

CHAPTER 6244
DEPARTMENT OF NATURAL RESOURCES
CAPTIVE WILDLIFE

WILDLIFE REHABILITATION PERMITS		6244.1110	INITIAL TESTING AT TIME OF RULES ADOPTION.
6244.0100	PURPOSE.	6244.1200	CREATION OF MASTER CLASS PERMITTEES.
6244.0200	SCOPE.	6244.1300	NEW MINNESOTA RESIDENTS.
6244.0300	DEFINITIONS.	6244.1400	FEDERAL PERMITS; LOCAL LAWS; PRACTICING VETERINARY MEDICINE.
	PERMIT REQUIREMENTS	6244.1500	REVIEW OF PERMIT DECISIONS.
6244.0400	WILDLIFE REHABILITATION PERMITS.	6244.1600	PERMIT DURATION AND RENEWAL.
6244.0410	PERMIT CLASSES.	6244.1700	PERMIT REVOCATION.
6244.0420	PERMIT REQUIREMENTS.	6244.1800	DISCLAIMER OF LIABILITY.
6244.0430	PERMIT APPLICATION.	6244.1900	VARIANCES.
6244.0440	INSPECTION AND ISSUANCE.	6244.2000	PENALTY.
6244.0450	NONTRANSFERABILITY.		WILDLIFE EXHIBITS
6244.0500	ROLE OF VETERINARIANS.	6244.2100	PURPOSE.
6244.0600	RECORDKEEPING AND REPORTING REQUIREMENTS.	6244.2200	SCOPE.
6244.0700	EXAMINATION; CONTINUING EDUCATION AND TRAINING; ROLE OF VOLUNTEERS.	6244.2300	SEVERABILITY.
	REHABILITATION STANDARDS	6244.2400	DEFINITIONS.
6244.0800	GENERAL PROVISIONS GOVERNING WILDLIFE REHABILITATION.	6244.2500	PERMIT.
6244.0900	FACILITIES AND OPERATING STANDARDS.	6244.2600	KNOWLEDGE AND BACKGROUND OF CARETAKERS.
6244.1000	ANIMAL HEALTH AND HUSBANDRY.	6244.2700	FACILITIES AND OPERATING STANDARDS.
	ADMINISTRATIVE PROCEDURES	6244.2800	ANIMAL HEALTH AND HUSBANDRY.
6244.1100	TRANSITION FROM PREVIOUS RULES.	6244.2900	PERMIT FEE.
		6244.3000	REVIEW OF PERMIT DECISIONS.
		6244.3100	REVOCATION.
		6244.3200	DISCLAIMER.
		6244.3300	PENALTY.

WILDLIFE REHABILITATION PERMITS

6244.0100 PURPOSE.

The purpose of sections 6244.0100 to 6244.2000 is to establish reasonable standards for the rehabilitation of orphaned, sick, and injured wild animals, and to establish a permit system and other criteria for such rehabilitation pursuant to Minnesota Statutes, sections 97A.401 and 97A.418. Sections 6244.0100 to 6244.2000 establish criteria for issuing permits to individuals and to individuals in the name of institutions, to provide for the care, treatment, and release of orphaned and debilitated wild animals obtained by those individuals or received from other parties. The permit process is designed to provide for the participation of selected volunteers to the maximum extent possible consistent with Minnesota Statutes. The intent of sections 6244.0100 to 6244.2000 is to help ensure that all persons engaged in rehabilitation of wild animals are qualified, undergo periodic training, house animals under proper conditions, provide a high level of humane care for animals, and are protected as much as is possible from injury caused by animals or from contracting disease that may be carried by animals. Nothing in sections 6244.0100 to 6244.2000 is intended to authorize ownership or possession of wild animals for purposes other than rehabilitation and release.

Nothing in sections 6244.0100 to 6244.2000 authorizes, or is intended to authorize any person with a wildlife rehabilitation permit to practice veterinary medicine in violation of Minnesota Statutes, chapter 156.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0200 SCOPE.

Sections 6244.0100 to 6244.2000 apply to rehabilitation of any orphaned, sick, or injured wild animal carried out by individuals or individuals in the name of institutions, except that the portions of sections 6244.0100 to 6244.2000 pertaining to qualification

testing and continuing education and training requirements shall not apply to the Raptor Center and the Wildlife Rehabilitation Clinic at the University of Minnesota, Saint Paul. Sections 6244.0100 to 6244.2000 are not intended to prohibit any person from transporting an orphaned, sick, or injured wild animal to a rehabilitation facility.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0300 DEFINITIONS.

