

**CODE OF MARYLAND REGULATIONS
TITLE 08 DEPARTMENT OF NATURAL RESOURCES
SUBTITLE 03 WILDLIFE**

08.03.12 Wildlife Rehabilitation

.01 Scope.

A. The regulations in this chapter are in addition to any requirements imposed by:

- (1) COMAR 08.03.08;
- (2) The Migratory Bird Treaty Act, 16 U.S.C. §§ 703 – 712 as amended;
- (3) Any local law regulating the possession of wildlife; or
- (4) Any State law describing the practice of veterinary medicine.

B. This chapter allows for the rehabilitation of orphaned, sick, or injured wildlife to be released into the wild.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Continuing education" means instruction, courses of instruction, study guides, or other materials determined by the Wildlife and Heritage Division to be necessary for a person to renew a permit allowing a person to rehabilitate wildlife.

(2) "Endangered species" means a species whose continued existence as a viable component of the State's flora or fauna is determined to be in jeopardy including any species determined to be an "endangered species" pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§1531 – 1543.

(3) "Facility" means equipment, housing, or other shelter used in, or necessary for, the rehabilitation of wildlife.

(4) "Federal permit" means a permit for the rehabilitation of migratory birds issued by the United States Fish and Wildlife Service.

(5) "Nonreleasable wildlife" means an animal that cannot be released because of a permanent injury, degenerative physical condition as a result of illness, or habituation to humans that would significantly reduce the chance of the animal surviving in the wild.

(6) "Rehabilitation" means providing care for orphaned, sick, or injured wildlife for the purpose of returning it to the wild.

(7) "Transport" means the act of a permittee, or agent of a permittee, causing or attempting to cause wildlife to be moved any place other than the premises of the permittee.

(8) "Volunteer" means an individual working under the authority of a wildlife rehabilitation permit to assist a wildlife rehabilitator either at the facility or transporting animals to the facility.

(9) "Skills checklist" means a form provided by the Department to the sponsor of an apprentice rehabilitator which describes levels of achievement sufficient to allow the Department to evaluate the application of the permittee.

.03 Incorporation by Reference.

Procedures and Guidelines for Wildlife Rehabilitators Who are Authorized to Handle Rabies-Vector Species (RVS) (Connecticut Wildlife Rehabilitators Association, the Fund for Animals, amended by Patrice N. Klein, MS, VMD, DACPV Wildlife Veterinarian, The Humane Society of the United States, March 2001) is incorporated by reference.

.04 Permit Requirements.

A. A permit, authorized in accordance with Natural Resources Article, §10-908, Annotated Code of Maryland, is required before a person may rehabilitate wildlife. Under the authority of the permit, a person may capture, receive, possess, transport, or transfer a wild animal to rehabilitate it for release in the wild.

B. To apply for a permit, an applicant shall:

(1) Be 18 years old or older;

(2) Demonstrate reasonable experience and skill in handling and caring for wild animals by:

(a) Holding a degree in veterinary medicine, veterinary technology, or animal science; or

(b) Providing documentation that the person has provided physical care for animals under the authority of a permit allowing a person to rehabilitate wildlife; and

(3) Sign an affidavit which states an agreement to abide by this chapter and all State and federal wildlife laws and regulations.

C. Expiration and Renewal.

(1) Except as provided in §C(2) of this regulation, a permit expires on December 31 of the year following the year of its issuance.

(2) If a permittee applies for renewal of a permit in a timely manner, and meets the requirements of §D of this regulation, the Department shall issue a renewal permit to the permit holder for a 2-year term.

D. A permittee may renew a permit if the permittee has complied with the requirements of this chapter for:

(1) Recordkeeping;

(2) Rehabilitation activities;

(3) Continuing education;

(4) Appropriate sponsorship for apprentice class permittees;

(5) Inspection of facilities; and

(6) Identification of a veterinary consultant.

E. A person shall notify the Department within 24 hours of the receipt of any species listed as State or federally threatened or endangered.

F. The permit allowing a person to rehabilitate wildlife may contain other terms and conditions considered appropriate by the Department.

.05 Classes of Permits.

A. The Department shall issue apprentice and master level permits to allow a person to rehabilitate wildlife upon satisfaction of the requirements of this regulation.

B. Apprentice Wildlife Rehabilitator.

(1) The Department shall provide an application form to an applicant for an apprentice level permit to allow a person to rehabilitate wildlife. The applicant shall:

(a) Meet the requirements of Regulation .04 of this chapter;

(b) Provide the name, address, and telephone number of the applicant's sponsor;

(c) Agree to meet the educational requirements described in Regulation .06 of this chapter during the 2-year apprentice period; and

(d) Agree to provide 200 documented hours of physical care for sick, injured, or orphaned wildlife under the direct supervision of a master rehabilitator during a 2-year period beginning with the date the applicant files the application package.

