

1 Department of Natural Resources

2

3 Adopted Permanent Rules Relating to Wildlife Rehabilitation

4 Permits

5

6 Rules as Adopted

7

GENERAL PROVISIONS

8 6244.0100 PURPOSE.

9 The purpose of this chapter is to establish reasonable
10 standards for the rehabilitation of orphaned, sick, and injured
11 wild animals, and to establish a permit system and other
12 criteria for such rehabilitation pursuant to Minnesota Statutes,
13 sections 97A.401 and 97A.418. This chapter establishes criteria
14 for issuing permits to individuals and to individuals in the
15 name of institutions, to provide for the care, treatment, and
16 release of orphaned and debilitated wild animals obtained by
17 those individuals or received from other parties. The permit
18 process is designed to provide for the participation of selected
19 volunteers to the maximum extent possible consistent with
20 Minnesota Statutes. The intent of this chapter is to help
21 ensure that all persons engaged in rehabilitation of wild
22 animals are qualified, undergo periodic training, house animals
23 under proper conditions, provide a high level of humane care for
24 animals, and are protected as much as is possible from injury
25 caused by animals or from contracting disease that may be
26 carried by animals. Nothing in this chapter is intended to
27 authorize ownership or possession of wild animals for purposes
28 other than rehabilitation and release.

29 Nothing in this chapter authorizes, or is intended to
30 authorize any person with a wildlife rehabilitation permit to
31 practice veterinary medicine in violation of Minnesota Statutes,
32 chapter 156.

33 6244.0200 SCOPE.

34 This chapter applies to rehabilitation of any orphaned,
35 sick, or injured wild animal carried out by individuals or

1 individuals in the name of institutions, except that the
2 portions of this chapter pertaining to qualification testing and
3 continuing education and training requirements shall not apply
4 to the Raptor Center and the Wildlife Rehabilitation Clinic at
5 the University of Minnesota, Saint Paul. This chapter is not
6 intended to prohibit any person from transporting an orphaned,
7 sick, or injured wild animal to a rehabilitation facility.

8 6244.0300 DEFINITIONS.

9 Subpart 1. **Scope.** The terms used in this chapter have the
10 meanings given them in this part.

11 Subp. 2. **Advisor.** "Advisor" means a master class permit
12 holder who has volunteered to provide counsel and to serve as a
13 mentor for novice class permit holders.

14 Subp. 3. **Applicant.** "Applicant" means a person who
15 applies for a Minnesota Department of Natural Resources wildlife
16 rehabilitation permit pursuant to part 6244.0430.

17 Subp. 4. **Big game.** "Big game" means deer, moose, elk,
18 bear, antelope, and caribou.

19 Subp. 5. **Commissioner.** "Commissioner" means the
20 commissioner of natural resources or the commissioner's
21 designated employees or other agents.

22 Subp. 6. **Continuing education and training.** "Continuing
23 education and training" means instruction, courses of
24 instruction, study guides, or other materials determined by the
25 commissioner to be acceptable for use by wildlife rehabilitation
26 permit holders to satisfy the requirements for renewal of
27 permits upon expiration.

28 Subp. 7. **Department.** "Department" means the Minnesota
29 Department of Natural Resources.

30 Subp. 8. **Endangered species or threatened species.**
31 "Endangered species" or "threatened species" means species of
32 animals officially listed pursuant to Minnesota Statutes,
33 section 84.0895, as endangered or threatened.

34 Subp. 9. **Facilities.** "Facilities" means equipment,
35 housing, or other shelter used in, or necessary for, the

1 rehabilitation of wildlife.

2 Subp. 10. **Federal permit.** "Federal permit" means a permit
3 for the rehabilitation of migratory birds issued by the United
4 States Fish and Wildlife Service.

5 Subp. 11. **In-shelter assistant.** "In-shelter assistant"
6 means a person designated by novice, general, or master permit
7 holders to assist permittees with basic care and feeding of
8 animals undergoing rehabilitation in the facility of the
9 permittee.

10 Subp. 12. **Nonreleasable wildlife.** "Nonreleasable wildlife"
11 means an animal that cannot be released because of a permanent
12 injury, degenerative physical condition as a result of illness,
13 or habituation to humans that would significantly reduce the
14 chance of the animal surviving in the wild.

15 Subp. 13. **Outshelter permit.** "Outshelter permit" means a
16 form of wildlife rehabilitation permit issued to an individual
17 affiliated with an institution allowing that person to receive
18 animals for short-term, temporary care only from the named
19 institution with the stipulation that the animals are returned
20 to the institution.

21 Subp. 14. **Permit.** "Permit" means a wildlife
22 rehabilitation permit issued by the commissioner under parts
23 6244.0400 to 6244.0450, unless otherwise specified.

24 Subp. 15. **Permit holder or permittee.** "Permit holder" or
25 "permittee" means a person who possesses a valid novice,
26 general, or master wildlife rehabilitation permit issued by the
27 commissioner under parts 6244.0410 to 6244.0450.

28 Subp. 16. **Public exhibition.** "Public exhibition" means a
29 display to the general public of wild animals undergoing
30 rehabilitation, either on the permittee's premises or elsewhere.

31 Subp. 17. **Rehabilitation.** "Rehabilitation" means
32 providing care for orphaned, injured, or sick wild animals.

33 Subp. 18. **Resident.** "Resident" means:

34 A. an individual who is a citizen of the United
35 States or a resident alien, and has maintained a legal residence
36 in the state for at least the immediately preceding 60 days;

1 B. a nonresident under the age of 21 who is the child
2 of a resident;

3 C. a domestic corporation; or

4 D. a foreign corporation, authorized to do business
5 in the state, that has conducted a licensed business at a
6 location within the state for at least ten years.

