

SECTION .1400 – WILDLIFE CAPTIVITY AND REHABILITATION

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

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

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

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

(d) The following definitions shall apply to all rules in this Section:

- (1) "Animal" means a wild animal and wild bird, as defined in this Rule.
- (2) "Category" means a designation on a captivity license for rehabilitation that defines a species or subset of species.
- (3) "Educational institution" or "scientific research institution" means any public or private school, facility, organization, or institution of vocational, professional, or higher education that uses live animals as part of a course of training, or for research, or other experiments, and is at least 50 percent funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of federal, State, or local government. These terms do not include elementary or secondary schools.
- (4) "Education" means providing instruction or information to the public about wild animals or wild birds.
- (5) "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape, protects the animal from injury, and is equipped with structural barriers to prevent any physical contact between the animal and the public.
- (6) "Exhibition" means any display of wild animals or wild birds for the public, whether for-profit or not-for-profit.
- (7) "Facility" means a designated location in North Carolina where wild animals or wild birds are held for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.
- (8) "Farmed cervid" means the term as defined in G.S. 106-549.97.
- (9) "Foster" or "surrogate" means a bird held under a U.S. Fish and Wildlife Service federal migratory bird rehabilitation permit used to rear wild birds being held under a captivity license for rehabilitation.
- (10) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted.
- (11) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.
- (12) "Migratory birds" means the term as defined in G.S. 113-129.
- (13) "Native" means a wild animal or wild bird that occurs or historically occurred in the wild in North Carolina.
- (14) "Nest box" or "den" means a structure that provides a retreat area that is within, attached to, or adjacent to an enclosure.
- (15) "Non-farmed cervid" means the term as defined in G.S. 106-549.97.
- (16) "Non-native" means a wild animal or wild bird that has not historically occurred in the wild in North Carolina.
- (17) "Pet" means any animal kept or used for amusement or companionship.
- (18) "Publicly operated zoo" means a park or facility where living animals are kept and exhibited to the public, and that is operated by a federal, State, or local government agency.
- (19) "Rabies species" are raccoon, skunk, fox, bat, bobcat, or coyote.
- (20) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp, manufactured home, or any other place where people reside.

- (21) "Shelter" means a structure or feature that protects captive wild animals or wild birds from direct sunlight and precipitation.
 - (22) "Scientific use" and "scientific purpose" means the use of wild animals or wild birds for application of the scientific method to investigate any relationships amongst natural phenomena or to solve a biological or medical problem. This definition applies only to educational or scientific research institutions unless otherwise approved by the Commission.
 - (23) "Unfit" means wild animals or wild birds that are:
 - (A) incapacitated by injury or other means to the extent that they cannot feed or care for themselves without human assistance;
 - (B) rendered imprinted by proximity to humans, pets, or objects; or
 - (C) a non-native species.
 - (24) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals except feral swine or marine mammals found in coastal fishing waters.
 - (25) "Wild bird" means the term as defined in 15A NCAC 10B .0121.
- (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.
- (f) Applicants for either license shall meet the following requirements:
- (1) Be 18 years of age or older at the time of application;
 - (2) Have no criminal convictions under G.S. 14, Article 47 of the North Carolina General Statutes within 10 years of the date of application; and
 - (3) Have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of application.
- (g) No captivity license shall be transferable either by license holder or by site of a holding facility.
- (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is issued.
- (i) Except as otherwise provided in this Section, no transportation permit shall be required to move wild animals or wild birds held under a captivity license within the State. Any person transporting an animal that is held under a captivity license shall have the captivity license in his or her possession. An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds into or out of the State.
- (j) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer Services requirements for disclosing reportable diseases. A list of current reportable diseases as determined by the North Carolina Department of Agriculture and Consumer Services is available at no cost at www.ncagr.gov, and is incorporated by reference, including subsequent amendments and editions.

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