Subpart 1. **Scope.** The terms used in sections 6244.0100 to 6244.2000 have the meanings given them in this part.

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

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

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

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

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

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

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

Subp. 9. **Facilities.** "Facilities" means equipment, housing, or other shelter used in, or necessary for, the rehabilitation of wildlife.

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

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

Subp. 12. **Nonreleasable wildlife.** "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.

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

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

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

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

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

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

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

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

C. a domestic corporation; or

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

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

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

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

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

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

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

PERMIT REQUIREMENTS

6244.0400 WILDLIFE REHABILITATION PERMITS.

Subpart 1. **Requirement.** No person shall rehabilitate a wild animal without a permit from the commissioner issued under sections 6244.0100 to 6244.2000. A person with a rehabilitation permit may capture, receive, possess, transport, or transfer an orphaned, sick, or injured wild animal for purposes of rehabilitation according to conditions in the permit and sections 6244.0100 to 6244.2000. Permits shall only be issued to residents of Minnesota except when the commissioner determines that there are special circumstances where the interests of wildlife rehabilitation in Minnesota are served by issuing permits to nonresidents. Nonresidents must meet the same requirements as residents.

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

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

Subp. 4. **Restriction on having both a game farm license and rehabilitation permit.** No person shall be authorized to have both a game farm license and a wildlife

rehabilitation permit at the same time except under circumstances deemed by the commissioner to be in the best interest of the wildlife resource.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0410 PERMIT CLASSES.

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

Subp. 2. Novice class.

A. Requirements:

- (1) must be at least 18 years of age;
- (2) must have experience at handling and caring for animals according to criteria established by the commissioner in part 6244.0420, subpart 3;
- (3) must pass a written test for the novice class with a score of at least 80 percent;
- (4) must maintain satisfactory applicable facility requirements as described in parts 6244.0440 and 6244.0900;
- (5) must identify a licensed veterinarian who has agreed to assist and consult with the applicant on the treatment and care of animals being rehabilitated; and
- (6) must have at all times a master level permit holder who has agreed to act as an advisor/mentor for the applicant.

B. Privileges:

- (1) may possess an orphaned, sick, or injured wild animal up to 48 hours for transport to another novice, general, or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;
- (2) may provide emergency care for a sick or injured wild animal designated on the permit and transport within 48 hours to a general or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;
- (3) may possess for rehabilitation only healthy orphaned wild animals subject to the following restrictions:
 - (a) no possession for rehabilitation is allowed of any species of endangered or threatened wild animal other than for transport or emergency care as described in subitems (1) and (2);
 - (b) no possession for rehabilitation is allowed of any species of bird belonging to the orders *Falconiformes* (hawks, eagles, harriers, osprey, and falcons) and *Strigiformes* (owls); and
 - (c) the only mammals that may be possessed for rehabilitation are those belonging to the orders *Lagomorpha* (rabbits and hares) and *Rodentia* (squirrels, pocket gophers, rats, mice, voles, lemmings, beaver, and porcupine); and
- (4) may designate no more than five persons as in-shelter assistants who may work in the facility of the permittee to assist with care and feeding of animals being rehabilitated. The permittee is responsible to notify the wildlife section, in writing, of the names, addresses, and telephone numbers of in-shelter assistants.

Subp. 3. General class.

A. Requirements:

- (1) must be at least 18 years of age;
- (2) must have been a novice class permit holder for at least two years;
- (3) as a novice class permit holder, must demonstrate ongoing animal rehabilitation activities;

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

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

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

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

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

B. Privileges:

(1) may possess an orphaned, sick, or injured wild animal up to 48 hours for transport to a novice, general, or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

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

(3) may possess for rehabilitation healthy orphaned, sick, or injured wild animals, subject to the following restrictions:

(a) no possession is allowed of any species of endangered or threatened wild animal other than for transport or emergency care as described in this subitem and subitem (2);

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

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

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

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

Subp. 4. Master class.

