

1 **15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

2 (a) Notwithstanding any other captivity rules, the rules in Section .1400 apply to all captivity licenses issued by the
3 Wildlife Resources Commission, including those applicable to non-farmed cervids in accordance with G.S. 106-
4 549.97.

5 (b) The possession of any species of native wild animal or wild bird, that occurs or historically occurred in this State
6 or any member of the family Cervidae is unlawful, unless the individual in possession obtains a captivity license from
7 the Commission as provided by this Rule. This Rule shall not apply to any endangered, threatened, or special concern
8 species as defined in 15A NCAC 10I .0100.

9 (c) The following definitions shall apply to 15A NCAC 10H .1400 rules:

10 (1) “Category” means a designation on a captivity license for wildlife rehabilitation that defines a
11 species or subset of species.

12 (2) “Educational facility” means a permanent location or establishment accredited by the Association
13 of Zoos and Aquariums (AZA) whose primary purpose shall be educating the public about wildlife.

14 (3) “Educational institution” means any public or private institution of vocational, professional, or
15 higher education in which black bears are kept or exhibited as part of a course of training or research
16 in the natural sciences.

17 (4) “Educational use” means used for the purposes of providing instruction or education to the public
18 about wildlife.

19 (5) “Elevated platform” or “perching area” means a surface or structure, either natural or manmade,
20 positioned above the floor of the enclosure that is accessible to the animal(s).

21 (6) “Enclosure” means a structure housing captive wildlife that prevents escape, protects the caged
22 animal from injury, and is equipped with structural barriers to prevent any physical contact with the
23 caged animal by the public.

24 (7) “Exhibition” means the public display of wildlife for-profit or not-for-profit.

25 (8) “Farmed cervid” as defined in G.S. 106-549.97.

26 (9) “Gnawing and chewing items” means natural or artificial materials that provide for the health of
27 teeth. Gnawing items may include logs and trees. Chewing items may include woody stems,
28 knuckle bones, and rawhide objects.

29 (10) “Habituation” means causing an animal to lose fear of humans or the ability to survive in the wild
30 unassisted as a result of handling, imprinting, or taming.

31 (11) “Migratory birds” means all birds as defined in G.S. 113-129.

32 (12) “Native” means a species that occurs in the wild or historically occurred in the wild in North
33 Carolina.

34 (13) “Nest box” or “den” means a structure that provides a retreat area that is within, attached to,
35 or adjacent to an enclosure.

36 (14) “Non-farmed cervid” as defined in G.S. 106-549.97.

37 (15) “Non-native” means a species that has not historically occurred in North Carolina.

- 1 (16) “Original floor area” means the total square footage required for the initial number of animals
2 specified.
- 3 (17) “Pet” means any animal kept or used for amusement or companionship.
- 4 (18) “Publicly operated zoo” means a park or institution in which living animals are kept and exhibited
5 to the public, and that is operated by a federal, State, or local government agency.
- 6 (19) “Rabies species” are species that include raccoon, skunk, fox, bat, bobcat, coyote; or groundhog and
7 beaver, which are considered high risk for rabies transmission because of their econiche.
- 8 (20) “Research institution” means any school, facility, or organization, that uses or intends to use live
9 animals in research, tests, or experiments in the advancement of medical, veterinary, dental, or
10 biological sciences, and is at least 50% funded by grants, awards, loans, or contracts from a
11 department, agency, or instrumentality of federal, State, or local government. This does not include
12 elementary or secondary schools.
- 13 (21) “Residence” means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,
14 manufactured home, or any other place where people reside.
- 15 (22) “Shelter” means a structure or feature that protects captive wildlife from direct sunlight and
16 precipitation.
- 17 (23) “Sanctuary” means a facility with ecological, faunal, floral, geomorphological, natural, or
18 zoological significance appropriate for the species, where abused, neglected, unwanted, impounded,
19 abandoned, orphaned, or displaced wild animals and/or wild birds are provided care for the lifetime
20 of the animal. This shall not include any refuge that conducts commercial or for-profit activities
21 with wild or dangerous animals, uses the animals for entertainment purposes, or breeds animals.
- 22 (24) “Scientific use” and “scientific purpose” means the use of wildlife for application of the scientific
23 method to investigate any relationships amongst natural phenomena or to solve a biological or
24 medical problem.
- 25 (25) “Unfit” means wild animals or wild birds that are:
- 26 (A) incapacitated by injury or other means to the extent that they cannot feed or care for
27 themselves without human assistance;
- 28 (B) rendered habituated by proximity to humans; or
- 29 (C) a non-native species.
- 30 (26) “Wild animal” means game animals, fur-bearing animals, and all other wild mammals. This does
31 not include feral swine or marine mammals found in coastal fishing waters.
- 32 (27) “Wild bird” means the term as defined in G.S. 113-129.
- 33 (28) “Wildlife” means the term as defined in G.S. 113-129.
- 34 (29) “Wildlife educator” means a person who provides instruction or education to the public about
35 wildlife.
- 36 (30) “Wildlife exhibition” means a public display of wildlife either for-profit or not-for-profit.

1 (d) Individuals interested in obtaining a captivity license for wildlife rehabilitation or a captivity license for holding
2 wildlife shall apply for the license by completing and submitting the appropriate forms as detailed in Rule .1406 of
3 this Section.

4 (e) Applicants for either license shall meet the following requirements:

5 (1) Be 18 years of age or older at the time of application; and

6 (2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes,
7 with the exception of convictions under G.S. 14-363.1.

8 (f) No captivity license shall be transferable either by license holder or by site of a holding facility.

9 (g) Captivity licenses shall terminate no later than December 31 of the year the license is issued.

10 (h) No captivity license shall be valid for migratory birds, unless the license holder has a valid concurrent federal
11 permit. Individuals seeking to rehabilitate or hold migratory birds shall provide proof of a valid U.S. Fish and Wildlife
12 Service permit for rehabilitating or holding migratory birds for each category of migratory birds to be rehabilitated or
13 held.

14 (i) Except as otherwise provided, no transportation permit shall be required to move wild animals or wild birds held
15 under a captivity license within the State. Any person transporting an animal that is held under a captivity license
16 shall have the captivity license in their possession. An exportation or importation permit as defined in G.S. 113-
17 274(c)(3) is required to transport wildlife into or out of the State.

18 (j) Individuals holding a captivity license shall disclose reportable diseases to the North Carolina Department of
19 Agriculture and Consumer Services veterinarian within 24 hours of diagnosis. A list of current reportable diseases
20 may be found on the North Carolina Department of Agriculture and Consumer Services website www.ncagr.gov.

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

23 *Eff. January 1, 2019.*