

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1533

STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED JUNE 21, 2012

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Hunterdon and Mercer)

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Sumter

SYNOPSIS

The “Licensed Wildlife Rehabilitator Act;” establishes licensure requirements for wildlife rehabilitators.

CURRENT VERSION OF TEXT

Substitute as adopted by the General Assembly.



(Sponsorship Updated As Of: 6/26/2012)

1 **AN ACT** establishing wildlife rehabilitator licensing requirements
2 and supplementing Title 23 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Licensed
8 Wildlife Rehabilitator Act.”

9

10 2. The Legislature finds and declares that:

11 a. In the past decade, the number of wildlife encounters has
12 increased while the number of volunteer wildlife rehabilitators in
13 the State has decreased drastically, and seven counties in the State
14 have no wildlife rehabilitators;

15 b. The wildlife rehabilitator permitting process was established
16 by the Division of Fish and Wildlife, in the Department of
17 Environmental Protection, in order to support and keep track of
18 individuals rehabilitating wildlife;

19 c. Volunteer wildlife rehabilitators demonstrate an interest in
20 helping injured, orphaned, or sick wildlife and are an asset to
21 communities all over the State, providing an outlet for the public by
22 responding to calls for help from veterinarians, police departments
23 and State Police, fire departments, the United States Coast Guard,
24 animal control officers, and private individuals, and rehabilitating
25 thousands of animals each year; and

26 d. It is therefore in the best interest of the State to increase the
27 number of wildlife rehabilitators and wildlife rehabilitation
28 facilities located throughout the State by: creating an environment
29 that encourages volunteers; eliminating any apparent and real
30 conflicts with the Division of Fish and Wildlife; working with
31 animal rescue groups, veterinarians, animal shelters, animal control
32 officers, and others to establish fair and reasonable training and
33 licensing requirements and educational programs; and supporting
34 wildlife rehabilitation goals that protect the health and wellbeing of
35 citizens and wildlife in this State.

36

37 3. As used in this act:

38 “Applicant” means a person who has applied to the department
39 to become a wildlife rehabilitator or apprentice.

40 “Apprentice” means a person issued an apprentice license to
41 perform wildlife rehabilitation under the supervision of a wildlife
42 rehabilitator licensed pursuant to this act.

43 “Board” means the Wildlife Rehabilitation Board established
44 pursuant to section 8 of this act.

45 “Department” means the Department of Environmental
46 Protection.

1 “Wildlife rehabilitation” means the process of caring for an
2 injured, orphaned, or sick wild animal, including providing food,
3 shelter, and medical care to the animal, and returning the animal to
4 the wild after treatment if appropriate.

5 “Wildlife rehabilitator” means a person who is trained to perform
6 wildlife rehabilitation on specific animals and licensed pursuant to
7 this act.

8
9 4. a. There is hereby established the Wildlife Rehabilitation
10 Board in, but not of, the Department of Environmental Protection.
11 The board shall be distinct and separate from the Division of Fish
12 and Wildlife in the department. The board shall have full authority
13 and responsibility for:

14 (1) providing professional oversight for the wildlife
15 rehabilitation license and apprentice license established and
16 authorized pursuant to this act;

17 (2) establishing and implementing inspection requirements;

18 (3) developing continuing education programs for wildlife
19 rehabilitators;

20 (4) reviewing, and revising as necessary, applicant species lists
21 submitted by the department and established in conjunction with a
22 wildlife rehabilitation license application pursuant to section 8 of
23 this act;

24 (5) determining if a license shall be denied, modified, suspended
25 or revoked, or if a person may apply to become licensed without
26 serving as an apprentice as provided pursuant to subsection f. of
27 section 8 of this act; and

28 (6) reviewing, prior to any seizure or destruction of any animal,
29 any seizure of animals or order for the destruction thereof, and
30 validating or vacating any order for the destruction of animals.

31 b. The board shall consist of 10 members, nine of whom shall
32 be voting members and State residents, to be selected within 120
33 days after the date of enactment of this act and qualified as follows:

34 (1) the Commissioner of Environmental Protection, or the
35 commissioner’s designee who shall not be in the Division of Fish
36 and Wildlife, who shall serve ex officio and who shall be a non-
37 voting member;

38 (2) three members who shall be wildlife rehabilitators licensed
39 in New Jersey and residents of the State, and appointed by the
40 Governor from nominations by the Garden State Wildlife
41 Rehabilitators Council and Co-op, or, in the absence of timely
42 nominations for the appointments, any wildlife rehabilitators;

43 (3) two members, with experience rehabilitating injured wildlife
44 and preferably with experience in avian and exotic species, and
45 appointed by the Governor with the advice and consent of the
46 Senate from nominations by the New Jersey Veterinary Medical