A. Requirements:

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

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

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

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

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

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

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

B. Privileges:

(1) may possess an orphaned, sick, or injured wild animal up to 48 hours for transport to a novice, general, or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(2) may provide emergency care for a sick or injured wild animal and transport within 48 hours to a general or master class permittee authorized to possess for rehabilitation the particular animal, or to a licensed veterinarian;

(3) may possess for rehabilitation healthy orphaned, sick, or injured wild animals, subject to the following restrictions:

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

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

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

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

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

(5) may designate no more than 15 persons as in-shelter assistants who may work in the facility of the permittee to assist with care and feeding of animals being rehabilitated. The permittee is responsible to notify the wildlife section, in writing, of the names, addresses, and telephone numbers of in-shelter assistants.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43); 22 SR 292*

6244.0420 PERMIT REQUIREMENTS.

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

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

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

- A. a degree in veterinary medicine, veterinary technology, or animal science;
- B. experience working with a practicing veterinarian or at a publicly owned or operated zoo, university animal clinic, animal shelter, or wildlife rehabilitation clinic;
- C. experience working with an individual licensed as a wildlife rehabilitator, including hands-on experience with animals; or
- D. other experience in caring for animals.

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

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

Subp. 6. **Veterinarian consultant.** All classes of wildlife rehabilitation permit holders, except licensed veterinarians, must have and identify to the commissioner a licensed veterinarian consultant to advise and assist permittees in the care and treatment of animals.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0430 PERMIT APPLICATION.

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

- A. the name, address, telephone number, and date of birth of the applicant;
- B. the address of the proposed wildlife rehabilitation activity or facility;
- C. a detailed description of the applicant's facilities, including numbers and sizes of cages and other pertinent information as requested by the commissioner;
- D. a description of educational background related to animal biology, veterinary medicine, and wildlife rehabilitation;
- E. a description of experience and training related to wildlife rehabilitation, including a compilation of the types of department wildlife rehabilitation permits possessed in the past and the duration of the permit;
- F. certification from the commissioner that the applicant has obtained a score of at least 80 percent on a supervised examination provided by the commissioner for the class of rehabilitation permit requested;
- G. the name, address, and telephone number of the licensed veterinarian who has agreed to assist and consult with the permittee on the treatment and care of animals being rehabilitated;
- H. for applicants for novice level wildlife rehabilitation permits, the name, address, telephone number, and department rehabilitation permit number of the master class permit holder who has agreed to serve as an advisor for the applicant;
- I. the types of wildlife the applicant desires to rehabilitate (mammals, passerine birds, or all species) allowed by the permit level applied for; and
- J. an agreement to comply with the requirements of sections 6244.0100 to 6244.2000.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0440 INSPECTION AND ISSUANCE.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0450 NONTRANSFERABILITY.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0500 ROLE OF VETERINARIANS.

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

Subp. 2. **Consultation.** Veterinarians are not required to have a department wildlife rehabilitation permit to consult with department rehabilitation permit holders

nor to advise the permittees on care and treatment of animals undergoing rehabilitation.

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

Subp. 4. Longer term. Veterinarians who have in their possession a wild animal longer than 48 hours are required to either have a novice, general, or master level permit or notify a conservation officer of the possession of an injured or orphaned wild animal.

Subp. 5. Permit requirements. Veterinarians may obtain a general class permit by meeting the written test requirements for these permits described in sections 6244.0100 to 6244.2000, and by maintaining satisfactory applicable facilities requirements.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0600 RECORDKEEPING AND REPORTING REQUIREMENTS.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

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

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

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

REHABILITATION STANDARDS

6244.0800 GENERAL PROVISIONS GOVERNING WILDLIFE REHABILITATION.

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

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

MINNESOTA RULES 2001

6244.0800 CAPTIVE WILDLIFE

814

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

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

Subp. 2. Rehabilitation care.

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

B. Mammals being rehabilitated may be housed only with others of the same species.

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

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

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

(2) it is determined by the permittee that the permit holder to whom the transfer is being made is authorized to possess the animals being transferred.

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

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

Subp. 3. Release of animals.

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

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

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

Subp. 4. Disposition of nonreleasable animals.

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

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

(2) turned over to the commissioner; or

(3) transferred as directed by the commissioner.

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

C. Euthanizing shall be done by the most humane means possible by either the permittee or veterinarian consultant and only by methods specifically prescribed by

the veterinarian consultant according to criteria established by the American Veterinary Medical Association or the National Wildlife Rehabilitators Association.

