

1 15A NCAC 10H .1403 is proposed for amendment as follows:

2
3 **15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING**

4 (a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native
5 wild animals or wild birds for education, exhibition, or scientific purposes. ~~A captivity license for holding shall not~~
6 ~~be issued for endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of~~
7 ~~these endangered, threatened, or special concern species specified in Rules 10I .0103 through .0105 of this Chapter~~
8 ~~also~~ requires an endangered species permit from the Commission.

9 (b) A captivity license for holding shall not be issued for holding wild animals or wild birds:

- 10 (1) ~~As~~ as pets;
11 (2) ~~For~~ for breeding unless approved by the Commission;
12 (3) ~~For~~ for dog training;
13 (4) ~~For~~ for hunting; or
14 (5) ~~Acquired~~ acquired unlawfully.

15 (c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a
16 valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

17 (d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license
18 from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining
19 the animal.

20 (e) ~~No captivity license for holding shall be issued and no wild~~ Wild animals ~~or and~~ wild birds shall not be possessed
21 until ~~the applicant~~ an individual has ~~constructed or acquired~~ an enclosure for keeping a wild animal or wild bird in
22 captivity that complies with the standards set forth in Rule .1404 of this Section, ~~and the facility has been verified by~~
23 ~~a representative of the Commission or and~~ the individual has ~~shown proof of~~ a valid, concurrent, and applicable U.S.
24 Department of Agriculture license or exemption from ~~USDA licensing requirements.~~ requirements, both verified by a
25 representative of the Commission.

26 (f) Changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10
27 business days.

28 ~~(f)(g)~~ The following conditions ~~shall~~ apply to captivity licenses for holding wild animals ~~or and~~ wild birds:

- 29 (1) Wild animals and wild birds shall not come into contact with pets, non-native animals, livestock, or wild
30 animals or wild birds held under a captivity license for ~~rehabilitation.~~ This provision shall not apply
31 to rehabilitation, except for surrogate animals or wild animals or wild birds used to foster other wild
32 animals and wild birds;
33 (2) Rabies species outside of their enclosure shall be kept restrained ~~at all times so that~~ the license holder
34 or their designee is in control of the animal and it does not have physical contact with the public,
35 domestic animals, non-native animals, livestock, or other wild animals or wild birds; and
36 (3) Wild animals outside their enclosure shall be kept restrained ~~at all times so that~~ the license holder
37 or their designee is in control of the animal and it presents no danger to the ~~public; and public.~~

1 ~~(4) Wild animals shall not roam free unrestrained outside of an enclosure.~~

2 ~~(g)~~(h) License holders with wild animals or wild birds used for education or exhibition outside of their ~~facility~~, facility
3 shall maintain records of all education and exhibition ~~activities on a form, as described~~ activities. Records shall be
4 submitted to the Commission on the Captivity License for Holding Education and Exhibition Activity Form specified
5 in Rule .1406 of this Section, Section within 15 days of license expiration, and shall ~~retain records~~ be retained for a
6 period of 12 months following expiration of the license.

7 ~~(h)~~(i) ~~It is unlawful for a license holder to sell, Sale, transfer, or and release the of a~~ the of a wild animal or wild bird held
8 ~~under the license, a captivity license for holding is prohibited~~, except that ~~such the~~ the wild animal or wild bird may be
9 surrendered to an agent of the ~~Commission~~, Commission or transferred to another individual who has obtained a
10 license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor shall create a record for the wild
11 animal or wild bird showing the ~~transferors~~ transferor's name, address, tag number if available, license number, date
12 of transfer, and transferor's signature, verifying that the information contained in the record is true and correct. A copy
13 of the record shall be retained by the transferee for three years from the date of transfer.