- 1 Association, in consultation with the New Jersey Veterinary
2 Technicians and Assistants;
- 3 (4) two members appointed by the Governor from nominations
4 by the New Jersey Society for the Prevention of Cruelty to Animals
5 or the Associated Humane Societies of New Jersey; and
- 6 (5) two members of the public, appointed by the Governor, who
7 are State residents with a demonstrated interest in the protection of
8 wildlife from physical harm or injury, but who are not licensed or
9 volunteer wildlife rehabilitators.
- 10 c. If a vacancy for any appointed member exists after the 120th
11 day after the date of enactment of this act, the President of the
12 Senate and the Speaker of the General Assembly shall fill any
13 vacancy as soon as practicable by alternating appointing, beginning
14 with the President of the Senate, appointing members with the
15 appropriate qualifications for the member as specified in subsection
16 b. of this section until all vacancies are filled. A member appointed
17 pursuant to this subsection shall be subject to the appointment terms
18 set forth in subsection d. of this section. Any person may apply for
19 consideration to be appointed as a member of the board pursuant to
20 this subsection, without being nominated or selected by a group or
21 organization, if the person otherwise qualifies for the appointment
22 under the specific qualifications set forth in subsection b. of this
23 section for the member being appointed.
- 24 d. Of the nine voting members first appointed, three shall be
25 appointed to a term of one year, three shall be appointed to a term
26 of two years, and three shall be appointed to a term of three years.
27 Thereafter, all appointments shall be for a term of three years, and a
28 member shall not be appointed to serve more than three consecutive
29 three-year terms.
- 30 e. Each appointed member shall serve for the term of the
31 appointment and until a successor shall have been appointed and
32 qualified.
- 33 f. No member may be appointed if found in violation of any
34 law, rule, or regulation concerning animal cruelty, or this act or any
35 rule or regulation adopted pursuant thereto. A member found in
36 violation of any law, rule, or regulation concerning animal cruelty,
37 or this act or any rule or regulation adopted pursuant thereto, shall
38 be immediately removed by the Governor from the board and the
39 vacancy shall be filled in the manner prescribed pursuant to
40 subsection b. of this section.
- 41 g. The appointed members shall serve without compensation.
- 42 h. The board shall organize as soon as possible after the
43 appointment of its members, but no later than 180 days after the
44 appointment of its members, and shall select a chairperson from
45 among its members, other than the commissioner or the
46 commissioner's designee, and a secretary who need not be a
47 member of the board.

- 1 i. A majority of the nine voting members of the board shall
2 constitute a quorum for the transaction of business. Action may be
3 taken and motions and resolutions adopted by the board at any
4 meeting thereof by the affirmative vote of a majority of the voting
5 members present.
- 6 j. The board shall be entitled to the assistance and service of
7 the employees of the Department of Environmental Protection, and
8 any State, county or municipal department, board, bureau,
9 commission or agency, or a public institution of higher education in
10 the State, as it may require and as may be available to it for its
11 purposes.
- 12
- 13 5. a. The Department of Environmental Protection, in
14 collaboration with the Wildlife Rehabilitation Board established
15 pursuant to section 4 of this act, shall administer a licensing
16 program and licensing requirements for wildlife rehabilitators and
17 apprentice wildlife rehabilitators.
- 18 b. An application for a wildlife rehabilitation license or an
19 apprentice license, or a license renewal thereof, shall be made by an
20 applicant on a standardized form, provided by the department and
21 reviewed and revised as necessary by the board after the board has
22 organized.
- 23 c. Each wildlife rehabilitation license or apprentice license
24 issued pursuant to this act shall be issued to an individual, shall be
25 valid only for the individual to whom it is issued, and shall not be
26 transferable. There shall be no application or renewal fees charged
27 for any wildlife rehabilitation license or apprentice license issued
28 pursuant to this act.
- 29 d. No wildlife rehabilitation license or apprentice license
30 issued pursuant to this act, or a renewal thereof, may be denied,
31 modified, suspended, or revoked without a hearing and the Wildlife
32 Rehabilitation Board expressly recommending to the department the
33 denial, specific modification, suspension, or revocation of the
34 specific license or renewal thereof, as applicable.
- 35 e. (1) No applicant may be denied a wildlife rehabilitation
36 license if the applicant meets the requirements of section 8 of this
37 act, except if the applicant has had a wildlife rehabilitation license
38 or a required federal rehabilitation permit suspended or revoked
39 after the effective date of this act.
- 40 (2) No applicant may be denied an apprentice license if the
41 applicant meets the requirements of section 7 of this act, except if
42 the applicant has had an apprentice license or other license or
43 permit to rehabilitate wildlife suspended or revoked after the
44 effective date of this act.
- 45 (3) Any applicant whose wildlife rehabilitator permit or other
46 authorization to rehabilitate wildlife was denied, suspended,
47 revoked, or expired in the 10 years preceding the effective date of

1 this act may apply to the board for immediate consideration for
2 issuance of an apprentice license or wildlife rehabilitation license,
3 as applicable pursuant to this act, and may be immediately issued an
4 apprentice license or wildlife rehabilitation license, as applicable, at
5 the board's discretion.