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

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

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.0900 FACILITIES AND OPERATING STANDARDS.

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

Subp. 2. Size; construction. The facility must be constructed of a material and strength that is appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

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

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

Subp. 3. Sanitation. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash, and debris. Disposal facilities shall be provided and operated to minimize vermin infestation, odors, and disease hazards. Permittees 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 properly constructed and installed to prevent any backup of sewage and kept in good repair to avoid foul odors.

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

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

Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. 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.

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

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1000 ANIMAL HEALTH AND HUSBANDRY.

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

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

Subp. 2. **Watering.** If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall depend upon age, species condition, size, and type of the animal. Water receptacles shall be kept clean and sanitary.

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

Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water, 180 degrees Fahrenheit at source, and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution 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 sanitized when necessary as directed by the attending veterinarian.

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

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

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

Animals shall be observed at least once every day by the person in charge of the care of the animals or by a designated in-shelter assistant working under the permittee's direct supervision. Sick, diseased, stressed, injured, or lame animals that are

MINNESOTA RULES 2001

817

CAPTIVE WILDLIFE 6244.1300

determined to be nonreleasable shall be dealt with according to part 6244.0800, subpart 4.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

ADMINISTRATIVE PROCEDURES

6244.1100 TRANSITION FROM PREVIOUS RULES.

Sections 6244.0100 to 6244.2000 apply to permits issued or renewed after July 1, 1996. Any permit issued or renewed after July 1, 1996, is subject to the requirements of sections 6244.0100 to 6244.2000.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1110 INITIAL TESTING AT TIME OF RULES ADOPTION.

Commencing July 1, 1996, the commissioner may allow a person who has or previously had a valid wildlife rehabilitation permit, other than an outshelter permit, to test at either the novice, general, or master level based on the following criteria:

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

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

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

A person holding a valid wildlife rehabilitation permit on July 1, 1996, who initially tests at the general or master level, and fails either the general or master level test may immediately test at the novice level without waiting six months as stipulated in part 6244.0420, subpart 4.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1200 CREATION OF MASTER CLASS PERMITTEES.

To provide for a group of master class permit holders to serve as sponsors for novice level permittees commencing July 1, 1996, and before a group of master class permittees would evolve through the process described in part 6244.0410, subparts 2, 3, and 4, the commissioner may issue provisional master class permits to individuals who are otherwise qualified and who have demonstrated special ability, knowledge, training, and experience in wildlife rehabilitation, provided that such provisional permittees must pass the master class test within one year after issuance of the provisional permit.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1300 NEW MINNESOTA RESIDENTS.

A person moving to Minnesota on a permanent basis, who is at the time of relocation to Minnesota a licensed wildlife rehabilitator in the state of previous

residence, may be allowed to test at either the general or master level based on the criteria in part 6244.1110.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1400 FEDERAL PERMITS; LOCAL LAWS; PRACTICING VETERINARY MEDICINE.

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

Subp. 2. **Local laws.** No rehabilitation permit nor any provisions of sections 6244.0100 to 6244.2000 shall be construed to exempt the permittee from any local laws, ordinances, or regulations that apply to the activities authorized by the permit.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1500 REVIEW OF PERMIT DECISIONS.

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

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1600 PERMIT DURATION AND RENEWAL.

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

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

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

B. adequate recordkeeping as defined in part 6244.0600;

C. ongoing rehabilitation activity;

D. successful completion of continuing education and training as defined in parts 6244.0300, subpart 6, and 6244.0700;

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

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

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

Subp. 3. **Expired permits.** Expired permits may be renewed within one year of the expiration date upon fulfillment of all conditions established in part 6244.1500 for the renewal. Permits which have been expired for more than one year shall not be renewed, and the person wishing to be reinstated must apply and go through the process described in parts 6244.0410 and 6244.0420 to obtain an initial permit. Persons who

have had a rehabilitation permit previously, but whose permit has been expired for more than one year but less than five years, may apply for and be allowed to take the test for the permit class previously held after meeting all other conditions for permit renewal described in parts 6244.0410 and 6244.0420.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1700 PERMIT REVOCATION.

