

115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions. (a)

~~Applications~~ Each application for a wildlife rehabilitation permit shall be submitted on forms a form provided by the department. Each applicant shall provide the following information:

(1) The name of applicant;

(2) the applicant's address;

(3) the location or address of the applicant's facilities if different from the applicant's address;

(4) the name of each assisting subpermittee;

(5) the type of wildlife rehabilitation service to be provided;

~~(5)~~ (6) a description of the applicant's available facilities available;

~~(6)~~ (7) the applicant's qualifications to provide the services specified; and

~~(7)~~ (8) the name of each assisting veterinarian; and

(9) other relevant information as required by the secretary.

(b) (1) A wildlife rehabilitation permit shall be issued only to each individual who meets the following qualifications:

(A) Is 18 years of age or older;

(B) has 100 hours of experience in the handling and care of wildlife acquired over the course of one calendar year. Up to 20 hours of this 100-hour requirement may be fulfilled by successful completion of a training course provided by either the international wildlife rehabilitation council (IWRC) or the national wildlife rehabilitators' association (NWRA);

(C) submits letters of recommendation regarding the applicant's knowledge of wildlife rehabilitation from three persons who have known the applicant for at least two years. The letters of recommendation shall be from any of the following:

(i) A wildlife professional, which may include a biologist employed by a state or federal wildlife agency, the curator or manager of a zoo or wildlife sanctuary, or other person professionally engaged in wildlife management or care;

(ii) a department conservation officer;

(iii) a Kansas-licensed veterinarian; or

(iv) a permitted wildlife rehabilitator; and

(D) has obtained one of the following:

(i) A certificate of completion of a training course offered by the international wildlife rehabilitation council (IWRC) within the preceding three years;

(ii) a certificate of completion of a training course offered by the national wildlife rehabilitators' association (NWRA) within the preceding three years; or

(iii) a test score of at least 80 percent on a department-administered wildlife rehabilitation examination. Each applicant who fails the examination shall wait a minimum of 30 days before retaking the examination. The test may be taken only twice during each calendar year. The test shall not be returned to applicants at any time.

(2) A total of eight hours of continuing education or training every three years from a

department-approved program shall be required for the renewal of a permit.

~~(b)~~ (c) Each applicant or permittee shall allow an inspection of the rehabilitation facilities to be made by a department official. A permit shall not be issued until the rehabilitation facilities have been approved by the inspecting official. All facilities shall be subject, during reasonable hours of operation, to inspection by the department to determine compliance with the provisions of the permit and the provisions contained in this regulation. Each facility shall be inspected by a department official once during the permit period and upon each change in facility location. Each subpermittee authorized to care for wildlife at a site other than the primary permittee's facility shall have those facilities annually inspected and approved by a department official.

~~(e)~~ (d) Permits issued shall be valid through December 31.

~~(d)~~ (e) A permittee may provide for subpermittees to operate under the authority of the permit during the effective period of the permit upon approval of the secretary: or designee, based on the following requirements:

(1) Each permittee shall submit the name of each individual for whom the designation of subpermittee is requested. The permittee shall be notified by the department in writing of the approval or denial of each request. The permittee shall notify the department in writing of any approved subpermittee whose services with the permit holder are terminated.

(2) Each subpermittee shall be 18 years of age or older and have experience in handling and caring for animals during the previous two years.

(3) Each wildlife rehabilitation permittee shall be responsible for insuring that each subpermittee meets all requirements of the rehabilitation permit.

(4) Each subpermittee needing to care for wildlife in need of rehabilitation at a site other than the primary permittee's facility shall have that site inspected and approved according to the standards set forth in subsection (g) before holding any wildlife at that site.

(5) Each subpermittee holding wildlife at a site different from the primary permittee's facility shall comply with the conditions set forth in the primary permittee's permit.

~~(e) Each permittee shall maintain current records of wildlife rehabilitation services provided under the permit on report forms provided by the department.~~

~~(f) Each permittee shall submit a report of permit activity to the department prior to permit renewal, or not later than 20 days following permit expiration. The report shall include the following information:~~

~~(1) name of permittee;~~

~~(2) address;~~

~~(3) wildlife rehabilitation permit number;~~

~~(4) number and species of wildlife handled;~~

~~(5) disposition of wildlife handled;~~

~~(6) wildlife in possession on reporting date or on expiration date of permit; and~~

~~(7) other information as required by the secretary.~~

(f) The rehabilitation activities authorized by each permit issued under this regulation shall be performed only by the permittee or subpermittee specified on the permit. Volunteers may assist in rehabilitation activities only in the presence and under the direction of a permittee or subpermittee. Each permittee utilizing volunteers shall keep on file at the permitted facility a current record of all volunteers working at the facility. At no time shall volunteers be allowed to remove wildlife from the permitted facility, except as provided in subsection (l).