6
7 6. a. A person issued a wildlife rehabilitator permit by the
8 department on or before the effective date of this act shall be
9 deemed to be licensed as a wildlife rehabilitator for up to two years
10 after the effective date of this act. Thereafter, the person shall
11 apply to the department for a wildlife rehabilitation license renewal
12 pursuant to this act.

13 b. A person performing wildlife rehabilitation as an apprentice
14 on or before the effective date of this act shall be deemed to be an
15 apprentice for up to two years after the effective date of this act.
16 Thereafter, the person shall apply to the department for an
17 apprentice license renewal pursuant to this act.

18
19 7. a. An applicant shall be eligible to be issued an apprentice
20 license by the department provided that the applicant:

21 (1) is 18 years of age or older;

22 (2) has not been found in violation of any law, rule, or
23 regulation concerning animal cruelty, or this act or any rule or
24 regulation adopted pursuant thereto; and

25 (3) has fulfilled the other requirements for an apprentice license,
26 as set forth in this section.

27 b. In order for an applicant to apply for an apprentice license, a
28 licensed wildlife rehabilitator shall nominate an applicant to assist
29 the wildlife rehabilitator. The wildlife rehabilitator may be assisted
30 by the apprentice, shall provide training to the apprentice, and shall
31 be responsible for the proper performance of the duties of the
32 apprentice. The wildlife rehabilitator shall submit a letter to the
33 board and the department affirming and attesting to the wildlife
34 rehabilitator's intended supervision and training of the apprentice,
35 and provide a copy thereof to the apprentice license applicant.

36 c. Upon nomination and receipt of a copy of the letter pursuant
37 to subsection b. of this section, the apprentice license applicant
38 shall submit the appropriate form required pursuant to subsection b.
39 of section 5 of this act, with a copy of the letter and any other
40 required documentation, to the board and the department. Upon
41 confirmation of the receipt of the required documentation and the
42 applicant's eligibility, the board shall recommend to the department
43 issuance of an apprentice license to the applicant, and the
44 department shall issue the license.

45 d. The applicant shall obtain an apprentice license pursuant to
46 this section prior to assisting the wildlife rehabilitator in any

1 capacity other than that of a volunteer, as set forth in subsection b.
2 of section 10 of this act.

3 e. To qualify for a wildlife rehabilitation license, an apprentice
4 is required to:

- 5 (1) obtain an apprentice license;
- 6 (2) serve under the supervision and training of a wildlife
7 rehabilitator for at least one year;
- 8 (3) complete at least 100 hours of wildlife rehabilitation with
9 the wildlife rehabilitator; and
- 10 (4) obtain written documentation of the required service and
11 hours described in paragraphs (3) and (4) of this subsection, attested
12 to by the wildlife rehabilitator.

13 f. An apprentice license issued pursuant to this section shall be
14 valid for three years and shall be automatically renewed every three
15 years upon:

- 16 (1) submission to the department of a letter from a wildlife
17 rehabilitator licensed pursuant to this act attesting to supervision
18 and training of the apprentice as required pursuant to this section;
- 19 (2) submission of an application for an apprentice license
20 renewal, as established by the board and the department; and
- 21 (3) verification by the board that the apprentice has not been
22 found in violation of any law, rule, or regulation concerning animal
23 cruelty, or this act or any rule or regulation adopted pursuant
24 thereto.

25
26 8. a. Except as otherwise provided in subsection f. of this
27 section, an applicant shall be eligible to be issued a wildlife
28 rehabilitation license provided that the applicant:

- 29 (1) is 18 years of age or older;
- 30 (2) has not been found in violation of any law, rule, or
31 regulation concerning animal cruelty, or this act or any rule or
32 regulation adopted pursuant thereto;
- 33 (3) has served as an apprentice under an apprentice license; and
- 34 (4) has fulfilled the other requirements for a wildlife
35 rehabilitation license set forth in this section.

36 b. Except as provided in subsection f. of this section, prior to
37 applying for a wildlife rehabilitation license pursuant to this act, an
38 applicant shall:

- 39 (1) obtain an apprentice license and serve as an apprentice
40 pursuant to the requirements established in section 7 of this act;
- 41 (2) obtain and receive a federal rehabilitation permit from the
42 United States Fish and Wildlife Service in the United States
43 Department of the Interior or from the National Marine Fisheries
44 Service in the National Oceanic and Atmospheric Administration, if
45 necessary or applicable;
- 46 (3) serve under the supervision and training of a wildlife
47 rehabilitator for at least one year;

1 (4) complete at least 100 hours of wildlife rehabilitation with
2 the wildlife rehabilitator; and

3 (5) obtain written documentation of the required service and
4 hours described in paragraphs (3) and (4) of this subsection, attested
5 to by the wildlife rehabilitator.