The commissioner may at any time revoke all or part of a permit issued under sections 6244.0100 to 6244.2000 under the conditions in this part whenever the commissioner has determined that a permittee has failed to comply with provisions of sections 6244.0100 to 6244.2000, when it is necessary to protect the interests of the public, or to protect the wildlife covered by the permits. Except in an emergency, at least 14 days prior to the effective date of the revocation the permit holder must be informed in writing of the nature of the revocation and of the conditions which, in the commissioner's opinion, require the revocation. Within 30 days of mailed notice of revocation, the permit holder may apply for an amendment to the permit or to request a hearing by the commissioner to contest the revocation, support the permit holder's proposed amendment, or both. The permit shall be revoked on the date stated in the revocation notice.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1800 DISCLAIMER OF LIABILITY.

Any rehabilitation permit issued under sections 6244.0100 to 6244.2000 is permissive only and no liability shall be incurred by the state or any of its officers, agents, or employees by reason of the issuance of a rehabilitation permit or by reason of any acts or operations of the permittee or any wildlife in possession of the permittee. A rehabilitation permittee shall be solely responsible for damage or injury to persons, domestic or wild animals, and real or personal property of any kind, resulting from any activities undertaken pursuant to the permit.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.1900 VARIANCES.

Subpart 1. **Parts subject to variance provisions.** Individuals and individuals in the name of institutions that are subject to parts 6244.0100 to 6244.1800 may request that the commissioner grant a variance from the following parts:

- A. resident requirements, as specified in part 6244.0400, subpart 1;
- B. restrictions on having both a game farm license and a rehabilitation permit, as specified in part 6244.0400, subpart 4;
- C. qualifications testing and continuing education and training requirements, as specified in parts 6244.0410 to 6244.0450 and 6244.0700;
- D. the maximum number of in-shelter assistants that may be designated to work in a facility of the permittee, as specified in part 6244.0410, subparts 3, item L; and 4, item L;
- E. the minimum age requirement, as specified in part 6244.0420, subpart 2;
- F. the restriction on accepting animals for rehabilitation from outside of Minnesota, as specified in part 6244.0800, subpart 1, item B; and
- G. the restriction on transport of animals across state boundaries for release, as specified in part 6244.0800, subpart 3, item B.

Subp. 2. **Application for variance.** A proceeding for requesting a variance begins when the permit applicant or permittee files an application for a variance with the commissioner. The application must include information necessary for the commission-

er to determine that the proposed variance is directed toward the attainment of the goals of parts 6244.0100 to 6244.1800, and is consistent with the general public interest and animal welfare including, but not limited to:

A. how the alternative measure proposed is equivalent to or superior to that prescribed in sections 6244.0100 to 6244.2000; and

B. how strict compliance with sections 6244.0100 to 6244.2000 will impose an undue burden on the applicant.

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

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

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

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

Subp. 4. **Simultaneous filing of applications.** Applications for variance from sections 6244.0100 to 6244.2000 may be filed simultaneously with an application for a permit to conduct animal rehabilitation, provided that the application contains all information required for applications for a permit to conduct animal rehabilitation.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

6244.2000 PENALTY.

Subpart 1. **Misdemeanor.** A person who violates sections 6244.0100 to 6244.2000 is guilty of a misdemeanor.

Subp. 2. **Administrative penalty.** The commissioner may amend, revoke, or refuse to renew the permit of a person who violates sections 6244.0100 to 6244.2000 or any provision of a permit issued under sections 6244.0100 to 6244.2000.

Statutory Authority: *MS s 97A.401; 97A.418*

History: *20 SR 2291(NO. 43)*

WILDLIFE EXHIBITS

6244.2100 PURPOSE.

The purpose of parts 6244.2100 to 6244.3300 is to establish reasonable standards for the care and treatment of captive wildlife for public exhibition purposes, and a permit system for such display, pursuant to the legislative mandate contained in Minnesota Statutes, section 97A.041.

Statutory Authority: *MS s 97A.041*

6244.2200 SCOPE.

Parts 6244.2100 to 6244.3300 shall apply to the care and treatment of all living captive wildlife for public exhibition in connection with any commercial enterprise, excluding displays owned by any municipality, county, or the state of Minnesota, any publicly owned zoo or wildlife exhibit, any privately owned traveling zoo or circus, or any pet shop.

