

ASSEMBLY, No. 2905

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 13, 2014

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman C.A.Brown

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2014)

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.

47 “Wildlife rehabilitation” means the process of caring for an
48 injured, orphaned, or sick wild animal, including providing food,

1 shelter, and medical care to the animal, and returning the animal to
2 the wild after treatment if appropriate.

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

6

7 4. a. The Department of Environmental Protection shall
8 administer a licensing program and licensing requirements for
9 wildlife rehabilitators.

10 b. A wildlife rehabilitation license issued pursuant to this act
11 shall list the species that the wildlife rehabilitator is authorized to
12 handle. The department shall establish the list and the Wildlife
13 Rehabilitation Board may review any species listed in conjunction
14 with a license issued pursuant to this subsection.

15 c. Each wildlife rehabilitation license or apprentice license
16 issued pursuant to this act shall be issued to an individual, shall be
17 valid only for the individual to whom it is issued, and shall not be
18 transferable. There shall be no application or renewal fees charged
19 for any wildlife rehabilitation license or apprentice license issued
20 pursuant to this act.

21 d. Prior to applying for a wildlife rehabilitation license
22 pursuant to this act, an applicant shall first obtain and receive a
23 federal rehabilitation permit from the United States Fish and
24 Wildlife Service in the United States Department of the Interior or
25 from the National Marine Fisheries Service in the National Oceanic
26 and Atmospheric Administration, if necessary or applicable.

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

41

42 5. a. An applicant shall be eligible to be issued a wildlife
43 rehabilitation license or an apprentice license by the department
44 provided that the applicant:

45 (1) is 18 years of age or older; and

46 (2) has not been found in violation of any law, rule, or
47 regulation concerning animal cruelty, or this act or any rule or
48 regulation adopted pursuant thereto.

1 To be eligible to be issued a wildlife rehabilitation license, the
2 applicant shall also fulfill the minimum hours of wildlife
3 rehabilitation experience required pursuant to section 6 of this act.

4 b. An application for a wildlife rehabilitation license or
5 apprentice license, or a license renewal thereof, shall be made by an
6 applicant on a standardized form as provided by the department.

7 c. (1) No applicant may be denied a wildlife rehabilitation
8 license if the applicant meets the requirements of subsection a. of
9 this section and as otherwise prescribed pursuant to this act, except
10 if the applicant has had a wildlife rehabilitation license suspended
11 or revoked.

12 (2) No applicant may be denied an apprentice license if the
13 applicant: (a) meets the requirements of subsection a. of this
14 section, and (b) has a wildlife rehabilitator licensed pursuant to this
15 act attest to the supervision and training of the applicant as an
16 apprentice, as required pursuant to subsection b. of section 6 of this
17 act, except if the applicant has had a license to rehabilitate wildlife
18 suspended or revoked.

19 d. (1) A wildlife rehabilitation license issued pursuant to this
20 act shall be valid for three years and shall be automatically renewed
21 every three years upon:

22 (a) fulfillment by the wildlife rehabilitator of continuing
23 education requirements as provided pursuant to section 10 of this
24 act;

25 (b) submission of an application for license renewal pursuant to
26 subsection b. of this section;

27 (c) submission of records for any wild animal that is a rabies
28 vector species accepted for rehabilitation, pursuant to subsection e.
29 of section 4 of this act; and

30 (d) verification by the board that the wildlife rehabilitator has
31 not been found in violation of any law, rule, or regulation
32 concerning animal cruelty, or this act or any rule or regulation
33 adopted pursuant thereto.

34 (2) An apprentice license issued pursuant to this act shall be
35 valid for three years and shall be automatically renewed every three
36 years upon:

37 (a) submission to the department of a letter from a wildlife
38 rehabilitator licensed pursuant to this act attesting to supervision
39 and training of the apprentice as required pursuant to subsection b.
40 of section 6 of this act;

41 (b) submission of an application for license renewal pursuant to
42 subsection b. of this section; and

43 (c) verification by the board that the apprentice has not been
44 found in violation of any law, rule, or regulation concerning animal
45 cruelty, or this act or any rule or regulation adopted pursuant
46 thereto.

47 e. (1) A person issued a wildlife rehabilitator permit by the
48 department on or before the effective date of this act shall be

1 deemed to be licensed as a wildlife rehabilitator for up to two years
2 after the effective date of this act. Thereafter, the person shall
3 apply to the department for a wildlife rehabilitation license renewal
4 pursuant to this act.

5 (2) A person performing wildlife rehabilitation as an apprentice
6 on or before the effective date of this act shall be deemed to be an
7 apprentice for up to two years after the effective date of this act.
8 Thereafter, the person shall apply to the department for an
9 apprentice license renewal pursuant to this act.