6 c. A wildlife rehabilitation license applicant shall submit the
7 form provided pursuant to subsection b. of section 5 with any
8 documentation obtained pursuant to subsection b. of this section,
9 required for establishing the list of species pursuant to subsection d.
10 of this section, or otherwise required by the board or the
11 department. Upon confirmation of the receipt of the required
12 documentation and the applicant's eligibility, the board shall
13 recommend to the department issuance of a wildlife rehabilitation
14 license to the applicant, and the department shall issue the license.

15 d. A wildlife rehabilitation license issued pursuant to this act
16 shall list the species that the wildlife rehabilitator is authorized to
17 handle. Prior to the issuance of a wildlife rehabilitation license, the
18 department shall establish the list of species that the license
19 applicant is authorized to handle, and shall submit the license
20 application, species list, and applicant information, including
21 documentation of the requirements set forth in subsection b. of this
22 section, to the Wildlife Rehabilitation Board for review and
23 approval. If no action is taken by the board within 60 days after the
24 submittal of these materials by the department, the department shall
25 determine that the license application and species list are approved
26 and shall issue the wildlife rehabilitation license to the applicant,
27 authorizing the wildlife rehabilitator to handle the species on the
28 list. Within the 60 days, the board may act by revising or requiring
29 additional information of the applicant or the department before
30 approving the applicant's species list.

31 e. To maintain the validity of the wildlife rehabilitation license,
32 a wildlife rehabilitator shall keep a record of any wild animal that is
33 a rabies vector species accepted for rehabilitation, in addition to any
34 records, tallies or logs or other information required pursuant to a
35 federal rehabilitation permit. The record shall include information
36 concerning: (1) the date the wild animal was received; (2) the name,
37 address, and phone number of the person the wild animal was
38 received from, if applicable; (3) the species; (4) the reason for
39 admittance, including the type of injury or illness, if applicable; and
40 (5) the status and final disposition report, including the location of
41 release or relocation, or transfer. The wildlife rehabilitator shall
42 maintain an initial exam record and a medical sheet for each wild
43 animal. The department may require additional information related
44 to rabies vector species, such as a rabies vector species log or tally.

45 f. A person with significant experience related to animal
46 biology, health, safety, or welfare, including a full-time, part-time,
47 retired, or out-of-State veterinarian, veterinary technician, wildlife

1 rehabilitator, zoologist, or other animal specialist, may apply for a
2 wildlife rehabilitation license in this State by:

3 (1) demonstrating, to the satisfaction of the Wildlife
4 Rehabilitation Board, that the person has relevant and necessary
5 experience related to wildlife rehabilitation, and by providing any
6 documentation related thereto; and

7 (2) completing at least 10 hours of wildlife rehabilitation or
8 more, as determined by the board, with a wildlife rehabilitator
9 licensed pursuant to this act, to be documented and attested to by
10 the wildlife rehabilitator.

11 g. A wildlife rehabilitation license issued pursuant to this act
12 shall be valid for three years and shall be automatically renewed
13 every three years upon:

14 (1) fulfillment by the wildlife rehabilitator of continuing
15 education requirements and documentation thereof, as provided
16 pursuant to section 9 of this act;

17 (2) submission of an application form for license renewal
18 required pursuant to subsection b. of section 5 of this act;

19 (3) submission of records for any wild animal that is a rabies
20 vector species accepted for rehabilitation, pursuant to subsection e.
21 of this section; and

22 (4) verification by the board that the wildlife rehabilitator has
23 not been found in violation of any law, rule, or regulation
24 concerning animal cruelty, or this act or any rule or regulation
25 adopted pursuant thereto.

26

27 9. a. The Wildlife Rehabilitation Board, in consultation with
28 the Department of Environmental Protection, shall establish
29 continuing education requirements for a wildlife rehabilitator. A
30 wildlife rehabilitator shall fulfill specific criteria, as set forth
31 pursuant to this section, prior to renewal of a wildlife rehabilitation
32 license issued pursuant to this act.

33 b. A wildlife rehabilitator shall complete at least 12 hours of
34 instruction in each three-year license cycle.

35 c. Upon fulfillment of the continuing education requirements, a
36 wildlife rehabilitator shall provide verification to the board and the
37 department that the continuing education coursework is complete.
38 The board shall accept any certificate of completion issued by a
39 college or other education provider for the purposes of renewing a
40 license issued pursuant to section 9 of this act. If such a certificate
41 is not provided, the board may specify other documentation that is
42 acceptable for the verification required pursuant to this section.

43

44 10. a. In pursuing the amount of hours of wildlife rehabilitation
45 required for a license or a permit pursuant to this act, an applicant
46 may complete a basic training course for wildlife rehabilitation. A
47 basic training course may be substituted for no more than 40 hours

1 of the minimum hours required pursuant to this act, as applicable,
2 and which shall be determined by the board on a case-by-case basis.