(2) The apprentice may care for orphaned, sick, or injured wildlife for the first year under the direct supervision of the sponsor and at the facility of the sponsor. During the second year, the apprentice may care for

sick, injured, or orphaned wildlife at the apprentice's home if it meets the facility requirements described in Regulation .11 of this chapter.

(3) The documents in support of an apprentice's permit are the property of the apprentice. An apprentice may change to another sponsor after the applicant has provided written notification to, and received permission from, the Wildlife and Heritage Division.

C. Master Wildlife Rehabilitator.

(1) The Department shall provide an application form to an applicant for a master level permit. The applicant shall:

- (a) Meet the requirements of Regulation .04 of this chapter;
- (b) Have served as an apprentice for at least 2 years;
- (c) File a letter from the applicant's sponsor recommending the applicant for a master class permit;
- (d) Document the number of hours spent practicing rehabilitation as an apprentice;
- (e) Provide the skills checklist completed by the applicant's sponsor;
- (f) Maintain rehabilitation facilities in accordance with the standards described in Regulation .11 of this chapter;
- (g) Identify a licensed veterinarian who has agreed to assist and consult with the applicant for the treatment and care of animals being rehabilitated;
- (h) Be a member in good standing of a nationally recognized rehabilitation association and agree to maintain the membership; and
- (i) Provide documentation to demonstrate that the applicant has completed 12 hours of continuing education or research as described in Regulation .06 of this chapter, for each 24 months of the applicant's apprenticeship.

(2) An individual licensed as a master rehabilitator may:

- (a) Possess orphaned, sick, or injured birds or mammals for rehabilitation;
- (b) Serve as a sponsor for an apprentice class rehabilitator;
- (c) Designate volunteers to assist in the care and feeding of animals in the facility of the master rehabilitator under the direct supervision of the master rehabilitator; and
- (d) Transport animals if the names and addresses of the volunteers are provided to the Department.

(3) On the face of the permit, the Department shall list the species for which a master rehabilitator may provide care.

(4) Upon application to the Department, the Department shall issue a master permit to a veterinarian who files:

- (a) Documents to show that the veterinarian is licensed to practice veterinary medicine in the State; and
- (b) Evidence that the veterinarian has access to a facility which meets the requirements of Regulation .11 of this chapter.

D. Upon application to the Department, the Department shall issue to an individual who holds a permit that allows a person to rehabilitate wildlife before the effective date of this chapter:

(1) An apprentice level permit if the individual has held the permit for less than 2 years during a 5-year period; or

(2) A master level permit if the individual has held the permit for at least 2 years during a 5-year period.

E. Except as provided under §C(2) of this regulation, a permit issued under the authority of this chapter may not be transferred or delegated to another.

F. Except for a licensed veterinarian, a rehabilitator may not charge a fee to rehabilitate any animal.

.06 Examinations and Continuing Education Requirements.

A. An applicant for a permit allowing a person to rehabilitate wildlife shall take a course and pass a test designed by:

- (1) The International Wildlife Rehabilitation Council; or
- (2) The National Wildlife Rehabilitation Association.

B. For each license period, a master wildlife rehabilitator shall complete 12 hours of continuing education classes or research approved by the Department. The Department shall provide a list of approved activities offered through state or national rehabilitation organizations, veterinary experts in a specialized field, or master rehabilitators to complete this requirement.

.07 Sponsorship.

A. A master wildlife rehabilitator may serve as a sponsor for an apprentice wildlife rehabilitator if the individual:

- (1) Has held a master class permit for at least 2 years;
- (2) Has the authority to care for the species the apprentice is seeking a permit to rehabilitate;
- (3) Agrees to document the apprentice's hours spent doing rehabilitation work; and
- (4) Agrees to complete a skills check list for the apprentice.

B. A master rehabilitator may not charge a fee to sponsor an apprentice rehabilitator.

.08 Provisional Permits.

A. To provide a group of master rehabilitators to serve as sponsors for apprentice level permittees, the Department may issue a provisional permit to an individual qualified under Regulation .04 if that individual agrees to complete the continuing education requirements described in Regulation .06 of this chapter within 1 year of the date the provisional permit is issued.

B. A Maryland resident licensed to rehabilitate wildlife in another state may be issued a provisional rehabilitation permit if the individual agrees to complete the continuing education requirements under Regulation .06 of this chapter within 1 year of the date the provisional permit is issued.