10

11 6. a. No person may become a licensed wildlife rehabilitator
12 without first becoming a licensed apprentice, except as otherwise
13 provided in this section or in subsection e. of section 5 of this act.

14 b. In order for an applicant to apply for an apprentice license, a
15 licensed wildlife rehabilitator shall nominate the applicant to assist
16 the wildlife rehabilitator, and the wildlife rehabilitator shall submit
17 a letter to the department affirming and attesting to the wildlife
18 rehabilitator's supervision and training of the apprentice.

19 The wildlife rehabilitator may be assisted by an apprentice, shall
20 provide training to the apprentice, and shall be responsible for the
21 proper performance of the duties of the apprentice.

22 The applicant shall meet all apprentice license application
23 requirements set forth in section 5 of this act and as otherwise
24 prescribed pursuant to this act, and shall obtain an apprentice
25 license prior to assisting the wildlife rehabilitator in any capacity
26 other than that of a volunteer, as set forth in subsection f. of this
27 section.

28 c. To qualify for a wildlife rehabilitation license, an applicant
29 must have an apprentice license and serve under the supervision and
30 training of a wildlife rehabilitator for at least one year, and
31 complete at least 100 hours of wildlife rehabilitation with the
32 wildlife rehabilitator, to be documented and attested to by the
33 wildlife rehabilitator. In addition, the applicant shall meet all
34 application requirements set forth in section 5 of this act and as
35 otherwise prescribed pursuant to this act.

36 d. A person with significant experience related to animal
37 biology, health, safety, or welfare, including a full-time, part-time,
38 retired, or out-of-State veterinarian, veterinary technician, wildlife
39 rehabilitator, zoologist, or other animal specialist, may apply for a
40 wildlife rehabilitation license in this State by:

41 (1) demonstrating, to the satisfaction of the Wildlife
42 Rehabilitation Board, that the person has relevant and necessary
43 experience related to wildlife rehabilitation, and by providing any
44 documentation related thereto; and

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

1 e. In pursuing the amount of hours of wildlife rehabilitation
2 required pursuant to this section, an applicant may complete a basic
3 training course for wildlife rehabilitation. A basic training course
4 may be substituted for no more than 40 hours of the minimum hours
5 required pursuant to subsection c. or d. of this section, as
6 applicable, and which shall be determined by the board on a case-
7 by-case basis.

8 f. A person who has not been issued a wildlife rehabilitation
9 license or apprentice license may volunteer to assist a wildlife
10 rehabilitator if the person is under the direct supervision of the
11 wildlife rehabilitator. If a volunteer subsequently applies for an
12 apprentice license, the volunteer may be credited up to 10 hours
13 towards the minimum amount of hours of wildlife rehabilitation
14 required pursuant to this section, subject to the discretion of the
15 board and with the recommendation from the supervising wildlife
16 rehabilitator.

17
18 7. a. The department, in consultation with the Wildlife
19 Rehabilitation Board established pursuant to section 8 of this act,
20 shall establish a permit for the possession of permanently injured
21 wildlife or endangered or threatened permanently injured wildlife
22 species. There shall be no application or renewal fee for the permit.
23 No wildlife rehabilitator may possess permanently injured wildlife
24 or endangered or threatened permanently injured wildlife species
25 without the permit established pursuant to this section, and no
26 wildlife rehabilitator may be issued a permit pursuant to this section
27 unless the wildlife rehabilitator has a valid wildlife rehabilitation
28 license.

29 b. A wildlife rehabilitator applying to the department for a
30 permit established pursuant to subsection a. of this section shall
31 first obtain any necessary federal permit therefor from the United
32 States Fish and Wildlife Service in the United States Department of
33 the Interior or the National Marine Fisheries Service in the National
34 Oceanic and Atmospheric Administration, if appropriate or
35 applicable. A wildlife rehabilitator shall provide the department
36 with a copy of the federal permit and the department shall review it
37 prior to issuing the State permit for the possession of permanently
38 injured wildlife and endangered or threatened permanently injured
39 wildlife species.

40 c. The board shall require a wildlife rehabilitator, as part of the
41 application for the permit established pursuant to subsection a. of
42 this section, to submit to the board a detailed written proposal,
43 including the results of an inspection required pursuant to
44 subsection d. of this section. As part of the proposal, the board may
45 request that the wildlife rehabilitator submit information detailing
46 the wildlife rehabilitator's relevant education, experience, research,
47 publications, funding, equipment and any other information, to
48 demonstrate to the satisfaction of the board that the wildlife

1 rehabilitator has the knowledge and expertise in handling and caring
2 for the specific species, and that it is reasonably probable that the
3 wildlife rehabilitator will accept guidance from the board to
4 improve upon that expertise.