~~(g) Any person performing rehabilitation services and exempted by law from possessing a wildlife rehabilitation permit shall maintain records and submit a report as required by subsections (e) and (f) to the department on or before January 20 for activity which occurred during the prior year. Wildlife rehabilitation care and treatment shall be provided in accordance with the following provisions:~~

(1) All rehabilitation of wildlife shall be performed in consultation with a licensed veterinarian named on the rehabilitator's permit or with veterinarians on staff at the Kansas State University veterinary hospital.

(2) Individual caging requirements may be specified by the secretary or designee based on the size, species, condition, age, or health of the wildlife under care.

(3) Clean water shall be available at all times except when medical treatment requires the temporary denial of water.

(4) Cages shall be cleaned on a daily basis and disinfected using nonirritating methods.

(5) A person authorized by permit shall observe and provide care for wildlife at least once daily unless otherwise specified by the permit.

(6) Wildlife shall be kept in an environment that minimizes human contact and prevents imprinting and bonding to humans.

(7) Wildlife possessed under a rehabilitation permit shall not be allowed to come into contact with any person other than a permit holder, subpermittee, volunteer, licensed veterinarian, animal control specialist, law enforcement officer, or wildlife professional from the department.

(8) Wildlife shall be housed separately from domestic animals, unless domestic animals are being used for bonding or surrogate parenting.

(9) Public viewing, exhibition, or display of any kind to the public, including electronic viewing, shall be prohibited, unless specifically authorized in writing by the secretary or designee.

~~(h) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from possessing a wildlife rehabilitation permit may possess individual animals for treatment purposes on a temporary basis until the animal is disposed of as provided by subsections (i) or (k). Possession of an individual animal for treatment purposes shall not exceed one month unless an extension has been approved by the secretary or the secretary's designee.~~
Wildlife held under the authority of a rehabilitation permit shall not be sold, bartered, or

exchanged for any consideration. A permit issued under this regulation shall not authorize a person, firm, or corporation to engage in the propagation or commercial sale of wildlife.

~~(i) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from possessing a wildlife rehabilitation permit may temporarily possess and transport wildlife to another location within the state for purposes of providing treatment, for releasing in its natural habitat, or to transport to an approved temporary or permanent holding facility. Possession of an individual animal for transportation to another location shall not exceed one week. Wildlife held under the authority of a rehabilitation permit may be transferred from one permittee to another permittee if all of the following conditions are met:~~

(1) The permittee receiving the wildlife holds all the proper permits and authorizations necessary for that species of wildlife.

(2) The transfer is necessary for the proper treatment or care of the wildlife.

(3) The transfer is properly recorded in both permittees' operational records.

(4) The transfer is approved in writing by the secretary or designee.

~~(j) Any person may temporarily possess and transport sick or injured wildlife within the state to a person authorized to perform wildlife rehabilitation services for initial treatment. Possession of an individual animal for transportation for initial treatment shall not exceed one day. The secretary or designee shall be notified if the permittee receives for transport or care an endangered species, threatened species, or species in need of conservation, as identified in~~

K.A.R. 115-15-1 and K.A.R. 115-15-2. Permission for treatment and care by the requesting permittee may be granted by the secretary or designee, or an alternate course of action may be specified by the secretary or designee.

~~(k) Any wildlife not disposed of as provided under subsection (i) shall be disposed of as directed by the secretary or the secretary's designee. No permittee shall perform any of the following acts, unless the permittee possesses, in advance, an amended permit authorizing this activity from the secretary or designee:~~

(1) Change the facility location, consulting veterinarian, or subpermittees;

(2) receive previously unauthorized species; or

(3) conduct previously unauthorized activities.

~~(1) Any person desiring to perform wildlife rehabilitation services for federally protected species shall also possess a federal rehabilitation permit issued pursuant to 50 C.F.R., part 21, section 21.27, as in effect on March 4, 1985, which is here adopted by reference. Sick or injured wildlife may be possessed, transported, or treated in accordance with the following provisions:~~

(1) Any person may temporarily possess and transport sick or injured wildlife within the state to a person authorized to perform wildlife rehabilitation services or initial treatment.

Possession of an individual animal for transportation to initial treatment shall not exceed one day.

(2) Wildlife in need of rehabilitation treatment or care may be provided emergency

medical care and stabilization by any of the following individuals or institutions not holding a rehabilitation permit for 48 hours, after which time the wildlife shall be transferred to a permitted rehabilitator:

- (A) Accredited zoological parks;
- (B) nature centers;
- (C) department wildlife professionals; or
- (D) licensed veterinarians.

Any wildlife requiring extensive medical care and recovery may remain under the care of a licensed veterinarian beyond the 48-hour restriction, subject to subsection (g).