.09 Exemptions for Licensed Veterinarians.

A. A licensed veterinarian may serve as a consultant to an apprentice or master class permittee without a permit allowing a person to rehabilitate wildlife.

B. A licensed veterinarian without a permit allowing a person to rehabilitate wildlife may treat wild animals, protected birds, or protected mammals in the office or clinic if the animals are not kept at the veterinary office or clinic longer than 48 hours.

C. A licensed veterinarian shall notify the Department within 24 hours if the veterinarian is holding any State or federally listed threatened or endangered species.

.10 Record-Keeping and Reporting Requirements.

A. A rehabilitator authorized under this chapter shall maintain records on forms provided by the Department. The records shall reflect:

- (1) The species of animal received;
- (2) When the animal was received and where it was obtained;
- (3) Disposition of the animal; and
- (4) If an animal was released, where the animal was released.

B. The records shall be updated within 24 hours of the receipt or disposition of an animal.

.11 Facilities and Operating Standards.

A. Except to provide food, water, and exercise for animals, indoor and outdoor facilities, cages, pens, enclosures, and other areas shall be sufficiently separate from domestic animals and human living or work space in order to prevent human contact with the animals.

B. Animals shall be caged with like species except when:

- (1) Removal is necessary for veterinary treatment;
- (2) Being transferred to another licensed rehabilitator; or
- (3) Being prepared to be released into the wild.

C. Facilities.

(1) A facility where animals are kept shall be structurally sound and in good repair in order to protect the animals from injury, contain the animals securely, and prevent other animals from entering.

(2) Reptile and amphibian species shall be housed in accordance with COMAR 08.03.11.

(3) Animal enclosures shall provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement.

(4) Malnutrition, poor condition, debility, stress, or abnormal behavior patterns are indicators of inadequate space.

(5) Adequate potable water shall be available on the premises.

(6) Reliable and adequate electrical power shall be available on the premises if required to comply with other regulations in this chapter.

.12 Sanitation.

A permittee shall dispose of animal and food waste, bedding, dead animals, trash, and debris. Disposal facilities shall be provided and operated to minimize vermin infestation, odors, and disease hazards. Rehabilitators shall comply with all applicable laws pertaining to disposal. A suitable sanitary method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be constructed and installed to prevent backup of sewage and kept in good repair to avoid foul odors.

.13 Indoor Facilities.

A. The temperature in indoor housing facilities shall be regulated by heating or cooling to protect the animals from extremes of temperature, to provide for their health, and to prevent their discomfort. The ambient temperature may not fall below or rise above the temperatures which the animal can tolerate without stress or discomfort.

B. Indoor facilities shall at all times be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals. The facilities shall be provided with fresh air by means of windows, doors, vents, fans, or air-conditioning, and shall be ventilated to minimize drafts, odors, and moisture condensation.

C. Indoor facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate to the species being rehabilitated. The lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

.14 Outdoor Facilities.

A. When sunlight is likely to cause overheating or discomfort of animals, sufficient shade by natural or artificial means shall be provided to allow animals kept outdoors to protect themselves from direct sunlight.

B. Natural or artificial shelter appropriate to the local climatic conditions for a species shall be provided for animals kept outdoors to afford sufficient protection and to prevent discomfort. Individual animals shall be acclimated before they are exposed to extremes of weather.

.15 Animal Health and Care.

A. The food provided for the animal shall be wholesome, palatable, free from contamination, and of sufficient quantity and nutritional value to maintain the animal in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once daily, except during normal hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

B. Food receptacles, if used, shall be adequate to provide food in sufficient quantity, accessible to all animals in the enclosure, and placed to minimize contamination. The receptacles shall be kept clean. If self-feeders are used, measures shall be taken to prevent molding, contamination, deterioration, or caking of the food.

C. If potable water is not accessible to animals at all times, it shall be provided as often as necessary for the health and comfort of the animal.

D. Animals shall be observed at least once every day by the permittee or by a designated in-shelter assistant working under the rehabilitator's direct supervision.

E. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of animals, minimize disease, and reduce odors. When enclosures are cleaned by hosing or flushing, the animals shall be protected from being directly sprayed.

F. After the presence of an animal with an infectious disease, cages, rooms, and hard surfaced pens or runs shall be sanitized. Sanitized means either washing with hot water and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution. This procedure shall be followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt shall be cleaned when necessary as directed by the veterinary consultant.