7 Subp. 19. **Transport.** "Transport" means the act by a
8 permittee of causing or attempting to cause wild animals to be
9 carried or moved other than within the premises of a permittee.

10 Subp. 20. **Veterinarian.** "Veterinarian" means a person
11 licensed to practice veterinary medicine as defined in Minnesota
12 Statutes, chapter 156.

13 Subp. 21. **Volunteers.** "Volunteers" means persons who are
14 experienced with wildlife rehabilitation and are designated by
15 the commissioner to assist with the process of issuing wildlife
16 rehabilitation permits to individuals.

17 Subp. 22. **Wild animals.** "Wild animals" means all living
18 creatures, not human, wild by nature, endowed with sensation and
19 power of voluntary motion, and includes mammals, birds, fish,
20 amphibians, reptiles, crustaceans, and mollusks.

21 Subp. 23. **Wildlife rehabilitator.** "Wildlife rehabilitator"
22 means a person who has a valid Department of Natural Resources
23 novice, general, or master class wildlife rehabilitation permit
24 issued under parts 6244.0400 to 6244.0440.

25 Subp. 24. **Wildlife section.** "Wildlife section" means the
26 section of wildlife of the Department of Natural Resources.

27 PERMIT REQUIREMENTS

28 6244.0400 WILDLIFE REHABILITATION PERMITS.

29 Subpart 1. **Requirement.** No person shall rehabilitate a
30 wild animal without a permit from the commissioner issued under
31 this chapter. A person with a rehabilitation permit may
32 capture, receive, possess, transport, or transfer an orphaned,
33 sick, or injured wild animal for purposes of rehabilitation
34 according to conditions in the permit and this chapter. Permits
35 shall only be issued to residents of Minnesota except when the

1 commissioner determines that there are special circumstances
2 where the interests of wildlife rehabilitation in Minnesota are
3 served by issuing permits to nonresidents. Nonresidents must
4 meet the same requirements as residents.

5 Subp. 2. Limit on number of permits. The commissioner may
6 limit the number of wildlife rehabilitation permits in total or
7 in certain geographic areas of the state, as needed, when
8 limitations are determined to be in the best interest of the
9 wildlife resource or to provide for the most efficient
10 management of the permitting process by the department.

11 Subp. 3. Restrictions on species. The commissioner may
12 restrict the rehabilitation of certain species of animals,
13 either statewide or in certain geographic areas, as needed due
14 to disease, overpopulation, or other limiting factors. The
15 permit may be limited to certain species if deemed to be in the
16 best interest of the wildlife resource, or upon request of the
17 applicant.

18 Subp. 4. Restriction on having both a game farm license
19 and rehabilitation permit. No person shall be authorized to
20 have both a game farm license and a wildlife rehabilitation
21 permit at the same time except under circumstances deemed by the
22 commissioner to be in the best interest of the wildlife resource.

23 6244.0410 PERMIT CLASSES.

24 Subpart 1. Scope. There are three classes of wildlife
25 rehabilitation permits, as outlined in subparts 2 to 4.

26 Subp. 2. Novice class.

27 A. Requirements:

28 (1) must be at least 18 years of age;

29 (2) must have experience at handling and caring
30 for animals according to criteria established by the
31 commissioner in part 6244.0420, subpart 3;

32 (3) must pass a written test for the novice class
33 with a score of at least 80 percent;

34 (4) must maintain satisfactory applicable
35 facility requirements as described in parts 6244.0440 and

1 6244.0900;

2 (5) must identify a licensed veterinarian who has
3 agreed to assist and consult with the applicant on the treatment
4 and care of animals being rehabilitated; and

5 (6) must have at all times a master level permit
6 holder who has agreed to act as an advisor/mentor for the
7 applicant.

8 B. Privileges:

9 (1) may possess an orphaned, sick, or injured
10 ~~bird-or-mammal~~ wild animal up to 48 hours for transport to a
11 another novice, general, or master class permittee authorized to
12 possess for rehabilitation the particular animal, or to a
13 licensed veterinarian;

14 (2) may provide emergency care for a sick or
15 injured ~~bird-or-mammal~~ wild animal designated on the permit and
16 transport within 48 hours to a general or master class permittee
17 authorized to possess for rehabilitation the particular animal,
18 or to a licensed veterinarian;

19 (3) may possess for rehabilitation only healthy
20 orphaned ~~birds-and-mammals~~ wild animals subject to the following
21 restrictions:

22 (a) no possession for rehabilitation is
23 allowed of any species of endangered or threatened ~~bird-or~~
24 ~~mammal~~ wild animal other than for transport or emergency care as
25 described in subitems (1) and (2);

26 (b) no possession for rehabilitation is
27 allowed of any species of bird belonging to the
28 orders *Falconiformes* (hawks, eagles, harriers, osprey, and
29 falcons) and *Strigiformes* (owls); and

30 (c) the only mammals that may be possessed
31 for rehabilitation are those belonging to the orders *Lagomorpha*
32 (rabbits and hares) and *Rodentia* (squirrels, pocket gophers,
33 rats, mice, voles, lemmings, beaver, and porcupine); and

34 (4) may designate no more than five persons as
35 in-shelter assistants who may work in the facility of the
36 permittee to assist with care and feeding of animals being

1 rehabilitated. The permittee is responsible to notify the
 2 wildlife section, in writing, of the names, addresses, and
 3 telephone numbers of in-shelter assistants.