3 b. A person who has not been issued a wildlife rehabilitation
4 license or apprentice license may volunteer to assist a wildlife
5 rehabilitator if the person is under the direct supervision of the
6 wildlife rehabilitator. If a volunteer subsequently applies for an
7 apprentice license, the volunteer may be credited up to 10 hours
8 towards the minimum amount of hours of wildlife rehabilitation
9 required pursuant to this act, subject to the discretion of the board
10 and with the recommendation from the supervising wildlife
11 rehabilitator.

12
13 11. a. The department may recommend to the board that the
14 license of a wildlife rehabilitator or an apprentice be suspended or
15 revoked pursuant to the provisions of this section. The board shall
16 determine if a license shall be suspended or revoked.

17 b. Whenever, on the basis of available information, the
18 department finds that a wildlife rehabilitator or an apprentice is in
19 violation of this act, or any rule or regulation adopted pursuant
20 thereto, or knowingly has made any false statement, representation,
21 or certification in any documents or information required to be
22 submitted to the department, the department may recommend to the
23 board that the license of the wildlife rehabilitator or apprentice, or
24 the renewal thereof, be denied, suspended, or revoked.

25 c. (1) The board is authorized to deny, suspend, or revoke a
26 license of a wildlife rehabilitator or an apprentice after receipt of
27 any recommendations from the department and after a hearing,
28 pursuant to the process set forth in this section.

29 (2) Upon determination by the board that an applicant is not
30 qualified or is ineligible to become licensed or have a license
31 renewed, the board shall provide to the applicant a written
32 statement setting forth the reasons for the denial of the license.

33 (3) Upon determination by the board that a license shall be
34 suspended or revoked, the board shall provide to the wildlife
35 rehabilitator or apprentice a written statement setting forth the
36 reasons for the suspension or revocation.

37 (4) The written statement, which shall be provided to the
38 applicant, wildlife rehabilitator, or apprentice by certified mail or
39 personal service, shall: (a) identify the statutory or regulatory basis
40 of the violation; (b) identify the specific act or omission
41 constituting the violation; and (c) affirm the right of the violator to
42 a hearing on any matter contained in the notice and the procedures
43 for requesting a hearing, pursuant to subsection d. of this section.

44 d. Upon determination by the board that an applicant shall be
45 denied a license or that a wildlife rehabilitation license or an
46 apprentice license shall be suspended or revoked, an applicant,
47 wildlife rehabilitator, or apprentice may, within 30 days after the

1 date of receipt of the written statement, request a hearing for a
2 review of the determination. The board shall grant a hearing to the
3 applicant, wildlife rehabilitator or apprentice within 30 days after
4 receipt of the request for a hearing.

5 After a hearing and upon finding that a violation has occurred
6 and the denial, suspension or revocation is justified, the board shall
7 issue a final order denying, suspending, or revoking the license. If a
8 violator does not request a hearing pursuant to this subsection, or
9 fails to satisfy the requirements for requesting a hearing, the notice
10 of intent to deny, suspend, or revoke the license shall become final
11 after the expiration of the 30-day period, and the license shall be
12 denied, suspended or revoked, as applicable.

13 e. Upon a recommendation of the department that the conduct
14 of the wildlife rehabilitator or apprentice is so egregious as to pose
15 an imminent threat to public health or safety or to the health or
16 safety of the animals if the wildlife rehabilitator or apprentice is
17 allowed to continue conducting wildlife rehabilitation activities or
18 otherwise caring for the animals pending a hearing on a revocation
19 of the license, the board may suspend the license prior to the
20 outcome of the hearing and relocate the animals to a secure and
21 appropriate wildlife rehabilitation facility if appropriate, pending
22 the hearing and final determination concerning the license.

23 f. Any order issued by the board suspending or revoking a
24 license shall provide for the obligations of a wildlife rehabilitator
25 regarding the disposition of any wildlife in the possession of the
26 wildlife rehabilitator and the maintenance and preservation of
27 records regarding the wildlife rehabilitation activities.

28 g. A wildlife rehabilitator wishing to retain a license, prior to
29 suspension or revocation, shall allow an inspector, authorized by
30 the board pursuant to subsection b. of section 13 of this act, to
31 inspect, at a reasonable time, the wildlife rehabilitation facility in
32 which the wildlife rehabilitator performs wildlife rehabilitation and
33 any wild animal therein, to determine compliance with license and
34 inspection requirements as set forth by the board.

35 h. At the discretion of the board, a wildlife rehabilitator or an
36 apprentice may not apply for a new license for up to two years
37 following the date of revocation of a license by the board if the
38 violation is of a severe nature. At the conclusion of the license
39 revocation period, the formerly licensed wildlife rehabilitator or
40 apprentice shall follow the application procedures for licensure in
41 accordance with this act.