G. Areas in which the animals are housed shall be kept clean to protect the animals from injury and stress. Trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

H. A safe and effective program for the control of insects, ectoparasites such as fleas, ticks, and flies, and avian and mammalian pests, shall be established and maintained. The pest control program shall be established and maintained under the supervision of the permittee's veterinarian consultant.

I. Programs for disease prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision of the permittee's veterinarian consultant.

J. Handling of animals shall be kept to a minimum, but when necessary shall be done expeditiously and carefully to prevent discomfort, behavioral stress, or physical harm to the animal or harm to the handler. Human contact with animals being rehabilitated shall be kept to a minimum.

K. An animal being rehabilitated may not be publicly exhibited.

.16 Inspection of Facilities.

The Department may:

A. Enter and inspect the premises where operation under this chapter occurs; and

B. Inspect the records associated with activities regulated under this chapter.

.17 Transfer of Animals.

Animals being rehabilitated may be transferred to another licensed rehabilitator if, after discussing it with the rehabilitator's veterinary consultant, it is determined that another licensed rehabilitator authorized to care for the animal would be able to provide improved care.

.18 Limit on Number of Permits.

The Department may limit the total number of permits which allow a person to rehabilitate wildlife that are issued, or the number issued in certain geographic areas of the State, if in the best interest of the wildlife resource, or if necessary to provide for the most efficient management of the permitting process by the Department.

.19 Restrictions on Species.

A. The Department may restrict the rehabilitation of certain species of animals, either Statewide or in certain geographic locations, due to disease, overpopulation, or other limiting factors. The permit may be limited to certain species if determined to be in the best interest of the wildlife resource, or upon the request of the applicant.

B. Coyotes, nutria, deer, and black bear may only be rehabilitated at the discretion of the Wildlife and Heritage Division. Raccoons, skunks, foxes, and bats may only be rehabilitated in accordance with the standards set forth in the "Procedures and Guidelines for Wildlife Rehabilitators Who are Authorized to Handle Rabies-Vector Species (RVS)".

.20 Release of Animals.

A. When, in the judgment of the rehabilitator, after discussion with the rehabilitator's veterinarian consultant, an injured or sick animal has sufficiently recovered, or an orphaned animal has matured to the point that it has a reasonable chance to survive in the wild, the animal shall be released immediately in a suitable habitat as near as possible to the point where the animal was captured.

B. Rehabilitated animals may not be transported across a state line to be released, or for any other purpose, unless prior approval has been obtained from the Department.

.21 Disposition of Nonreleasable Animals.

A. If, in the judgment of the rehabilitator, and after discussion with the rehabilitator's veterinarian consultant, an injured, sick, or orphaned animal is incapable of surviving if released to the wild, the animal shall be:

- (1) Humanely euthanized under the direction of the veterinarian consultant in accordance with Regulation .22 of this chapter;
- (2) Turned over to the Wildlife and Heritage Division; or
- (3) Transferred as directed by the Wildlife and Heritage Division.

B. An animal held under the authority of this chapter that is not suitable for release may not be used for scientific, educational, or exhibition purposes.

C. An animal that dies of natural causes, or has been euthanized, shall be:

- (1) Buried, incinerated, rendered, or turned over to an individual or institution which holds a valid scientific collection permit, or, in the case of a migratory bird, a federal salvage permit; or
- (2) Submitted to a State laboratory for necropsy.

D. Threatened or endangered species shall be disposed of after approval for disposition is obtained from the Wildlife and Heritage Division.

E. Live or dead animals, or any parts of the animals, may not be sold, bartered, or given away except as provided by this regulation.

.22 Euthanasia.

A. Euthanizing shall be done by the most humane means possible by a rehabilitator or the rehabilitator's veterinary consultant, and in a manner prescribed by the veterinary consultant. These procedures shall conform to the standards set by the American Veterinary Medicine Association or the National Wildlife Rehabilitation Association.

B. An animal listed as a threatened or endangered species may be euthanized after the rehabilitator has obtained the approval of the Wildlife and Heritage Division if:

- (1) It is necessary to relieve immediate pain; or
- (2) The Department determines that recovery is highly unlikely.

.23 Revocation.

A. The Department may revoke a permit issued under this chapter for a violation of:

- (1) This chapter;
- (2) The terms of the permit; or
- (3) A State or federal wildlife law or regulation.

B. If a permit under this chapter is revoked, the Director of the Wildlife and Heritage Division, in the Director's sole discretion, may order confiscation of a member of a species or subspecies of wildlife. The disposition of confiscated members of a species or subspecies is at the discretion of the Director consistent with applicable law.