4 Subp. 3. General class.

5 A. Requirements:

6 (1) must be at least 18 years of age;

7 (2) must have been a novice class permit holder
 8 for at least two years;

9 (3) as a novice class permit holder, must
 10 demonstrate ongoing animal rehabilitation activities;

11 (4) as a novice class permit holder, must have
 12 successfully completed continuing education and training as
 13 defined in parts 6244.0700 and 6244.1600;

14 (5) must pass a written test for the general
 15 class with a score of at least 80 percent;

16 (6) must maintain satisfactory applicable
 17 facility requirements based on criteria as described in parts
 18 6244.0440 and 6244.0900;

19 (7) must identify a licensed veterinarian who has
 20 agreed to assist and consult with the applicant on the treatment
 21 and care of animals being rehabilitated; and

22 (8) must have a letter from the applicant's
 23 advisor at the novice class recommending the applicant for a
 24 general class permit.

25 B. Privileges:

26 (1) may possess an orphaned, sick, or injured
 27 ~~bird-or-mammal~~ wild animal up to 48 hours for transport to
 28 ~~another a novice, general, or to-a~~ master class permittee
 29 authorized to possess for rehabilitation the particular animal,
 30 or to a licensed veterinarian;

31 (2) may provide emergency care for a sick or
 32 injured ~~bird-or-mammal~~ wild animal designated on the permit and
 33 transport within 48 hours to another general or ~~to-a~~ master
 34 class permittee authorized to possess for rehabilitation the
 35 particular animal, or to a licensed veterinarian;

36 (3) may possess for rehabilitation healthy

1 orphaned, sick, or injured ~~birds-and-mammals~~ wild animals,
2 subject to the following restrictions:

3 (a) no possession is allowed of any species
4 of endangered or threatened ~~bird-or-mammal~~ wild animal other
5 than for transport or emergency care as described in this
6 subitem and subitem (2);

7 (b) except for American kestrels, no bird
8 belonging to the order *Falconiformes* may be possessed for
9 rehabilitation;

10 (c) except for saw-whet and screech owls, no
11 bird belonging to the order *Strigiformes* may be possessed for
12 rehabilitation; and

13 (d) except for deer as specifically
14 authorized in the permit, no species of big game may be
15 possessed for rehabilitation; and

16 (4) may designate no more than ten persons as
17 in-shelter assistants who may work in the facility of the
18 permittee to assist with care and feeding of animals being
19 rehabilitated. The permittee is responsible to notify the
20 wildlife section, in writing, of the names, addresses, and
21 telephone numbers of in-shelter assistants.

22 Subp. 4. **Master class.**

23 A. Requirements:

24 (1) must be at least 18 years of age;

25 (2) must have been a general class permit holder
26 for at least four years;

27 (3) as a general class permit holder, must have
28 demonstrated ongoing animal rehabilitation activities;

29 (4) as a general class permit holder, must have
30 successfully completed continuing education and training as
31 defined in parts 6244.0700 and 6244.1600;

32 (5) must pass a written test for the master class
33 with a score of at least 80 percent;

34 (6) must maintain satisfactory applicable
35 facility requirements as described in parts 6244.0440 and
36 6244.0900; and

1 (7) must identify a licensed veterinarian who has
2 agreed to assist and consult with the applicant on the treatment
3 and care of animals being rehabilitated.

4 B. Privileges:

5 (1) may possess an orphaned, sick, or injured
6 ~~bird-or-mammal~~ wild animal up to 48 hours for transport to a
7 novice, general, or master class permittee authorized to possess
8 for rehabilitation the particular animal, or to a licensed
9 veterinarian;

10 (2) may provide emergency care for a sick or
11 injured ~~bird-or-mammal~~ wild animal and transport within 48 hours
12 to a general or master class permittee authorized to possess for
13 rehabilitation the particular ~~bird-or-mammal~~ animal, or to a
14 licensed veterinarian;

15 (3) may possess for rehabilitation healthy
16 orphaned, sick, or injured ~~birds-and-mammals~~ wild animals,
17 subject to the following restrictions:

18 (a) except as may be specifically authorized
19 in the permit, no possession is allowed of any species of
20 endangered or threatened ~~bird-or-mammal~~ wild animal other than
21 for transport or emergency care as described in subitems (1) and
22 (2); and

23 (b) except for deer as specifically
24 authorized in the permit, no species of big game may be
25 possessed for rehabilitation;

26 (4) may serve voluntarily as an advisor of novice
27 permit holders. Master class permit holders who desire to serve
28 as advisors to novice class permittees must:

29 (a) submit a written request to the
30 commissioner requesting designation as a novice advisor; and

31 (b) have experience rehabilitating the
32 species of animals that novice class permit holders are allowed
33 to possess as described in subpart 2, item B, subitem (3), units
34 (b) and (c); and

35 (5) may designate no more than 15 persons as
36 in-shelter assistants who may work in the facility of the

1 permittee to assist with care and feeding of animals being
2 rehabilitated. The permittee is responsible to notify the
3 wildlife section, in writing, of the names, addresses, and
4 telephone numbers of in-shelter assistants.

5 6244.0420 PERMIT REQUIREMENTS.

6 Subpart 1. **Qualifications.** In order to be issued a
7 permit, applicants must satisfy the requirements in subparts 2
8 to 7.

9 Subp. 2. **Minimum age.** The applicant must be at least 18
10 years of age at the time the application is received by the
11 department.

