permit from the ~~Commission;~~ Commission.

10 (b) A captivity license for rehabilitation shall not be issued for:

- 11 ~~(2)(1)~~ domestic animals;  
12 ~~(3)(2)~~ feral swine;  
13 ~~(4)(3)~~ nutria;  
14 ~~(5)(4)~~ coyote;  
15 ~~(6)(5)~~ adult black bear;  
16 ~~(7)(6)~~ adult white-tailed ~~deer or elk;~~ deer;  
17 ~~(8)(7)~~ elk; ~~nine-banded armadillo;~~ or  
18 ~~(9)(8)~~ eggs of upland game birds.

19 ~~(b)(c)~~ A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- 20 (1) as pets;  
21 (2) for education, exhibition, or scientific ~~purposes, except as provided in Rule .1403 of this Section;~~  
22 purposes;  
23 (3) for dog training;  
24 (4) for hunting; or  
25 (5) acquired unlawfully.

26 ~~(c)(d)~~ Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured,  
27 crippled, or orphaned wild animals or wild birds, except rabies species and black bear cubs, provided they are  
28 surrendered to a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of  
29 taking possession of such animals.

30 ~~(d)(e)~~ North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild  
31 birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians  
32 without a captivity license for rehabilitation may ~~hold treat~~ wild animals or wild birds until the animal is medically  
33 stable. Once medically stable, the wild animal or wild bird shall be transferred to an individual ~~possessing with a valid~~  
34 captivity license for rehabilitation with the appropriate category for the given species. ~~Licensed veterinarians~~  
35 ~~rehabilitating wild animals or wild birds shall have a valid captivity license for rehabilitation.~~

36 ~~(e)(f)~~ Apprenticeship. Individuals shall designate a rehabilitation mentor with a valid captivity license for  
37 rehabilitation in North Carolina on their application for a captivity license for rehabilitation and submit the Wildlife

1 Rehabilitation Mentor Apprentice Agreement Form described in Rule .1406 of this Section, applying for a captivity  
2 license for rehabilitation that have never held this license in North Carolina or a similar license in another state shall  
3 be designated as an apprentice. The following requirements conditions shall apply to an apprentice license:  
4 apprentices:

5 (1) ~~On the application, the apprentice shall designate a mentor with a valid captivity license for~~  
6 ~~rehabilitation in NC, who has held that license for two or more years;~~

7 (2) ~~An apprentice shall complete at least 12 months of supervised rehabilitation activities under a~~  
8 ~~licensed rehabilitator; and~~

9 (3)(1) ~~An apprentice license shall may only possess at their own facility authorize the possession of~~  
10 ~~squirrels, rabbits, and opossums. opossums, and chipmunks approved by their mentor if the mentor~~  
11 ~~is authorized to rehabilitate small mammals.~~

12 (2) An apprentice shall keep records of small mammals at their facility. Records shall contain the  
13 following information:

14 (i) species;

15 (ii) quantity;

16 (iii) date acquired; and

17 (iv) final disposition and date.

18 To remove the apprentice conditions from a captivity license for rehabilitation, an apprentice shall complete 12 months  
19 of supervised rehabilitation activities under a licensed rehabilitator and submit a completed Wildlife Rehabilitation  
20 Apprentice Upgrade Form described in Rule .1406 of this Section.

21 (g) Mentorship. Individuals who have held a valid captivity license for rehabilitation in North Carolina for two years  
22 may serve as a rehabilitation mentor to apprentices. Mentors shall:

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

24 (2) keep records of the small mammals assigned to their apprentices for rehabilitation, if applicable.

25 Records shall contain the following information:

26 (i) species;

27 (ii) quantity;

28 (iii) date acquired; and

29 (iv) final disposition and date.

30 (f)(h) ~~Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements,~~  
31 ~~including those in G.S. 113-272.5 and all applicable rules of this Section. Individuals seeking to rehabilitate migratory~~  
32 ~~birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird~~  
33 ~~Rehabilitation permit for each category of migratory birds to be rehabilitated. The Commission shall state on the~~  
34 ~~captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to~~  
35 ~~possess.~~

36 (g)(i) Required facilities.