(3) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may possess individual animals for treatment purposes on a temporary basis. Possession of an individual animal for treatment purposes shall not exceed 90 days, unless an extension has been approved by the secretary or designee.

(4) Rehabilitation treatment or care shall not be provided to the following species of wildlife:

- (A) European starlings;
- (B) English or house sparrows;
- (C) feral pigeons; and

(D) any wildlife species listed in K.A.R. 115-18-10.

(m) ~~The care of, possession or transportation of federally protected species shall be in accordance with the provision of 50 C.F.R., part 21, section 21.27, as in effect on March 4, 1985, which is here adopted by reference.~~ Each permittee shall maintain current records of wildlife rehabilitation services provided under the permit on report forms provided by the department. The records shall be maintained at the designated facility, be made available to department officials for inspection purposes, and include the following information:

(1) The name of the permittee;

(2) the permittee contact information;

(3) the name and address of the facility;

(4) the wildlife rehabilitation permit number;

(5) the date on which any wildlife is received for treatment;

(6) the species of wildlife received for treatment;

(7) the suspected or known cause for treatment;

(8) the date and disposition of the wildlife at the conclusion of treatment; and

(9) other relevant information as required by the secretary.

(n) ~~In addition to other penalties prescribed by law, the secretary may refuse to issue or may revoke a permit if:~~

~~(1) the application is incomplete or contains false information;~~

~~(2) issuance of a permit would not be in the best interest of the public; or~~

~~(3) the permittee fails to meet permit requirements or violates permit conditions.~~

Each permittee shall submit the true and accurate, original report required in subsection (m) to the department on or before January 31 of the year following the permitted activity. The permittee may retain a copy of the report for the permittee's records.

~~(o) This regulation shall be effective on and after January 1, 1990. Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from the requirement to possess a wildlife rehabilitation permit may temporarily possess and transport wildlife to another location within the state for the purposes of providing treatment, releasing wildlife in its natural habitat, or transporting wildlife to an approved temporary or permanent holding facility. Possession of wildlife for transportation to another location shall not exceed one week.~~

(p) Wildlife no longer in need of rehabilitation treatment or care shall be handled in accordance with the following requirements:

(1) All wildlife determined to be capable of survival in the wild shall be released to the wild. Each individual releasing wildlife in accordance with this subsection shall ensure that the following conditions are met:

(A) The animal is released in an area consistent with the animal's normal habitat.

(B) The animal is released only on land, including both public and private properties, if

written permission has been granted by the person in legal possession of the land where the release is to be made.

(C) The animal is not released in a location so close to human dwellings that the release is likely to result in nuisance, health, or safety problems.

(D) The animal is not released within the limits of any municipality without prior written approval from the appropriate municipal authority.

(2) Wildlife that cannot be rehabilitated and released to the wild shall be euthanized unless a written request, specifying an alternate course of action, is approved by the secretary or designee. Each course of action requiring the wildlife to remain in captivity shall be approved only if the wildlife is transferred from the permittee providing the rehabilitation services to an accredited zoological, scientific, or educational permit holder in accordance with subsection (i). Each transfer shall be allowed only for educational programs or fostering or socialization purposes, and no transfer shall take place unless the secretary or designee has approved the request in writing.

(3) All euthanized wildlife and wildlife that have died of natural causes shall be buried, incinerated, or transferred to a person or facility possessing a valid department salvage permit. All federally permitted wildlife shall be disposed of in accordance with the terms of any federal permit. Any deceased wildlife may be disposed of on private property with the prior written permission of the person in legal possession of the private property. Deceased wildlife shall not

be disposed of within the limits of any municipality without the prior written permission of the municipality.

(q) Any permittee may continue to possess a permit if all of the following conditions are met:

(1) The permit application is complete.

(2) The permit application contains no false information.

(3) The permittee meets the permit requirements and does not violate the permit conditions.

(4) The permittee has not been convicted of violating local, state, or federal laws relating to the care, treatment, possession, or disposal of wildlife or domestic animals within the previous five years.

(5) The permit has not expired.

The permittee shall be notified, in writing, of the cancellation of the permit by the secretary or designee. The permittee shall be provided by the secretary or designee with the opportunity to respond, in writing, within 10 days of receipt of the cancellation.

(r) Any provision of this regulation may be temporarily waived by the secretary or designee during a wildlife health crisis for the protection of public or wildlife health.

(s) This regulation shall be effective on and after January 1, 2005. (Authorized by 1989 HB 2005, Sec. 9 and 84 K.S.A. 32-807, K.S.A. 32-953, and K.S.A. 32-961; implementing 1989

~~HB 2005, Sec. 84 and 114~~ K.S.A. 32-807, K.S.A. 32-953, K.S.A. 32-961, K.S.A. 2003 Supp. 32-
1001, and K.S.A. 32-1002; effective Jan. 1, 1990; amended P-_____.)