Statutory Authority: *MS s 97A.041*

6244.2300 SEVERABILITY.

The provisions of parts 6244.2100 to 6244.3300 shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

Statutory Authority: *MS s 97A.041*

6244.2400 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 6244.2100 to 6244.3300, the terms defined in this part have the meaning given in this part:

Subp. 2. **Captive.** "Captive" means all forms of human control including but not limited to confinement within physical barriers, limitation of movement through the use of any manner of attachment physically affixed to any wildlife, or limitation of movement of wildlife by restraining in some manner the parent or offspring.

Subp. 3. **Commissioner.** "Commissioner" is the commissioner of the Department of Natural Resources, state of Minnesota, acting directly or through authorized agents.

Subp. 4. **Pet shop.** "Pet shop" means any commercial business venture, including a game farm, where animals are displayed only for the purpose of the sale of the animals so displayed.

Subp. 5. **Public exhibition in connection with any commercial enterprise.** "Public exhibition in connection with any commercial enterprise" means any exhibition or display from which monetary gain is procured either directly or indirectly, including but not limited to any display or exhibition, the viewing of which is offered for a fee to the public, any display or exhibition which tends to attract customers to any business operated by the owner of such display or exhibition, or any business operated by a client or relative of the owner of such display or exhibition, or any live display used for advertising purposes.

Subp. 6. **Traveling zoo or circus.** "Traveling zoo or circus" means any display or exhibit of wildlife alone or in combination with domestic animals which does not remain in any one county for more than one month at a time, nor make consecutive engagements at the same location.

Subp. 7. **Wildlife.** "Wildlife" means any wild mammal, wild bird, reptile, or amphibian.

Statutory Authority: *MS s 97A.041*

History: *17 SR 1279*

6244.2500 PERMIT.

Subpart 1. **Requirement.** No person shall display captive wildlife under the jurisdiction of parts 6244.2100 to 6244.3300 in this state unless such display is pursuant to and in compliance with a permit acquired from the commissioner of natural resources. Application for such a permit shall be made on forms provided by the commissioner and shall be mailed or delivered to the Department of Natural Resources, regional supervisor, Division of Enforcement.

Subp. 2. **Issuance.** After receipt of the application, the local conservation officer will inspect the premises, and a permit will be issued only after applicant complies with or agrees to comply with standards for wildlife exhibits as described in these parts.

Subp. 3. **Nontransferability.** No permit issued under parts 6244.2100 to 6244.3300 shall be transferable.

Statutory Authority: *MS s 97A.041*

6244.2600 KNOWLEDGE AND BACKGROUND OF CARETAKERS.

Subpart 1. **Minimum age; knowledge of caring.** The applicant must be at least 18 years of age and shall demonstrate that the applicant or any employee of the applicant

MINNESOTA RULES 2001

6244.2600 CAPTIVE WILDLIFE

822

who is primarily responsible for the care of the wildlife knows how to care for the involved species properly.

Subp. 2. Visit by licensed veterinarian. If the applicant or employee does not have such knowledge, the applicant may arrange for a regular semiannual visit to the display and housing facility by a licensed veterinarian who shall certify by mail to the commissioner on forms provided, that to the best of the veterinarian's knowledge, all requirements of the permit are being complied with and that any suggestions that the veterinarian could make to substantially improve the living conditions within the general limits of said permit are being or have been accomplished.

Subp. 3. Amendment to permit. In the event that the knowledge or background of an employee is deemed by the commissioner to be sufficient to satisfy this requirement for said permit, the applicant shall apply for an amendment to such permit before the termination of the employment of said employee or as soon thereafter as possible, setting forth the qualifications of a new caretaker if neither the permit holder nor another employee has previously been accepted as qualified. If said amendment is not granted by the commissioner, the permit will terminate concurrently with the denial of said amendment or the termination of the employment of the qualified employee, whichever is later.

Statutory Authority: *MS s 97A.041*

History: *17 SR 1279*

6244.2700 FACILITIES AND OPERATING STANDARDS.

Subpart 1. In general. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

Reliable and adequate electric power, if required to comply with other provisions of this permit, and adequate potable water shall be available on the premises.

Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

Subp. 2. Indoor facilities. Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health, and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

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

Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such 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.

A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage.

Subp. 3. **Outdoor facilities.** When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

Natural or artificial shelter appropriate to local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climates.

A suitable method shall be provided to rapidly eliminate excess water.

