

WEST VIRGINIA CODE: §20-2D-3

§20-2D-3. Wildlife rehabilitation.

(a) No person may keep, hold, or possess in captivity any orphaned, sick, or injured wildlife without receiving a wildlife rehabilitation permit issued by the director. Except, holders of a United States Fish and Wildlife Service Wildlife Rehabilitation Permit to rehabilitate migratory birds may rehabilitate migratory birds in accordance with the Federal permit and a veterinarian with an active West Virginia veterinary medicine license may provide emergency veterinary care for wildlife. Persons who have been issued a permit by the director to conduct wildlife rehabilitation may be authorized to receive, temporarily confine, provide veterinary care for, release, and humanely dispatch native wildlife in this state provided that the methods of and documentation for such activities shall be in accordance with all permit conditions.

(b) Any person may capture and transport orphaned, injured, or sick wildlife without unnecessary delay directly to a permitted Wildlife Rehabilitator or a veterinarian licensed in this state, but only after contacting the individual or entity to which the wildlife is to be transferred and confirming that the wildlife will be accepted. Prior to transport, no care may be provided to the wildlife unless directed by a permitted Wildlife Rehabilitator.

(c) Rehabilitated native wildlife that recover and are not permanently impaired shall be returned to the wild, and preferably returned to the location where found. Prior to release, consent must be obtained from a landowner for wildlife released on private property, or a government administrator for wildlife released on city, county or state property.

(d) The director may restrict the rehabilitation of certain species of wildlife, either statewide or in certain geographic areas, as needed, due to disease, overpopulation, or other limiting factors.

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

(f) The director shall have the authority to promulgate emergency legislative rules and legislative rules pursuant to §29A-3-1 *et seq.* of this code providing for the wildlife rehabilitation application process, application fee, permit eligibility requirements, permit renewal requirements, permit revocation requirements, wildlife housing and facilities requirements, record keeping requirements, and any other provision necessary in implementing and administering this article.