42 i. Upon the second revocation of a license, a wildlife
43 rehabilitator or an apprentice shall be permanently prohibited from
44 holding a wildlife rehabilitation license or apprentice license in the
45 State.

1 12. a. The department, in collaboration with the Wildlife
2 Rehabilitation Board established pursuant to section 4 of this act,
3 shall establish a permit for the possession of permanently injured
4 wildlife or endangered or threatened permanently injured wildlife
5 species. There shall be no application or renewal fee for the permit.
6 No wildlife rehabilitator may possess permanently injured wildlife
7 or endangered or threatened permanently injured wildlife species
8 without the permit established pursuant to this section, and no
9 wildlife rehabilitator may be issued a permit pursuant to this section
10 unless the wildlife rehabilitator has a valid wildlife rehabilitation
11 license.

12 b. Prior to applying for the permit established pursuant to this
13 section, a wildlife rehabilitator shall:

14 (1) obtain any necessary federal permit therefor from the United
15 States Fish and Wildlife Service in the United States Department of
16 the Interior or the National Marine Fisheries Service in the National
17 Oceanic and Atmospheric Administration, if appropriate or
18 applicable;

19 (2) establish an agreement in writing with a nearby veterinarian
20 for consultation or services for the wildlife in the care of the
21 wildlife rehabilitator;

22 (3) allow and provide for an inspector, authorized by the board
23 pursuant to section 13 of this act, to inspect the rehabilitation
24 facility to determine if it is suitable for the intended species.

25 c. For the purposes of the inspection required pursuant to
26 paragraph (3) of subsection b. of this section, the wildlife
27 rehabilitator shall demonstrate to the satisfaction of the inspector
28 that the security of the housing, caging and other containment areas
29 of the facility, as applicable, sufficiently protects the animal and the
30 public. The inspector shall verify the facilities are constructed to
31 prevent: (1) possible escape of the animal; and (2) public access to
32 the animal, except for those animals that are used for educational
33 purposes.

34 d. Upon completion of the inspection, the inspector shall
35 provide the wildlife rehabilitator with documentation of the
36 inspection and its outcome. After the initial inspection for the
37 permit application, the inspector may inspect the facility once each
38 year thereafter.

39 e. A wildlife rehabilitator shall provide the board and the
40 department with the documentation obtained pursuant to
41 subsections b. and d. of this section and shall submit to the board
42 the proposal required pursuant to subsection f. of this section. After
43 the board receives the proposal, the board shall determine the
44 eligibility of the wildlife rehabilitator for the permit and shall notify
45 the department of its determination. The department shall issue a
46 permit to the wildlife rehabilitator upon a satisfactory determination

1 by the board, or shall deny the permit if the board determines the
2 permit applicant to be unsatisfactory.

3 f. The board shall require a wildlife rehabilitator, as part of the
4 application for the permit established pursuant to this section, to
5 submit to the board a detailed written proposal, including the results
6 of the inspection conducted pursuant to subsections b., c., and d. of
7 this section. As part of the proposal, the board may request that the
8 wildlife rehabilitator submit information detailing the wildlife
9 rehabilitator's relevant education, experience, research,
10 publications, funding, equipment and any other information, to
11 demonstrate to the satisfaction of the board that the wildlife
12 rehabilitator has the knowledge and expertise in handling and caring
13 for the specific species, and that it is reasonably probable that the
14 wildlife rehabilitator will accept guidance from the board to
15 improve upon that expertise.

16 g. In order to retain a permit issued pursuant to this section, a
17 wildlife rehabilitator shall submit to the board a report on the
18 disposition of each animal processed pursuant to the permit, no later
19 than 180 days after the date of issuance of the permit for the first
20 year, and biennially on the date of issuance of the initial permit
21 thereafter.

22 h. Upon determination by the board that the wildlife
23 rehabilitator has failed to comply with the conditions set forth in
24 this section, the board shall suspend or revoke the permit and
25 immediately seize the animal and place it under the care of another
26 wildlife rehabilitator, pending permanent forfeiture of the animal
27 and any other animals from the possession of the wildlife
28 rehabilitator by the board and at the wildlife rehabilitator's expense.

29 i. The wildlife rehabilitator shall, in writing at the time of
30 application, release the board, the department, any sponsoring
31 organization, or any professional monitoring the wildlife
32 rehabilitator's work from liability for any damages arising from the
33 suspension or revocation of a permit issued by the department
34 pursuant to this section. Upon the suspension, revocation, or
35 expiration of the permit, the wildlife rehabilitator shall be solely
36 responsible for all costs of maintaining and relocating, at the
37 discretion of the board, all the animals possessed under the permit.

38 j. If the wildlife rehabilitation license or license renewal of a
39 wildlife rehabilitator is denied, suspended, or revoked, then the
40 permit issued pursuant to this section shall be correspondingly and
41 automatically denied, suspended, or revoked.