12 Subp. 3. **Experience at handling and caring for animals.**
13 Applicants for novice level permits must be able to demonstrate
14 reasonable experience and skills at handling and caring for
15 animals. This may include:

16 A. a degree in veterinary medicine, veterinary
17 technology, or animal science;

18 B. experience working with a practicing veterinarian
19 or at a publicly owned or operated zoo, university animal
20 clinic, animal shelter, or wildlife rehabilitation clinic;

21 C. experience working with an individual licensed as
22 a wildlife rehabilitator, including hands-on experience with
23 animals; or

24 D. other experience in caring for animals.

25 Subp. 4. **Examination for permit.** The applicant must
26 obtain a score of at least 80 percent on a supervised
27 examination provided by the commissioner. An applicant who
28 fails the examination must wait a minimum of six months before
29 retaking the examination.

30 Subp. 5. **Adequate facilities.** The applicant must have on
31 the premises adequate facilities to carry out wildlife
32 rehabilitation activities. This includes types of cages, cage
33 sizes, and other facility criteria as described in part
34 6244.0900, or as otherwise prescribed by the commissioner.

35 Subp. 6. **Veterinarian consultant.** All classes of wildlife

1 rehabilitation permit holders, except licensed veterinarians,
2 must have and identify to the commissioner a licensed
3 veterinarian consultant to advise and assist permittees in the
4 care and treatment of animals.

5 Subp. 7. **Advisor.** Novice class wildlife rehabilitation
6 permit holders must have a master class wildlife permit holder
7 as an advisor.

8 6244.0430 PERMIT APPLICATION.

9 Written application for wildlife rehabilitation permits
10 shall be made on the form provided by the commissioner and
11 contain the following information:

12 A. the name, address, telephone number, and date of
13 birth of the applicant;

14 B. the address of the proposed wildlife
15 rehabilitation activity or facility;

16 C. a detailed description of the applicant's
17 facilities, including numbers and sizes of cages and other
18 pertinent information as requested by the commissioner;

19 D. a description of educational background related to
20 animal biology, veterinary medicine, and wildlife
21 rehabilitation;

22 E. a description of experience and training related
23 to wildlife rehabilitation, including a compilation of the types
24 of department wildlife rehabilitation permits possessed in the
25 past and the duration of the permit;

26 F. certification from the commissioner that the
27 applicant has obtained a score of at least 80 percent on a
28 supervised examination provided by the commissioner for the
29 class of rehabilitation permit requested;

30 G. the name, address, and telephone number of the
31 licensed veterinarian who has agreed to assist and consult with
32 the permittee on the treatment and care of animals being
33 rehabilitated;

34 H. for applicants for novice level wildlife
35 rehabilitation permits, the name, address, telephone number, and

1 department rehabilitation permit number of the master class
2 permit holder who has agreed to serve as an advisor for the
3 applicant;

4 I. the types of wildlife the applicant desires to
5 rehabilitate (mammals, passerine birds, or all species) allowed
6 by the permit level applied for; and

7 J. an agreement to comply with the requirements of
8 this chapter.

9 6244.0440 INSPECTION AND ISSUANCE.

10 After receipt of the application for a rehabilitation
11 permit, and a determination by the commissioner that the
12 applicant has satisfied all requirements for a permit as
13 described in parts 6244.0420 and 6244.0430, the commissioner may
14 inspect the applicant's facility.

15 6244.0450 NONTRANSFERABILITY.

16 No permit issued under parts 6244.0400 to 6244.0450 shall
17 be transferable.

18 6244.0500 ROLE OF VETERINARIANS.

19 Subpart 1. **Voluntary consultants.** Licensed veterinarians
20 may serve as voluntary consultants to novice, general, or master
21 class permittees as described in parts 6244.0410 and 6244.0420.

22 Subp. 2. **Consultation.** Veterinarians are not required to
23 have a department wildlife rehabilitation permit to consult with
24 department rehabilitation permit holders nor to advise the
25 permittees on care and treatment of animals undergoing
26 rehabilitation.

27 Subp. 3. **Treatment.** Veterinarians may treat wild animals,
28 protected birds, and protected mammals in their office or clinic
29 without possessing a department wildlife rehabilitation permit,
30 provided the animals are not kept at the veterinary office or
31 clinic longer than 48 hours.

32 Subp. 4. **Longer term.** Veterinarians who have in their
33 possession a wild animal longer than 48 hours are required to
34 either have a novice, general, or master level permit or notify

1 a conservation officer of the possession of an injured or
2 orphaned wild animal.

3 Subp. 5. Permit requirements. Veterinarians may obtain a
4 general class permit by meeting the written test requirements
5 for these permits described in this chapter, and by maintaining
6 satisfactory applicable facilities requirements.

7 Subp. 6. Possession of animals. Veterinarians who have a
8 general or master class rehabilitation permit may possess a sick
9 or injured wild animal, for purposes of treatment. The
10 commissioner shall be notified within 24 hours of receipt of a
11 state or federal endangered or threatened animal.

12 6244.0600 RECORDKEEPING AND REPORTING REQUIREMENTS.

13 All permittees shall retain complete and up to date records
14 on forms provided by the commissioner. Rehabilitation records
15 must be updated within 24 hours of the event. A copy of each
16 year's record shall be submitted to the department by January 31
17 of the following year. Permit holders are required to retain
18 records for three calendar years and make the records available
19 for inspection by the commissioner at any reasonable hour.

20 6244.0700 EXAMINATION; CONTINUING EDUCATION AND TRAINING; ROLE
21 OF VOLUNTEERS.