- (1) Individuals ~~holding with~~ a captivity license for rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the "Miller, E.A., ~~edition. E.A.~~ 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available ~~at no cost at~~ [http://www.nwrawildlife.org/page/Minimum\\_Standards](http://www.nwrawildlife.org/page/Minimum_Standards). ~~free of charge at~~ [www.ncwildlife.gov](http://www.ncwildlife.gov).
- (2) ~~All wild~~ Wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.
- (3) ~~All wild~~ Wild animals shall be kept in separate enclosures by species.
- (4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.
- (5) Handling of wild animals and wild birds shall be for treatment only.
- ~~(h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.~~
- ~~(i)(j)~~ Release of rehabilitated wild animals and wild birds.
- (1) Wild animals and wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release.
- ~~(1)(2)~~ Rehabilitated ~~All rehabilitated~~ wild animals and wild birds shall be released ~~as soon as when~~ the animal can be expected to survive in the wild or has attained full recovery from illness or ~~injury, as determined by the rehabilitator or a North Carolina licensed veterinarian.~~ injury.
- ~~(2)(3)~~ Wild animals and wild birds may remain in a rehabilitation facility for ~~no longer than~~ 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.
- ~~(3)(4)~~ Wild animals and wild birds shall not be released on the property ~~owned by of~~ another unless the rehabilitator has written permission dated within the last 12 months from the landowner.
- ~~(4)~~ ~~Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized. However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when written authorization is requested from the Commission. The wild animal or wild bird shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.~~
- ~~(j)(k)~~ Transfer of Animals.
- (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.

- (2) Wild animals received for rehabilitation ~~may~~ shall not be exported outside the State for the purpose of rehabilitation or release ~~after rehabilitation~~ unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.
- (3) ~~It shall be unlawful for a license holder to sell any wild animal or wild bird.~~ Wild animals and wild birds being held under a captivity license for rehabilitation, rehabilitation shall not be sold.
- (4) ~~It shall be lawful for a license holder to transfer a wild animal or wild bird.~~ Wild animals and wild birds may be transferred to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species ~~or a wild bird to another individual with a valid permit for the given species.~~
- (5) Wild animals and wild birds that are unfit for release shall be humanely euthanized, except that the Commission may consider transfer of wild animals and wild birds upon written request from the rehabilitator. The wild animal or wild bird unfit for release may be transferred to an individual or facility with a valid captivity license for holding as set forth in Rule .1403 of this Section after written authorization is obtained from the Commission.

~~(k)(1)~~ White-tailed Deer Fawn. Fawns.

- (1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may ~~possess, rehabilitate, and release~~ possess and rehabilitate white-tailed deer fawns. ~~To become licensed to rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.~~
- (2) ~~No white-tailed~~ White-tailed deer ~~fawn~~ fawns shall not be possessed until the applicant has constructed or acquired an enclosure for keeping ~~fawn~~ fawns that complies with the standards set forth in Paragraph ~~(g)~~(i) of this Rule, and the facility has been verified by a representative of the Commission.
- (3) ~~Any white-tailed~~ White-tailed deer ~~fawn~~ fawns held for more than 48 hours shall be permanently tagged using ~~only~~ Commission-provided tags.
- (4) Orphaned white-tailed deer fawns shall be held ~~for~~ no longer than 90 days. Injured white-tailed deer fawns shall be held ~~for~~ no longer than 180 ~~days~~ days. No white-tailed deer fawns shall be possessed after or until December 31, whichever occurs first. 31. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case by case basis. A fawn shall be considered an adult on December 31 of the birth year. Upon written request from the rehabilitator, the Commission may consider extended rehabilitation depending on the likelihood of rehabilitation success as determined by the Commission.
- (5) Records of ~~all white-tail~~ white-tailed deer fawn rehabilitation shall be ~~maintained on a form, as set forth in Rule .1406 of this Section, and~~ submitted to the Commission on the Annual White-tailed Deer Fawn Rehabilitation Activity Form specified in Rule .1406 of this Section within 15 days of license expiration. ~~expiration of the license or prior to the request for reissuance of the license.~~

- (6) ~~Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn~~  
White-tailed deer fawns shall not be rehabilitated on properties licensed for farmed cervids.

(4) ~~Elk Calves.~~

- (1) ~~Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate elk calves.~~
- (2) ~~Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual shall meet all the requirements of the captivity license for rehabilitation.~~
- (3) ~~Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-provided tags.~~
- (4) ~~Any individual or facility with the elk calf category may not rehabilitate elk calves on properties licensed for farmed cervids.~~
- (5) ~~No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.~~
- (6) ~~Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license~~

(m) Black Bear Cubs.