14 ~~(i)~~(j) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule .1402 of this
15 Section, except for white-tailed deer ~~fawns and elk calves~~, fawns, may be transferred to a captivity license for holding
16 under the following conditions:

17 (1) ~~A a~~ A North Carolina licensed veterinarian submits a written recommendation stating the reason ~~or~~
18 ~~reasons~~ why the wild animal or wild bird cannot be released into the wild. The explanation shall
19 include a description of the incapacitation of the animal and a detailed explanation of why the animal
20 will not experience chronic pain from its condition or injuries;

21 (2) ~~The the~~ The Commission authorizes the transfer ~~and or~~ and continued possession of the wild animal or wild
22 bird; and

23 (3) ~~For for an~~ For ~~imprinted animals, animal~~, animal, the individual with the captivity license for holding shall not
24 be the same individual that rehabilitated ~~that specific the~~ the animal.

25 ~~(j)~~(k) Rabies ~~Species~~ Species.

26 (1) License holders with rabies species shall:

27 (A) certify up-to-date rabies ~~immunization~~ pre-exposure prophylaxis in accordance with
28 current Advisory Committee on Immunization Practices of the Centers for Disease Control
29 and Prevention at www.CDC.gov for ~~any themselves~~, staff member members and or
30 ~~volunteer volunteers~~ who may come in contact with rabies species; species. Proof of
31 ~~immunization to demonstrate that the vaccine was administered shall be provided upon~~
32 ~~request of the Commission and shall be kept at the license holder's facility;~~

33 (B) provide the name and contact information of a North Carolina licensed veterinarian with
34 whom the license holder has consulted and who agrees to provide necessary medical
35 treatment to the rabies ~~species; species~~. Contact information for the veterinarian shall be
36 posted at the facility where the rabies species are being held;

- (C) certify notification to the appropriate animal control authority and ~~their~~ local health department prior to making application to the Commission, to inform them of their anticipated activities and location, and to coordinate future rabies testing activities;
~~location. Contact information for these agencies shall be posted at the facility where the rabies species are being held;~~
- (D) have separate enclosures from non-rabies ~~species~~ species. Enclosures shall that are locked to prevent escape egress of the animal animal and ingress of other wild mammals; and exposure to people, pets, livestock and other captive or free ranging wildlife. Enclosures shall be locked and surrounded by a
- (E) have a secondary barrier to prevent unauthorized contact with the public; and barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (k)(2)(A) of this Rule, pets, and livestock.
- (E) ~~coordinate with appropriate local health department regarding euthanasia and testing of rabies species. Written protocols 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)~~ All rabies 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, he or she the license holder shall immediately contact the local 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. License holders shall abide by all requests made by 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 shall not be 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 5 business days of receipt from the health department.
- ~~(4)(1)~~ Black Bear: Bear.

(1) In accordance with G.S. 19A-10 and G.S. 19A-11, ~~no~~ captivity license licenses for black bear may be issued ~~for a black bear, except to:~~

(A) a publicly operated zoo;

(B) an educational institution; or

(C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule ~~.1404(e)~~ .1404(d) of this Section.

(2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport black bear ~~for any purpose~~ without first obtaining a transportation permit from the Commission.

~~(4)(m) Cougar:~~ Cougar.

(1) In accordance with G.S. 113-272.5, ~~no~~ captivity license licenses for cougars may be issued ~~for a cougar, except to:~~

(A) a publicly operated zoo;

(B) an educational or scientific institution; or

(C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule ~~.1404(f)~~ .1404(e) of this Section.

(2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport cougar ~~for any purpose~~ without first obtaining a transportation permit from the Commission.

~~(m)(n) Non-Farmed Cervids:~~ Cervids.

(1) ~~It is unlawful to hold any non farmed cervids under a~~ No captivity licenses for holding shall be issued for cervids, holding, except for animals being held under a valid captive cervid license issued prior to September 30, 2015 that are not farmed cervids, as specified by G.S. 106-549.97.