22 The commissioner shall establish examinations for initial
23 issuance of each class of permit, and requirements for
24 continuing education and training needed for renewal of
25 permits. These requirements must be fully met before permits
26 are renewed.

27 The department wildlife rehabilitation permit process has
28 been designed to make maximum use of volunteers. Persons
29 experienced with wildlife rehabilitation may be designated by
30 the commissioner to assist in the development of examinations
31 and continuing education and training materials under direction
32 of the commissioner, to assist in the administration of
33 examinations for various levels of permits under direction of
34 the commissioner, to conduct continuing education under
35 direction of the commissioner, and to consult with the

1 commissioner regarding the wildlife rehabilitation permit
2 process.

3 REHABILITATION STANDARDS

4 6244.0800 GENERAL PROVISIONS GOVERNING WILDLIFE REHABILITATION.

5 Subpart 1. Receipt of animals. The receipt of animals
6 shall be according to items A to C.

7 A. Permittees may capture orphaned, sick, or injured
8 animals themselves or receive animals from others for purposes
9 of rehabilitation.

10 B. Permittees may not import or accept animals for
11 rehabilitation from outside Minnesota, except as allowed by the
12 commissioner.

13 C. The commissioner shall be notified immediately of
14 the receipt of a threatened or endangered species by a permittee.

15 Subp. 2. Rehabilitation care.

16 A. Animals being rehabilitated shall have contact
17 with the permittee or designated in-shelter assistants only to
18 the extent necessary for adequate care and treatment. Under no
19 circumstances shall animals be habituated to humans, tamed, used
20 as pets, or used in inappropriate ways. The separation of
21 facilities from humans is contained in parts 6244.0300 and
22 6244.0900, subpart 1.

23 B. ~~Animals~~ Mammals being rehabilitated may be housed
24 only with others of the same species.

25 C. Public exhibition of animals being rehabilitated
26 is prohibited, except as provided in subpart 4, item B.

27 D. Transfers of animals being rehabilitated may be
28 made to the same level or to higher level permit holders and, in
29 the case of master permit holders, to lower level permit
30 holders, when:

31 (1) in the judgment of the permittee after
32 discussion with the permittee's master class advisor or
33 veterinarian consultant, it is determined that a transfer would
34 result in improved care of the animal; and

35 (2) it is determined by the permittee that the

1 permit holder to whom the transfer is being made is authorized
2 to possess the animals being transferred.

3 E. Costs incurred by the permittee for rehabilitation
4 activities shall be the responsibility of the permittee only.
5 Permittees may not charge a fee for rehabilitating animals. The
6 provisions of this item do not apply to licensed veterinarians.

7 F. Permittees may not delegate to others the
8 authority granted by their permit except that permittees may
9 designate others as in-shelter assistants as described in parts
10 6244.0300, subpart 11, and 6244.0410 to assist with the care and
11 feeding of animals on the premises of the permittee and under
12 the direct supervision of the permittee. Treatment of injured
13 and sick animals may not be delegated to other persons.

14 **Subp. 3. Release of animals.**

15 A. When, in the judgment of the permittee, after
16 discussion with the permittee's master class advisor or
17 veterinarian consultant, an injured or sick animal has
18 sufficiently recovered, or an orphaned animal is matured to the
19 point where it has a reasonable chance to survive in the wild,
20 the animal shall be released immediately in suitable habitat as
21 near to the point where the animal was captured as practical.

22 B. Rehabilitated animals are not to be transported
23 across state lines for release or for any other purposes unless
24 expressly authorized by the commissioner.

25 C. When authorized by the commissioner, animals that
26 are not sufficiently recovered from injuries or illnesses, or
27 are not otherwise ready for release prior to the onset of cold
28 weather in the fall, may be kept over winter and released in the
29 spring.

30 **Subp. 4. Disposition of nonreleasable animals.**

31 A. When, in the judgment of the permittee, and on
32 advice of the permittee's master class advisor or veterinarian
33 consultant, an injured, sick, or orphaned animal is incapable of
34 surviving if released to the wild, the animal must be:

35 (1) humanely euthanized under the direction of
36 the veterinarian consultant as described in item C;

- 1 (2) turned over to the commissioner; or
2 (3) transferred as directed by the commissioner.

3 B. Use of nonreleasable animals for scientific,
4 educational, or exhibition purposes is allowed only under
5 separate permit from the commissioner.

6 C. Euthanizing shall be done by the most humane means
7 possible by either the permittee or veterinarian consultant and
8 only by methods specifically prescribed by the veterinarian
9 consultant according to criteria established by the American
10 ~~Veterinarian-Medicine~~ Veterinary Medical Association or the
11 ~~National Wildlife Rehabilitation~~ Rehabilitators Association.

12 D. Except where it is necessary to relieve immediate
13 pain, and in cases where recovery is highly unlikely, threatened
14 or endangered species may be euthanized only on express approval
15 of the commissioner.

16 E. Animals that die of natural causes or that are
17 euthanized must be buried, incinerated, rendered, or turned over
18 to a person or institution that possesses a valid salvage permit
19 from the department and, in the case of migratory birds, a valid
20 federal salvage permit. Threatened or endangered species or any
21 parts thereof shall be disposed of only at the direction of the
22 commissioner.

23 F. Live or dead animals or any parts thereof shall
24 not be sold, bartered, or given away.

25 6244.0900 FACILITIES AND OPERATING STANDARDS.

