

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Wildlife Rehabilitation Program (LAC 76:V.131)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt changes to the rules and regulations that govern the permitting and operations of Wildlife Rehabilitators. Wildlife rehabilitation is defined as the activity that provides housing treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§131. Wildlife Rehabilitation Program

A. Purpose

1. The purpose of this Section is to establish rules for the permitting and operation of wildlife rehabilitators.

B. Definitions

Media—means of communication using platforms such as broadcasting, publishing, and the internet, including, but not limited to, images, videos, and social media

Rabies Vector Species (RVS)—mammalian species defined by Louisiana Department of Wildlife and Fisheries (LDWF) as potential carriers of the rabies virus including, but not limited to the following:

- a. raccoons;
- b. foxes;
- c. coyotes;
- d. skunks; and
- e. bats.

Standard Wildlife Rehabilitation Practices—practices that are accepted as appropriate methods, procedures, animal care, and rehabilitator behaviors by the National Wildlife Rehabilitators Association and/or the International Wildlife Rehabilitation Council.

Subpermittee—person authorized to conduct rehabilitation activities under the supervisory responsibility of a wildlife rehabilitator.

Supervisory Responsibility—to direct actions and accept responsibility for the actions of a named individual engaged in wildlife rehabilitation activities.

Wildlife Rehabilitation—activity that provides housing, treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

Wildlife Rehabilitator—a person who is permitted by the LDWF to engage in the practice of wildlife rehabilitation.

Wildlife Rescuer—a person who is allowed to possess certain wildlife in accordance with the exemption requirements of Paragraph D.3 of this Section.

C. Permits

1. It shall be unlawful for any person to keep, hold or possess in captivity any sick, injured or orphaned wildlife (except fish) or otherwise engage in wildlife rehabilitation without first obtaining at no charge, a LDWF Wildlife Rehabilitation Permit (WRP), unless otherwise exempted by Subsection D of this Section. In addition to the WRP, a United States Fish and Wildlife Service (USFWS) rehabilitation permit must be in possession to rehabilitate species covered by the Migratory Bird Treaty Act or Endangered Species Act.

2. A WRP authorizes the permittee to transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian or another wildlife rehabilitator for treatment or euthanasia; release; or euthanize an injured, diseased, disabled, orphaned or otherwise debilitated live wildlife specified on their permit. Animals held under a WRP shall not be displayed for the purposes of exploitation, including for any promotional or commercial purpose, or educational purposes or otherwise displayed or exposed to the public (including on social media platforms) unless that individual animal has been permitted by LDWF or USFWS for that purpose. Except, the use of media depicting rehabilitation animals shall be allowed for educational and fundraising activities provided that:

a. Animals are involved in rehabilitation activities such as intake/initial assessment, feeding, enrichment, care, and release that are considered standard wildlife rehabilitation practices.

b. Only licensed WRP holders or licensed subpermittees engaged in standard wildlife rehabilitation activities are allowed in media with rehabilitation wildlife.

c. Proper personal protective equipment (PPEs) are utilized.

d. Rehabilitation animals shall not be assigned or referred to by “pet” names.

e. Animals shall not be shown in a common space with domestic animals.

f. All media produced with rehabilitation wildlife shall include a description of the wildlife rehabilitation occurring and the necessity for this activity.

g. All media produced with images or videos of rehabilitation animals shall state, either verbally or in writing, “this animal is temporarily possessed under a wildlife rehabilitation permit issued by the Louisiana Department of Wildlife & Fisheries.”

D. Exemptions

1. Employees of the LDWF are exempt from all state wildlife rehabilitation permit requirements while they are on duty.

2. Licensed veterinarians are exempted, provided they are treating an animal under the authorization of a wildlife rehabilitator or LDWF employee, or are treating an animal taken in from the public, provided the animal is released into an appropriate habitat or accepted by a wildlife rehabilitator ~~within 72 hours after receiving.~~

3. Wildlife Rescuer

a. Individuals may possess in captivity certain sick, injured, or orphaned wildlife while providing care for such wildlife for a period of up to 90 days as provided for in this Paragraph.

i. Wildlife included under this Paragraph shall be limited to the following species: squirrel, opossum, rabbit, or chipmunk, with such possession limited to one animal or litter of animals per individual.

ii. A raccoon or skunk that is sick, injured, or orphaned may also be possessed pursuant to the provisions of this Paragraph upon notification to the Department of Wildlife and Fisheries of possession of the wildlife and upon receipt of information regarding rabies vector species and a list of available wildlife rehabilitators.