Subp. 4. **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

Statutory Authority: *MS s 97A.041*

6244.2800 ANIMAL HEALTH AND HUSBANDRY.

Subpart 1. **Feeding.** The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration of the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

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

Subp. 2. **Watering.** If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

Subp. 3. **Sanitation.** Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetter involuntarily.

Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180 degrees Fahrenheit at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution 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 sanitized when necessary as directed by the attending veterinarian.

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

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

Subp. 4. **Separation.** Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

Subp. 5. **Veterinary care.** Programs of disease prevention and parasite control, euthanasia, and adequate veterinary care shall be established and maintained under the

supervision of a licensed veterinarian. The pest control program shall be reviewed by the veterinarian for the safe use of materials and methods. Animals subject to rabies or distemper (skunks, raccoons, and members of the dog and cat families) shall receive vaccinations against these diseases by a licensed veterinarian, and records of this vaccination program shall be kept on the premises and made available to conservation officers at all reasonable times.

Animals shall be observed every day by the person in charge of the care of the animals or by someone working under that person's direct supervision. Sick or diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.

Subp. 6. **Handling.** Handling of animals shall be done expeditiously and carefully in a way so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Care should be exercised also to avoid harm to the handler.

Animals within reach of the public shall only be displayed for periods of time and under conditions consistent with the animals' health and not leading to their discomfort.

During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between animal acts and the viewing public to assume safety to both the public and the animals.

Statutory Authority: *MS s 97A.041*

History: *17 SR 1279*

6244.2900 PERMIT FEE.

Subpart 1. **Amount; submission.** The fee for a permit shall be \$10 which shall be submitted with the original application and every amendment and annual renewal thereof.

Subp. 2. **Return of fee.** Such fee will be returned in the event the permit, or the amendment thereof, applied for is denied or in the event the permittee does not accept the permit as issued with conditions.

Subp. 3. **Annual renewal.** The permit shall be renewed annually.

Statutory Authority: *MS s 97A.041*

6244.3000 REVIEW OF PERMIT DECISIONS.

If the permit is granted with conditions, or is denied, the applicant may, within 30 days after mailed notice thereof, file with the commissioner of natural resources a demand for review of the application. The review shall be conducted as a contested case pursuant to Minnesota Statutes, chapter 14. If no demand for review is made within the 30 days, the permit decision becomes final.

Statutory Authority: *MS s 97A.041*

6244.3100 REVOCATION.

The commissioner of natural resources may at any time revoke all or part of any permit issued under these parts under the following conditions, whenever, in the commissioner's opinion, it is necessary to protect the interests of the public, or to protect the wildlife covered by said permit:

A. The permit holder must be informed in writing of the nature of the revocation and of the conditions which in the commissioner's opinion require such revocation at least 14 days prior to the effective date of the revocation.

B. The permit holder, at any time prior to revocation, shall have the opportunity to apply for an amendment to the permit or to demand a hearing pursuant to part 6244.3000 to contest the revocation, support the holder's proposed amendment, or both.

Upon receipt of such an application or demand, the revocation is stayed until a determination by the commissioner can be made on the matter.

MINNESOTA RULES 2001

825

CAPTIVE WILDLIFE 6244.3300

If no such application or demand be made, the permit shall be revoked on the date stated in the revocation notice.

C. Nothing in this part shall preclude legal action by the commissioner at any time for injunctive relief from a permit violation pursuant to Minnesota Statutes, section 97A.041, subdivision 6. All costs associated with seizures of neglected or mistreated animals shall be borne by the owner thereof including the expenses of keeping, disposing of, and treating animals pursuant to Minnesota Statutes, section 343.23.

Statutory Authority: *MS s 97A.041*

History: *17 SR 1279*

6244.3200 DISCLAIMER.

Any permit issued under the provisions of these parts is permissive only and no liability shall be incurred by the state or by any of its officers, agents, or employees by reason of the issuance of such permit or by reason of any acts or operations of the permittee or any wildlife. At all times, the state of Minnesota, its officers, agents, and employees shall be held harmless from any liability for damage or injury arising from the issuance of such permit.

Statutory Authority: *MS s 97A.041*

6244.3300 PENALTY.

Anyone who violates any provision of these parts or any provision of a permit issued hereunder shall be guilty of a misdemeanor.

Statutory Authority: *MS s 97A.041*