42
43 13. a. The Wildlife Rehabilitation Board shall develop wildlife
44 rehabilitation facility inspection requirements for any size facility,
45 including home-based facilities and facilities specializing in a
46 particular species, and shall use the National Wildlife Rehabilitators
47 Association guidelines as the basis therefor. The requirements shall

- 1 include inspection of the space, and cage if applicable, for an
2 animal, and the capacity of the facility for rehabilitating multiple
3 animals.
- 4 b. The board shall establish requirements for any person
5 authorized to conduct inspections of wildlife rehabilitation
6 facilities. Each inspector shall serve at the discretion of the board.
- 7 c. Each wildlife rehabilitation facility shall be inspected twice
8 during a three-year period, in conjunction with the three-year period
9 of the license of the wildlife rehabilitator, except as provided
10 pursuant to subsection g. of section 11 of this act, section 12 of this
11 act, and subsection g. of this section. An inspector shall only
12 inspect areas where animals are present, are expected to be present,
13 or are reasonably presumed to be present based on evidence
14 discovered at the facility.
- 15 d. At the time of an inspection, the inspector shall provide a
16 copy of the inspection documentation to the wildlife rehabilitator.
17 The inspection documentation shall include space for the inspector
18 to remark on any deficiencies found and what corrective actions are
19 required. The inspector shall submit the inspection documentation
20 to the board within three days after the date of inspection.
- 21 e. Upon failure to satisfactorily fulfill inspection requirements,
22 and within 15 days after the date of inspection, a wildlife
23 rehabilitator shall submit a letter to the board indicating the wildlife
24 rehabilitator's response to any inspection violation, an explanation
25 of the facility conditions cited in the inspection documentation, and
26 the intended corrective action to be taken by the wildlife
27 rehabilitator.
- 28 f. All reasonable corrective action, as determined by the board,
29 shall be completed by a wildlife rehabilitator within 30 days after
30 the board's receipt of a letter submitted pursuant to subsection e. of
31 this section, except as agreed to otherwise by the board. The board
32 may agree to the completion of the corrective action after the 30
33 days if the wildlife rehabilitator provides proper documentation
34 indicating that the corrective action will be completed and submits
35 it to the board within the 30 days, including a contractor quote for
36 cost and timeframe of completion of the work necessary to meet the
37 inspection requirement if applicable.
- 38 g. A wildlife rehabilitator shall notify the board after
39 completion of all corrective action. Within 30 days after the
40 board's receipt of this notification, an authorized inspector shall re-
41 inspect the wildlife rehabilitation facility to ensure completion of
42 the corrective action for the original violations only.
- 43 h. When an inspector attempts an inspection of a wildlife
44 rehabilitation facility and no person is present to grant access, the
45 inspector shall post a notice on an entrance to the facility
46 demanding access within three days. Failure to permit an inspection
47 within three days, as indicated in the posted notice, shall constitute

1 a refusal of entry for purposes of this section, unless there are no
2 animals at the facility, or the wildlife rehabilitator and the inspector
3 who posted the notice agree within the three days indicated in the
4 posted notice to permit an inspection at a time agreed to by both
5 parties.

6 i. A violation of this section may be used by the board to
7 determine if denial of a license renewal or suspension or revocation
8 of a license, pursuant to section 11 of this act, is appropriate.

9 j. A wildlife rehabilitator may report a complaint about an
10 inspector or an inspection to the board. Within 30 days after receipt
11 of a complaint, the board may conduct a hearing to review the
12 complaint. After a hearing and upon a finding that an inspector has
13 not performed an inspection in a professional manner, or has
14 violated any provision of this section, the board may suspend or
15 remove the inspector, or determine that the inspector shall remain
16 authorized to perform inspections pursuant to this section.

17
18 14. No animal may be seized or destroyed under any
19 circumstances, unless the Wildlife Rehabilitation Board, established
20 pursuant to section 4 of this act, specifically orders and directs the
21 seizure or the destruction of the animal.

22
23 15. a. A wildlife rehabilitator may release an animal within 10
24 miles of where the animal was found, and may release an animal at
25 a State park or forest, with the approval of the Division of Parks and
26 Forestry in the Department of Environmental Protection, or in a
27 wildlife management area if the animal was originally found near or
28 in the park, forest, or wildlife management area.

29 b. A wildlife rehabilitator may recommend placement of a non-
30 releasable animal to a zoo and, upon approval by the board in
31 consultation with the zoo, may place the animal at the zoo.