26 Subpart 1. Separation of animal facilities from humans.
27 Except as required for the care provider to feed, water, and
28 exercise animals, indoor and outdoor facilities, cages, pens,
29 enclosures, or other areas must be sufficiently separate and
30 protected from pets and from human living or work space to
31 prevent human contact with animals. Animals must be kept in
32 separate facilities at all times except when removal is
33 necessary for veterinary care, transfer to another licensed
34 rehabilitator, or release to the wild.

35 Subp. 2. Size; construction. The facility must be

1 constructed of a material and strength that is appropriate for
2 the animals involved. The housing facilities shall be
3 structurally sound and shall be maintained in good repair to
4 protect the animals from injury and to contain the animals.

5 Enclosures shall be constructed and maintained to provide
6 sufficient space to allow each animal to make normal postural
7 and social adjustments with adequate freedom of movement.
8 Inadequate space may be indicated by evidence of malnutrition,
9 poor condition, debility, stress, or abnormal behavior
10 patterns. Guidelines for space requirements for various species
11 shall be provided by the commissioner.

12 Adequate potable water shall be available on the premises
13 with reliable and adequate electric power if required to comply
14 with other provisions of the permit.

15 Subp. 3. Sanitation. Provisions shall be made for the
16 removal and disposal of animal and food wastes, bedding, dead
17 animals, trash, and debris. Disposal facilities shall be
18 provided and operated to minimize vermin infestation, odors, and
19 disease hazards. Permittees shall comply with all applicable
20 laws pertaining to disposal. A suitable sanitary method shall
21 be provided to rapidly eliminate excess water from indoor
22 housing facilities. If drains are used, they shall be properly
23 constructed and installed to prevent any backup of sewage and
24 kept in good repair to avoid foul odors.

25 Subp. 4. Indoor facilities. Temperature in indoor housing
26 facilities shall be sufficiently regulated by heating or cooling
27 to protect the animals from the extremes of temperature, to
28 provide for their health, and to prevent their discomfort. The
29 ambient temperature shall not be allowed to fall below nor rise
30 above temperatures compatible with the health and comfort of the
31 animal.

32 Indoor housing facilities shall be adequately ventilated by
33 natural or mechanical means to provide for the health and to
34 prevent discomfort of the animals at all times. The facilities
35 shall be provided with fresh air either by means of windows,
36 doors, vents, fans, or air conditioning, and shall be ventilated

1 to minimize drafts, odors, and moisture condensation.

2 Indoor housing facilities shall have ample lighting, by
3 natural or artificial means, or both, of good quality,
4 distribution, and duration as appropriate for the species
5 involved. The lighting shall be uniformly distributed and of
6 sufficient intensity to permit routine inspection and cleaning.
7 Lighting of primary enclosures shall be designed to protect the
8 animals from excessive illumination.

9 Subp. 5. Outdoor facilities. When sunlight is likely to
10 cause overheating or discomfort of the animals, sufficient shade
11 by natural or artificial means shall be provided to allow all
12 animals kept outdoors to protect themselves from direct sunlight.

13 Natural or artificial shelter appropriate to local climatic
14 conditions for the species concerned shall be provided for all
15 animals kept outdoors to afford them protection and to prevent
16 discomfort to the animals. Individual animals shall be
17 acclimated before they are exposed to the extremes of weather.

18 6244.1000 ANIMAL HEALTH AND HUSBANDRY.

19 Subpart 1. Feeding. Dietary guidelines for various
20 species shall be provided by the commissioner. The food shall
21 be wholesome, palatable, and free from contamination and of
22 sufficient quantity and nutritive value to maintain all animals
23 in good health. The diet shall be prepared with consideration
24 of the age, species, condition, size, and type of the animal.
25 Animals shall be fed at least once a day except as dictated by
26 hibernation, veterinary treatment, normal fasts, or other
27 professionally accepted practices.

28 Food and food receptacles, if used, shall be sufficient in
29 quantity, accessible to all animals in the enclosure, and placed
30 to minimize contamination. Food receptacles shall be kept clean
31 and sanitary at all times. If self-feeders are used, adequate
32 measures shall be taken to prevent molding, contamination, and
33 deterioration or caking of food.

34 Subp. 2. Watering. If potable water is not accessible to
35 the animals at all times, it must be provided as often as

1 necessary for the health and comfort of the animal. Frequency
2 of watering shall depend upon age, species condition, size, and
3 type of the animal. Water receptacles shall be kept clean and
4 sanitary.

5 Subp. 3. Sanitation. Excreta shall be removed from
6 primary enclosures as often as necessary to prevent
7 contamination of the animals contained in the enclosures, to
8 minimize disease hazards, and to reduce odors. When enclosures
9 are cleaned by hosing or flushing, adequate measures shall be
10 taken to protect the animals confined in the enclosures from
11 being directly sprayed with the stream of water or wetted
12 involuntarily.

13 Subsequent to the presence of an animal with an infectious
14 or transmissible disease, cages, rooms, and hard-surfaced pens
15 or runs shall be sanitized either by washing them with hot
16 water, 180 degrees Fahrenheit at source, and soap or detergent,
17 as in a mechanical washer, or by washing all soiled surfaces
18 with a detergent solution followed by a safe and effective
19 disinfectant, or by cleaning all soiled surfaces with saturated
20 live steam under pressure. Pens or runs using gravel, sand, or
21 dirt shall be sanitized when necessary as directed by the
22 attending veterinarian.

23 Areas in which animals are kept shall be kept clean and in
24 good repair to protect the animals from injury and to facilitate
25 the prescribed husbandry practices in this subpart.
26 Accumulations of trash shall be placed in designated areas and
27 cleared as necessary to protect the health of the animals.