- (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.
- (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear cub category. ~~To become licensed to rehabilitate black bear cubs, an individual shall meet all the requirements of the captivity license for rehabilitation.~~
- (2) No black bear cub shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear cubs that complies with the standards set forth in Paragraph ~~(g)~~(i) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

- (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may ~~possess, rehabilitate, or release~~ possess and rehabilitate rabies species. ~~To become licensed to rehabilitate rabies species, an individual shall meet all requirements of and~~ In addition to the general captivity license for rehabilitation requirements, individuals requesting to rehabilitate rabies species shall:
- (A) have held an active rehabilitation license within or outside of the State for ~~at least~~ the previous three years and have rehabilitated wild animals during that time;
- (B) certify 12 hours of rabies or rabies species-specific ~~training~~ training, or a combination ~~thereof;~~ thereof, for their initial application;

- (C) certify up-to-date rabies ~~immunization~~ pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at [www.CDC.gov](http://www.CDC.gov) for ~~any rehabilitator, themselves, staff member members, or volunteer, and volunteers~~ who may come in contact with rabies species. ~~Proof species; of immunization to demonstrate that the vaccine was administered shall be provided and upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;~~
- (D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical treatment to the rabies species. ~~Contact information for the veterinarian shall be posted at the facility where the rabies species are being rehabilitated;~~
- (E) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and ~~location.~~ location, and to coordinate future rabies testing activities; ~~Contact information for these agencies shall be posted at the facility where the rabies species are being rehabilitated.~~
- (F) have separate ~~facilities~~ enclosures from non-rabies species adequate for the species ~~to be rehabilitated.~~ being rehabilitated. ~~Enclosures within the facility shall that are locked to prevent escape of the animal and egress of the animal, and ingress of other wild mammals; exposure to people, pets, livestock, and other captive or free ranging wildlife. Exterior eaging shall be locked and surrounded by double fencing or a solid wall barrier; and~~
- (G) have a secondary barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (n)(2)(A) of this Rule, pets, and livestock.
- ~~(G) coordinate with appropriate local health department regarding euthanasia and testing of rabies species. A written protocol for testing shall be posted at the facility and made available for inspection by the Commission upon request.~~
- (2) The following information shall be posted at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:
- (A) proof of immunization or titer checks for individuals who have contact with rabies species;
- (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
- (C) contact information for the local animal control authority and local health department;  
and
- (D) a written protocol for euthanasia and rabies testing.
- ~~(2)(3)~~ Except for bats, rehabilitation and release of rabies species is not authorized in counties where the United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies

Vaccination (ORV) program is conducted, as specified by the United States Department of Agriculture-Animal and Plant Health Inspection Service at [www.aphis.usda.gov](http://www.aphis.usda.gov).

(3)(4) Except as otherwise specified in this Section, rabies species shall not be removed from their containment except for treatment, release, maintenance of the enclosure, or euthanasia.

(4)(5) Rehabilitated rabies species ~~must~~ shall be released in ~~either~~ the county where they were rehabilitated or the county where they were found.

(5)(6) All rabies species shall be considered potentially infected with the rabies virus. If ~~any~~ a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain ~~and or~~ spinal cord material from ~~any~~ a rabies species, the license holder shall contact the local ~~Health Department~~ health department immediately to report the incident. ~~The local Health Department may require euthanasia of the animal and submission of the brain for rabies testing.~~ Rehabilitators shall abide by ~~all requests made by~~ requests from authorized public health department personnel, animal control, ~~or~~ and Commission personnel regarding disposition of the animal. ~~No rabies~~ Rabies species that ~~has~~ have scratched or bitten a human or domestic animal or ~~dies~~ die in captivity ~~can be~~ shall not be released or disposed of until the local ~~Health Department~~ health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within five business days of receipt from the health department.

(6)(7) Records of ~~all~~ rabies species rehabilitation shall be ~~maintained on a form, as described~~ submitted to the Commission on the Annual Rabies Vector Species Rehabilitation Activity Report specified in Rule .1406 of this Section, and submitted to the Commission Section within 15 days of license expiration. ~~expiration of the license or prior to the request for reissuance of the license.~~

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;  
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