~~(2) The following conditions shall apply to non farmed cervid licenses issued prior to September 30, 2015:~~

~~(A) no reproduction within the existing herd;~~

~~(B) no new non farmed cervids shall be added to the existing herd from the wild or from farmed cervids held under the North Carolina Department of Agriculture and Consumer Services farmed cervid program;~~

~~(C) the escape of any non farmed cervid from the facility shall be reported to the Commission within one hour of discovery. The license holder shall request a permit to take the escaped non farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted by the license holder to a North Carolina Department of Agriculture (NCDA) approved laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines that the risk of CWD transmission as a result of this escape is negligible;~~

~~(D) the Commission shall be notified within 24 hours if any non farmed cervid within the facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at~~

~~www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.~~

~~All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD;~~

(E) ~~the carcass of any non-farmed cervid that was six months or older at time of death shall be submitted by the license holder to a NCDA approved laboratory and tested for CWD within 48 hours of knowledge of the cervid's death, or by the end of the next business day, whichever is later. The Commission issued ear tag shall not be removed from the cervid's head prior to submitting the head for CWD testing;~~

(F) ~~the license holder shall make all records pertaining to tags, licenses, or permits issued by the Commission available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;~~

(G) ~~the license holder shall make all licensed facilities, enclosures, and the record book(s) documenting required monitoring of the outer fence of the enclosure(s) at each licensed facility available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;~~

(H) ~~the fence surrounding the enclosure shall be inspected by the license holder once a week to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection and inspections shall resume as soon as possible.~~

(i) ~~a record book shall be maintained to record the time and date of each inspection of the fence, the name of the person who performed the inspection of the fence, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If the fence is damaged, the license holder shall record a description of measures taken to prevent ingress or egress by non-farmed cervids. Each record book entry shall bear the signature or initials of the license holder attesting to the veracity of the entry. The record book shall be made available for inspection by a representative of the Commission upon request, or during the facility's business hours; and~~

(ii) ~~any opening or passage through the enclosure fence shall, within one hour of detection, be sealed or otherwise secured to prevent a non-farmed cervid from entry or escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection;~~

- 1 ~~(I) — each non farmed cervid held under this license shall be tagged as follows:~~
- 2 ~~(i) — a single button ear tag provided by the Commission shall be permanently affixed~~
- 3 ~~by the license holder onto either the right or left ear of each non farmed cervid,~~
- 4 ~~provided that the ear chosen to bear the button tag shall not also bear a bangle tag,~~
- 5 ~~so that each ear of the cervid bears only one tag;~~
- 6 ~~(ii) — a single bangle ear tag provided by the Commission shall be permanently affixed~~
- 7 ~~by the license holder onto the right or left ear of each non farmed cervid, provided~~
- 8 ~~that the ear bearing the bangle tag does not also bear the button tag; and~~
- 9 ~~(iii) — once a tag is affixed in the manner required by this Rule, it shall not be removed;~~
- 10 ~~(J) — a permit to transport non farmed cervids may be issued by the Commission to an applicant~~
- 11 ~~for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for~~
- 12 ~~slaughter, between non farmed cervid facilities covered by this Rule, or to a veterinary~~
- 13 ~~medical facility for treatment provided that the animal for which the permit is issued does~~
- 14 ~~not exhibit clinical symptoms of CWD. Application for a transportation permit shall be~~
- 15 ~~made to the Commission by completing and submitting the non farmed cervid~~
- 16 ~~transportation form detailed in Rule .1406 of this Section. Any person transporting a non~~
- 17 ~~farmed cervid shall present the transportation permit to any law enforcement officer or~~
- 18 ~~representative of the Commission upon request, except that a person transporting a non~~
- 19 ~~farmed cervid by verbal authorization for veterinary treatment shall provide the name of~~
- 20 ~~the person who issued the approval to any law enforcement officer or representative of the~~
- 21 ~~Commission upon request.~~
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23 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*

24 *Eff. January 1, 2020.*

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