28 A safe and effective program for the control of insects;
29 ectoparasites, such as flies, ticks, and fleas; and avian and
30 mammalian pests shall be established and maintained.

31 Subp. 4. Veterinary care. Programs of disease prevention
32 and parasite control, euthanasia, and adequate veterinary care
33 shall be established and maintained under the supervision of the
34 permittee's veterinarian consultant. The pest control program
35 shall be reviewed by the veterinarian adviser for the safe use
36 of materials and methods.

1 Animals shall be observed at least once every day by the
2 person in charge of the care of the animals or by a designated
3 in-shelter assistant working under the permittee's direct
4 supervision. Sick, diseased, stressed, injured, or lame animals
5 that are determined to be nonreleasable shall be dealt with
6 according to part 6244.0800, subpart 4.

7 Subp. 5. **Handling.** Handling of animals shall be kept to a
8 minimum, but when necessary shall be done expeditiously and
9 carefully in a way that does not cause unnecessary discomfort,
10 behavioral stress, or physical harm to the animal or harm to the
11 handler. Human contact with animals being rehabilitated shall
12 be kept to an absolute minimum.

13 ADMINISTRATIVE PROCEDURES

14 6244.1100 TRANSITION FROM PREVIOUS RULES.

15 This chapter applies to permits issued or renewed after the
16 effective date of this chapter. Any permit issued or renewed
17 after the effective date of this chapter is subject to the
18 requirements of this chapter.

19 6244.1110 INITIAL TESTING AT TIME OF RULES ADOPTION.

20 At the time this chapter becomes effective, the
21 commissioner may allow a person who has or previously had a
22 valid wildlife rehabilitation permit, other than an outshelter
23 permit, to test at either the novice, general, or master level
24 based on the following criteria:

25 A. a person who has had a wildlife rehabilitation
26 permit for less than two years during the past five years may
27 test at the novice level only;

28 B. a person who has had a wildlife rehabilitation
29 permit for more than two years but less than six years of the
30 past ten years may test at the novice or general level only; and

31 C. a person who has had a wildlife rehabilitation
32 permit for six years or more during the past ten years may test
33 at the novice, general, or master level.

34 A person holding a valid wildlife rehabilitation permit on
35 the effective date of this chapter who initially tests at the

1 general or master level, and fails either the general or master
2 level test may immediately test at the novice level without
3 waiting six months as stipulated in part 6244.0420, subpart 4.

4 6244.1200 CREATION OF MASTER CLASS PERMITTEES.

5 To provide for a group of master class permit holders to
6 serve as sponsors for novice level permittees at the time this
7 chapter becomes effective, and before a group of master class
8 permittees would evolve through the process described in part
9 6244.0410, subparts 2, 3, and 4, the commissioner may issue
10 provisional master class permits to individuals who are
11 otherwise qualified and who have demonstrated special ability,
12 knowledge, training, and experience in wildlife rehabilitation,
13 provided that such provisional permittees must pass the master
14 class test within one year after issuance of the provisional
15 permit.

16 6244.1300 NEW MINNESOTA RESIDENTS.

17 A person moving to Minnesota on a permanent basis, who is
18 at the time of relocation to Minnesota a licensed wildlife
19 rehabilitator in the state of previous residence, may be allowed
20 to test at either the general or master level based on the
21 criteria in part 6244.1110.

22 6244.1400 FEDERAL PERMITS; LOCAL LAWS; PRACTICING VETERINARY
23 MEDICINE.

24 Subpart 1. Federal permits. A permittee authorized to
25 rehabilitate migratory birds under a department permit must also
26 possess a valid United States Fish and Wildlife Service special
27 purpose rehabilitation permit. Other rehabilitation activities
28 may also require a federal permit. Issuance of a permit by the
29 department shall not exempt the permittee from the permit
30 requirements of federal law.

31 Subp. 2. Local laws. No rehabilitation permit nor any
32 provisions of this chapter shall be construed to exempt the
33 permittee from any local laws, ordinances, or regulations that
34 apply to the activities authorized by the permit.

1 Subp. 3. **Practicing veterinary medicine.** A permittee may
2 not practice veterinary medicine as defined by Minnesota
3 Statutes, chapter 156, unless licensed as a veterinarian.

4 6244.1500 REVIEW OF PERMIT DECISIONS.

5 If a rehabilitation permit is granted with conditions, or
6 is denied, the applicant may file with the commissioner a
7 request for a contested case hearing under Minnesota Statutes,
8 chapter 14, within 30 days after mailed notice.

9 6244.1600 PERMIT DURATION AND RENEWAL.

10 Subpart 1. **Duration of permits.** Wildlife rehabilitation
11 permits shall be issued for a period of up to two years.

12 Subp. 2. **Renewal of permits.** Novice, general, and master
13 wildlife rehabilitation permits are renewable. Conditions for
14 renewal of all classes of permits include the following:

15 A. compliance with parts 6244.0410, 6244.0420,
16 6244.0600, and 6244.0800 to 6244.1000;

17 B. adequate recordkeeping as defined in part
18 6244.0600;

19 C. ongoing rehabilitation activity;

20 D. successful completion of continuing education and
21 training as defined in parts 6244.0300, subpart 5, and
22 6244.0700;

23 E. for novice class permits, having a master class
24 permittee to serve as an advisor as described in part 6244.0410;

25 F. identification of the veterinarian consultant as
26 described in parts 6244.0410, subpart 2, and 6244.0500, subpart
27 1; and

28 G. maintain satisfactory applicable facility
29 requirements as determined by an inspection that may be
30 conducted at least once during every other permit renewal
31 period, or once every four years, or if the permittee's place of
32 animal care is moved to a new address, or upon application for a
33 higher level rehabilitation permit.