32
33 16. a. A wildlife rehabilitator shall be allowed to care for an
34 injured, orphaned, or sick wild animal outside of the scope of the
35 species authorized under the license pursuant to subsection d. of
36 section 8 of this act or the permit required pursuant to section 12 of
37 this act, if:

38 (1) no other wildlife rehabilitator is available and able to care
39 for the injured, orphaned, or sick wild animal at the time it is
40 discovered;

41 (2) no other wildlife rehabilitator in the State has been issued a
42 license which includes such species;

43 (3) the nearest wildlife rehabilitator with a license to care for
44 that species of wild animal is located more than 25 miles away; or

45 (4) the transportation of the wild animal to another wildlife
46 rehabilitator would jeopardize the health, safety, or general
47 wellbeing of the wild animal at that time.

1 b. For any injured, orphaned, or sick wild animal being
2 temporarily cared for by a wildlife rehabilitator pursuant to
3 subsection a. of this section, the wild animal shall be transferred to
4 a wildlife rehabilitator with a license to care for that species within
5 a reasonable and practicable period of time, but no longer than 30
6 days, except if the board determines that transferring the wild
7 animal within that timeframe would be impracticable or unfeasible.

8 c. The Wildlife Rehabilitation Board, established pursuant to
9 section 4 of this act, shall review the reporting requirements for
10 licensed veterinarians and may make recommendations to the State
11 Board of Veterinary Medical Examiners for revision of the
12 requirements concerning injured or orphaned wildlife, as deemed
13 necessary by the board.

14 d. Notwithstanding any other provision of law, or rules or
15 regulations adopted pursuant thereto to the contrary, a licensed
16 veterinarian may possess and hold a wild animal for as long as the
17 licensed veterinarian determines necessary for the animal's proper
18 care and treatment.

19
20 17. Notwithstanding the provisions of any law, or rule or
21 regulation adopted pursuant thereto, to the contrary, any person,
22 who in good faith renders emergency care to an animal at the scene
23 of a natural accident or emergency, or while transporting an animal
24 to a veterinary hospital or other facility where treatment or care is
25 to be rendered, shall not be liable for any civil damages as a result
26 of any acts or omissions by the person rendering the emergency
27 care, so long as the person contacts a wildlife rehabilitator or
28 licensed veterinarian as soon as possible and the animal is
29 transported within 48 hours to a wildlife rehabilitator or licensed
30 veterinarian. This section shall apply to, but shall not necessarily
31 be limited to, a volunteer member of an animal rescue organization
32 or shelter or a person licensed to practice any method of treatment
33 of animal ailments, disease, pain, injury, deformity, or mental or
34 physical condition, or licensed to render services ancillary thereto.

35
36 18. The Department of Environmental Protection shall adopt,
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.), rules and regulations as recommended by the
39 Wildlife Rehabilitation Board, as necessary for the implementation
40 and administration of this act.

41
42 19. Section 4 of this act shall take effect immediately and the
43 remainder of this act shall take effect on the 180th day after the date
44 of enactment, but the Commissioner of Environmental Protection
45 may take such anticipatory administrative action in advance thereof
46 as shall be necessary for the implementation of this act.

STATEMENT

The floor substitute would require the Department of Environmental Protection (DEP) to establish a licensing program and requirements for wildlife rehabilitators, including an apprenticeship requirement and licensing requirements for apprentices. Each wildlife rehabilitation license would list the species that the licensee is authorized to handle. The substitute also directs the DEP, in consultation with the Wildlife Rehabilitation Board established under section 4 of the floor substitute, to establish a permit for the possession of permanently injured wildlife and permanently injured endangered or threatened wildlife species, in addition to the wildlife rehabilitation license.

The floor substitute establishes the Wildlife Rehabilitation Board in, but not of, the Department of Environmental Protection. The board would be distinct and separate from the Division of Fish and Wildlife, with full authority and responsibility for:

1) providing professional oversight for the wildlife rehabilitation license and apprentice license established and authorized pursuant to this act;

2) establishing and implementing inspection requirements;

3) developing continuing education programs for wildlife rehabilitators;

4) reviewing, and revising as necessary, applicant species lists submitted by the department and established in conjunction with a wildlife rehabilitation license application;

5) determining if a license shall be denied, modified, suspended or revoked, or if a person may apply to become licensed without serving as an apprentice as provided pursuant to subsection f. of section 8 of this substitute; and

6) reviewing, prior to any seizure or destruction of any animal, any seizure of animals or order for the destruction thereof, and validating or vacating any order for the destruction of animals.

The board would consist of 10 members, nine of whom would be voting members and State residents, to be selected within 120 days after the enactment date of the bill and qualified as specified in section 4 of the floor substitute.

The floor substitute specifically prohibits any animal from being seized or destroyed under any circumstances, unless the Wildlife Rehabilitation Board specifically orders and directs the seizure or the destruction of the animal. The floor substitute also prohibits any license or permit established under the bill from being denied, suspended or revoked without the board's specific recommendation and direction to do so. Finally, the floor substitute provides for the application and issuance process for the apprentice and wildlife rehabilitation licenses and permit for permanently injured endangered species and wildlife, and establishes requirements and

1 restrictions concerning inspections of wildlife rehabilitation
2 facilities.