

15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING

(a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native wild animals or wild birds for education, exhibition, or scientific purposes. Possession of endangered, threatened, or special concern species specified in Rules 10I .0103 through .0105 of this Chapter also requires an endangered species permit from the Commission.

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

- (1) as pets;
- (2) for breeding unless approved by the Commission;
- (3) for dog training;
- (4) for hunting; or
- (5) acquired unlawfully.

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

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

(e) Wild animals and wild birds shall not be possessed until an individual has an enclosure for keeping a wild animal or wild bird in captivity that complies with the standards set forth in Rule .1404 of this Section, and the individual has a valid, concurrent, and applicable U.S. Department of Agriculture license or exemption from licensing requirements, both verified by a representative of the Commission.

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

(g) The following conditions apply to captivity licenses for holding wild animals and wild birds:

- (1) Wild animals and wild birds shall not comingle with pets, non-native animals, livestock, or wild animals or wild birds held under a captivity license for rehabilitation, except for surrogate wild animals or wild birds used to foster other wild animals and wild birds;
- (2) Rabies species outside of their enclosure shall be kept restrained so the license holder or their designee is in control of the animal and it does not have physical contact with the public, domestic animals, non-native animals, livestock, or other wild animals or wild birds; and
- (3) Wild animals outside their enclosure shall be kept restrained so the license holder or their designee is in control of the animal and it presents no danger to the public.

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

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

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

- (1) a North Carolina licensed veterinarian submits a written recommendation stating the reason why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;
- (2) the Commission authorizes the transfer or continued possession of the wild animal or wild bird; and
- (3) for an imprinted animal, the individual with the captivity license for holding shall not be the same individual that rehabilitated the animal.

(k) Rabies Species.

- (1) License holders with rabies species shall:
 - (A) certify up-to-date rabies pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention

- at www.CDC.gov for themselves, staff members and volunteers who may contact rabies species;
- (B) provide the name and contact information of a North Carolina licensed veterinarian with whom the license holder has consulted and who agrees to provide necessary medical treatment to the rabies species;
 - (C) 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, and to coordinate future rabies testing activities;
 - (D) have separate enclosures from non-rabies species that are locked to prevent egress of the animal and ingress of other wild mammals; and
 - (E) have a secondary 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.
- (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.
 - (3) Rabies species shall be considered potentially infected with the rabies virus. If a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain or spinal cord material from a rabies species, the license holder shall immediately contact the local health department to report the incident. License holders shall abide by requests from public health department personnel, animal control, and Commission personnel regarding disposition of the animal. Rabies species that have scratched or bitten a human or domestic animal or die in captivity shall not be disposed of until the local 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.
- (l) Black Bear.
 - (1) In accordance with G.S. 19A-10 and G.S. 19A-11, captivity licenses for black bear may be issued 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(d) of this Section.
 - (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport black bear without first obtaining a transportation permit from the Commission.
 - (m) Cougar.
 - (1) In accordance with G.S. 113-272.5, captivity licenses for cougars may be issued 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(e) of this Section.
 - (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport cougar without first obtaining a transportation permit from the Commission.
 - (n) Non-Farmed Cervids.
 - (1) No captivity licenses for holding shall be issued for cervids.

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