iii. Individuals in possession of any of these animals shall be held strictly liable for any damages for injuries to persons or property caused by the animal.

b. To continue to possess the wildlife beyond ninety days from finding the sick, injured, or orphaned wildlife all of the following shall occur.

i. The individual has satisfied wildlife rescuer training requirements. The curriculum shall be offered online and shall cover at a minimum safety considerations, wildlife husbandry requirements, transfer of diseases, and that a person possessing an animal pursuant to this Paragraph is held strictly liable for any damage or injury the animal causes.

ii. The individual applied for a Special Purpose and Possession permit.

iii. A Louisiana licensed veterinarian has determined that the animal is medically non-releasable or exhibits signs of adjusted life in captivity.

c. i. If the conditions of Subparagraph b of this Paragraph have been met, the Department of Wildlife and Fisheries shall issue a special purpose and possession

permit and the individual shall be able to continue to possess the animal for the duration of its natural life.

ii. Any animal possessed pursuant to the provisions of this Paragraph shall be spayed or neutered. Rabies vector species shall also be microchipped by a Louisiana licensed veterinarian.

d. A Louisiana licensed veterinarian shall not be liable to any person for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically non-releasable or exhibits signs of adjusted life in captivity as required by the provisions of this Paragraph. However, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed Louisiana veterinarian.

e. It shall be unlawful for an individual exempted under the provisions of this Paragraph to use the wildlife in any manner for the purposes of exploitation, including for any promotional or commercial purpose, or for the purposes of pet trade. Any such act shall be grounds for seizure of the wildlife by the department and revocation of any issued permit.

E. Permit Requirements

1. All applicants must be 18 years of age or older.
2. Anyone who has been convicted of a Class **II 3** or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, **or has been convicted of a felony in Louisiana or another state,** shall not be eligible for a WRP.
3. All applicants must complete a WRP application, liability release, and financial responsibility statement.

4. Prior to licensure or renewal, all applicants must show proof of completion of a LDWF-approved wildlife rehabilitation course and must be currently certified under the approved organization's guidelines. Veterinarians licensed in the State of Louisiana are exempt from the training requirement to obtain a WRP. There shall be at least one approved course readily available online, which may require successful completion of an interactive test. The department shall post approved courses on its website by January 1, 2025. Failure to provide proof of successful completion of the course and subsequent continuing education requirements will result in non-licensure or revocation of the WRP.

5. All applicants must provide verification of having access to veterinary services by submitting a Statement of Veterinary Support Form provided by LDWF.

6. All applicants shall have a suitable habitat enclosure for any animals housed and shall report the specifications on the department-approved application form. ~~of the habitat to the department.~~ Permitted facilities may be subject to inspection by LDWF upon 24-hour notice to the WRP applicant.

F. General Rules

1. The WRP will not exempt the holder from regulations of other state, federal, parish or municipal governments or agencies.

2. Sale of any animal held under a WRP is prohibited.

3. No animal held under a WRP may be used for human consumption, unless specifically approved.

4. No Louisiana S1-ranked species may be held under a WRP, without written authorization from the LDWF Wildlife Division.

5. No animal intended for wildlife rehabilitation may be imported into or exported out of the state of Louisiana without written authorization by LDWF Wildlife Division.

6. The WRP does not authorize the possession of white-tail deer, bears, wild turkeys, outlaw quadrupeds, nutria, or alligators unless specifically stated on the permit.

7. Request for an Extension

a. WRP holders shall not possess a non-migratory bird for more than 90 days, other injured wildlife longer than 45 days, or other orphaned wildlife no longer than required to prepare the animal for release, but not to exceed 120 days, except that a permit holder may submit a written request for extension of possession if:

i. the specified animal will likely be releasable after the time frame listed above but is currently non-releasable because of biological reasons; or

ii. a licensed veterinarian determines, due to medical reasons, the animal requires additional rehabilitation time.

b. All extension requests should include a proposed release date and be submitted in writing to LDWF Wildlife Division. The permit holder may continue to house the specified animal while LDWF is reviewing the request. LDWF will provide a written response and include specific dates and instructions regarding disposition of the animal.

8. WRP holders must ensure that animals are exposed to minimal handling and other human contact, except as necessary to maintain sanitary conditions, provide food and water, provide medical care, and prepare the animal for release.

