

1 15A NCAC 10H .1405 is proposed for amendment as follows:

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3 **15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT**

4 (a) Representatives of the Commission ~~shall be permitted to~~ may enter the premises of ~~any~~ a license holder's facility
5 upon request or during the facility's business hours for inspection or scientific purposes.

6 (b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's
7 captivity ~~license~~, license if the license holder violates ~~any~~ a provision of G.S. 14, Article 47, or G.S. 113, Subchapter
8 IV, ~~or any~~ rules promulgated by the Commission in this ~~Chapter~~ Chapter, or any conditions of the license. The
9 determination whether to warn, cite, suspend, or revoke a captivity license for rehabilitation or holding shall be based
10 upon the seriousness of the violation, and may include:

11 (1) ~~Failing~~ failure to provide required facilities for the housing of wild animals and wild birds as
12 specified in Rule ~~.1402(g)~~ .1402(i) and Rule .1404 of this Section;

13 (2) ~~Providing~~ providing false or inaccurate information on license applications or reports submitted to
14 the Commission;

15 (3) ~~Possessing~~ possessing wild animals or wild birds not permitted by the captivity license for
16 rehabilitation, or the captivity license for holding;

17 (4) ~~Using~~ using animals undergoing rehabilitation for education, exhibition, profit, or ~~science~~ science;

18 (5) allowing wild animals undergoing rehabilitation to have ~~involving~~ contact with or proximity to the
19 public;

20 (5)(6) ~~Failing~~ failure to comply with monitoring or record-keeping ~~requirements as provided by the rules~~
21 ~~of this Section;~~ requirements;

22 (6)(7) ~~Taming~~, taming, ~~taming~~, imprinting, or otherwise improperly handling animals held for
23 rehabilitation;

24 (7)(8) ~~Failing~~ failure to treat conditions that warrant medical attention;

25 (8)(9) ~~Failing~~ failure to notify the appropriate agencies after a rabies exposure as described in Rules .1402
26 and .1403 this Section; ~~or~~

27 (9)(10) ~~Allowing~~ allowing a wild animal held under a captivity license for holding to roam free unrestrained
28 outside of its ~~enclosure~~; or enclosure.

29 (10) ~~The license holder of a facility holding captive cervid(s) failing to:~~

30 (A) ~~comply with tagging requirements as provided by rules of this Section; or~~

31 (B) ~~comply with requirements for maintaining the enclosure fence as provided by rules of this~~
32 ~~Section.~~

33 (c) An individual holding a captivity license for rehabilitation with ~~the apprentice designation~~ apprenticeship
34 conditions shall notify the Commission within 10 business days if he or she no longer has a mentor ~~mentor~~, and
35 provide a list of animals in their possession by species and quantity. The apprentice shall obtain another mentor within
36 30 days and notify the Commission with that individual's information. If the apprentice fails to obtain another mentor

1 ~~within 60 days, the Commission shall revoke his or her their license and he or she shall be required to reapply for a~~
2 ~~license with apprenticeship conditions. an apprentice license.~~

3 (d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for
4 rehabilitation or holding, ~~then~~ the Commission may seize and determine future treatment of the wild animal or wild
5 bird, to include release, relocation, or euthanasia.

6 ~~(e) The Commission shall revoke a non farmed cervid license, and the holder of that license shall forfeit the right to~~
7 ~~keep non farmed cervids and be required to turn the animals over to a representative of the Commission upon request~~
8 ~~of the Commission, under any of the following circumstances or conditions:~~

- 9 (1) ~~The license holder fails to submit a cervid carcass to a NCDA approved laboratory for testing for~~
10 ~~Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next~~
11 ~~business day, whichever is later, as provided by Rule .1403(m) in this Section;~~
12 (2) ~~A cervid has been transported without a permit; or~~
13 (3) ~~Chronic Wasting Disease has been confirmed in a cervid at that facility.~~

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