34 Subp. 3. **Expired permits.** Expired permits may be renewed
35 within one year of the expiration date upon fulfillment of all

1 conditions established in part 6244.1500 for the renewal.
2 Permits which have been expired for more than one year shall not
3 be renewed, and the person wishing to be reinstated must apply
4 and go through the process described in parts 6244.0410 and
5 6244.0420 to obtain an initial permit. Persons who have had a
6 rehabilitation permit previously, but whose permit has been
7 expired for more than one year but less than five years, may
8 apply for and be allowed to take the test for the permit class
9 previously held after meeting all other conditions for permit
10 renewal described in parts 6244.0410 and 6244.0420.

11 6244.1700 PERMIT REVOCATION.

12 The commissioner may at any time revoke all or part of a
13 permit issued under this chapter under the conditions in this
14 part whenever the commissioner has determined that a permittee
15 has failed to comply with provisions of this chapter, when it is
16 necessary to protect the interests of the public, or to protect
17 the wildlife covered by the permits. Except in an emergency, at
18 least 14 days prior to the effective date of the revocation the
19 permit holder must be informed in writing of the nature of the
20 revocation and of the conditions which, in the commissioner's
21 opinion, require the revocation. Within 30 days of mailed
22 notice of revocation, the permit holder may apply for an
23 amendment to the permit or to request a hearing by the
24 commissioner to contest the revocation, support the permit
25 holder's proposed amendment, or both. The permit shall be
26 revoked on the date stated in the revocation notice.

27 6244.1800 DISCLAIMER OF LIABILITY.

28 Any rehabilitation permit issued under this chapter is
29 permissive only and no liability shall be incurred by the state
30 or any of its officers, agents, or employees by reason of the
31 issuance of a rehabilitation permit or by reason of any acts or
32 operations of the permittee or any wildlife in possession of the
33 permittee. A rehabilitation permittee shall be solely
34 responsible for damage or injury to persons, domestic or wild
35 animals, and real or personal property of any kind, resulting

1 from any activities undertaken pursuant to the permit.

2 6244.1900 VARIANCES.

3 Subpart 1. Parts subject to variance provisions.

4 Individuals and individuals in the name of institutions that are
5 subject to parts 6244.0100 to 6244.1800 may request that the
6 commissioner grant a variance from the following parts:

7 A. resident requirements, as specified in part
8 6244.0400, subpart 1;

9 B. restrictions on having both a game farm license
10 and a rehabilitation permit, as specified in part 6244.0400,
11 subpart 4;

12 C. qualifications testing and continuing education
13 and training requirements, as specified in parts 6244.0410 to
14 6244.0450 and 6244.0700;

15 D. the maximum number of in-shelter assistants that
16 may be designated to work in a facility of the permittee, as
17 specified in part 6244.0410, subparts 3, item L; and 4, item L;

18 E. the minimum age requirement, as specified in part
19 6244.0420, subpart 2;

20 F. the restriction on accepting animals for
21 rehabilitation from outside of Minnesota, as specified in part
22 6244.0800, subpart 1, item B; and

23 G. the restriction on transport of animals across
24 state boundaries for release, as specified in part 6244.0800,
25 subpart 3, item B.

26 Subp. 2. Application for variance. A proceeding for
27 requesting a variance begins when the permit applicant or
28 permittee files an application for a variance with the
29 commissioner. The application must include information
30 necessary for the commissioner to determine that the proposed
31 variance is directed toward the attainment of the goals of parts
32 6244.0100 to 6244.1800, and is consistent with the general
33 public interest and animal welfare including, but not limited to:

34 A. how the alternative measure proposed is equivalent
35 to or superior to that prescribed in this chapter; and

1 B. how strict compliance with this chapter will
2 impose an undue burden on the applicant.

3 Under no circumstance shall a variance be granted that
4 varies a statutory standard.

5 **Subp. 3. Determination by commissioner.** Within 30 days
6 after receipt of the application, the commissioner shall
7 determine whether the proposed variance constitutes a
8 substantial change from the requirements of the provision from
9 which a variance is requested.

10 A. If the commissioner determines that a substantial
11 change would result, the decision of whether or not to grant the
12 variance shall be based on a determination by the commissioner
13 that the proposed variance is directed toward the attainment of
14 the goals of the provision from which a variance is requested
15 and is consistent with the general public interest and animal
16 welfare.

17 B. If the commissioner determines that there would be
18 no substantial change, and that the variance is consistent with
19 the public interest and animal welfare and meets the goals and
20 intent of the provision from which a variance is requested, a
21 variance shall be granted.

22 **Subp. 4. Simultaneous filing of applications.**
23 Applications for variance from this chapter may be filed
24 simultaneously with an application for a permit to conduct
25 animal rehabilitation, provided that the application contains
26 all information required for applications for a permit to
27 conduct animal rehabilitation.

28 6244.2000 PENALTY.

29 **Subpart 1. Misdemeanor.** A person who violates this
30 chapter is guilty of a misdemeanor.

31 **Subp. 2. Administrative penalty.** The commissioner may
32 amend, revoke, or refuse to renew the permit of a person who
33 violates this chapter or any provision of a permit issued under
34 this chapter.

35 **REPEALER.** Minnesota Rules, parts 6212.1600 and 6212.1900, are

1 repealed one year after the effective date of this chapter.

2

3 EFFECTIVE DATE. Parts 6244.0100 to 6244.2000 are effective July

4 1, 1996.