9. Animals that are determined medically non-releasable by a licensed veterinarian, exhibit signs of adjusted life in captivity and pose minimum zoonotic disease potential may be considered for educational animal designation. A LDWF Special Purpose and

Possession permit application must be submitted to LDWF Wildlife Division by the end of the 90 day rehabilitation period to be considered for educational animal status.

10. All WRPs shall expire on December 31 of the year of issue unless otherwise noted.

11. Permits are non-transferable but may include up to five listed subpermittees. Subpermittees are authorized to transport, house, and provide care for animals away from the wildlife rehabilitation facility. A person caring for animals at the wildlife rehabilitation facility is not required to be a subpermittee. WRP holders desiring to add subpermittees, must submit a subpermittee application form. ~~Subpermittee forms will only be accepted by the LDWF at the original time of permitting, renewal and during June 1-30 each year.~~ Individuals may be removed as subpermittees at any time of the year. A subpermittee removal form must be submitted. All subpermittees:

- a. must be 18 years of age or older;
- b. are exempt from the testing requirement but are subject to all other rules governing WRP holders including animal housing and care requirements;
- c. must work under the direction and supervision of the WRP holder;
- d. may be removed at any time by the supervising WRP holder or LDWF and in such cases must surrender any animals to the WRP holder or LDWF; ~~and~~
- e. must have a valid subpermittee permit on the premises where animals are housed if animals are housed away from the supervising WRP holder's facility; ~~and~~
- f. ~~must not transport or possess RVS species away from the supervising WRP holder's facility.~~

12. WRP holders are subject to non-renewal or revocation of their WRP if LDWF determines that any of their listed subpermittees are not properly supervised or fail to abide by applicable WRP rules.

13. LDWF provides no financial or material assistance to wildlife rehabilitators.

14. Euthanasia of any animal held under a WRP is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

15. Animals held under a WRP shall not be released on private land without written permission of the landowner or landowner designee. Licensed rehabilitators shall keep on file for ~~perpetuity~~ a minimum of three years, an original document signed by the landowner, permitting the licensed rehabilitator to release animals upon their property. This document should include the name, address and phone number of the landowner, the physical location of the property, the size of the property (in acres), and the duration of the permission to release rehabilitated animals there. This document shall be presented upon request for review by LDWF personnel. A copy of all landowner permission documents shall be submitted to LDWF with the annual WRP report.

16. Animals held under a WRP shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the property.

17. All permitted animals and facilities in which they are housed shall be maintained within the minimum standards as provided by the National Wildlife Rehabilitators Association (NWRA) and International Wildlife Rehabilitation Council (IWRC) publication of Minimum Standards for Wildlife Rehabilitation.

18. It is strongly recommended that any wildlife rehabilitator working with rabies vector species receive pre-exposure rabies immunization.

G. Reporting and Renewal Requirements

1. All animals held under a WRP must be fully documented on Wildlife Rehabilitation Report Form provided by LDWF.

2. A permanent record of each animal admitted by a permitted rehabilitator must be maintained. This record should include the name, address, phone number and email address of the person finding the animal, species, age, sex, date of admission, treatment performed, method of euthanasia if performed or date and location of release. These records must be maintained in perpetuity for a minimum of three years and must be available for inspection by LDWF personnel.

3. Wildlife Rehabilitation Report Forms for the permit period must be submitted to the LDWF no later than 30 days following the expiration of the permit and the WRP will not be renewed until these forms are received. Reports will cover the period from December 1 of the prior license year to November 30 of the current license year. Any wildlife rehabilitator who does not submit his/her report by the thirtieth day after the expiration date of the WRP, or who submits a false or materially incomplete report intentionally may be issued a citation for violation of Louisiana Wildlife and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the wildlife rehabilitator may be considered for reapplication upon receipt of the late wildlife rehabilitation form(s).

4. Report forms must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department.

5. Upon expiration of a WRP and if the WRP has not been renewed, all animals held under the permit must be disposed of by transferring to a currently licensed WRP, released into the wild, or euthanized.

H. Penalties

1. Violations of this Rule constitute a Class 2 offense.
2. Violation of these Rules may result in citation and/or revocation of the WRP.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:3, R.S. 56:5, R.S. 56:6 (10), and (15), R.S. 56:115 and R.S. 56:126.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 36:852 (April 2010), amended LR 37:602 (February 2011), amended by House Concurrent Resolution No. 6 of the 2024 Regular Session, LR 50:1079 (July 2024), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until October 1, 2025, to Bradley Breland, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to bbreland@wlf.la.gov.

Kevin Sagrera

Chairman