5 d. A wildlife rehabilitator applying for the permit established
6 pursuant to subsection a. of this section shall allow an inspector,
7 authorized by the board pursuant to section 11 of this act, to inspect
8 the rehabilitation facility to determine if it is suitable for the
9 intended species. The inspector may inspect the facility once each
10 year thereafter.

11 A wildlife rehabilitator shall demonstrate to the satisfaction of
12 the inspector that the security of the housing, caging and other
13 containment areas of the facility, as applicable, sufficiently protects
14 the animal and the public.

15 (1) Facilities shall be constructed to prevent (a) possible escape
16 of the animal, and (b) public access to the animal, except for those
17 animals that are used for educational purposes.

18 (2) Veterinarian service shall be ready and available to an
19 animal within a reasonable time frame and distance. A wildlife
20 rehabilitator shall have an agreement with a nearby veterinarian for
21 consultation or services.

22 e. After the board receives the proposal submitted pursuant to
23 subsection c. of this section, the board shall determine the eligibility
24 of the wildlife rehabilitator and notify the department of its
25 determination. The department shall issue a permit to a wildlife
26 rehabilitator upon a satisfactory determination by the board, or shall
27 deny the permit if the board's determination is unsatisfactory.

28 f. In order to retain a permit issued pursuant to this section, a
29 wildlife rehabilitator shall submit to the board a report on the
30 disposition of each animal processed pursuant to the permit, no later
31 than 180 days after the date of issuance of the permit for the first
32 year, and biennially on the date of issuance of the initial permit
33 thereafter.

34 g. Upon determination by the board that the wildlife
35 rehabilitator has failed to comply with the conditions set forth in
36 subsection b., c., or d. of this section, the board shall suspend or
37 revoke the permit and immediately seize the animal and place it
38 under the care of another wildlife rehabilitator, pending permanent
39 forfeiture of the animal and any other animals from the possession
40 of the wildlife rehabilitator by the board and at the wildlife
41 rehabilitator's expense.

42 h. The wildlife rehabilitator shall, in writing at the time of
43 application, release the board, the department, any sponsoring
44 organization, or any professional monitoring the wildlife
45 rehabilitator's work from liability for any damages arising from the
46 suspension or revocation of a permit issued by the department
47 pursuant to this section. Upon the suspension, revocation, or
48 expiration of the permit, the wildlife rehabilitator shall be solely

1 responsible for all costs of maintaining and relocating, at the
2 discretion of the board, all the animals possessed under the permit.

3 i. If the wildlife rehabilitation license or license renewal of a
4 wildlife rehabilitator is denied, suspended, or revoked, then the
5 permit issued pursuant to this section shall be correspondingly and
6 automatically denied, suspended, or revoked.

7
8 8. a. There is hereby established the Wildlife Rehabilitation
9 Board in, but not of, the Department of Environmental Protection.
10 The board shall be distinct and separate from the Division of Fish
11 and Wildlife in the department. The board shall have full authority
12 and responsibility for: (1) providing professional oversight for the
13 wildlife rehabilitation license and apprentice license established and
14 authorized pursuant to this act; (2) establishing and implementing
15 inspection requirements; (3) developing continuing education
16 programs for wildlife rehabilitators; and (4) determining if a license
17 shall be suspended or revoked, or if a person may apply to become
18 licensed without serving as an apprentice as provided pursuant to
19 subsection d. of section 6 of this act. The board additionally shall
20 review the department's list of species established in conjunction
21 with a wildlife rehabilitation license pursuant to subsection b. of
22 section 4 of this act.

23 b. The board shall consist of 10 members, nine of whom shall
24 be voting members, to be selected and qualified as follows:

25 (1) the Commissioner of Environmental Protection, or the
26 commissioner's designee who shall not be in the Division of Fish
27 and Wildlife, who shall serve ex officio, and who shall be the non-
28 voting member;

29 (2) three members who shall be wildlife rehabilitators licensed
30 in New Jersey and residents of the State, and appointed by the
31 Governor with the advice and consent of the Senate;

32 (3) two members, with experience rehabilitating injured
33 wildlife, who shall be recommended by the New Jersey Veterinary
34 Medical Association, in consultation with the New Jersey
35 Veterinary Technicians and Assistants, and appointed by the
36 Governor;

37 (4) two members who shall be recommended by the New Jersey
38 Society for the Prevention of Cruelty to Animals and appointed by
39 the Governor; and

40 (5) two members of the public with a demonstrated interest in
41 the protection of wildlife who shall be residents of the State and
42 appointed by the Governor with the advice and consent of the
43 Senate.

44 c. If a vacancy for any appointed member exists after the 120th
45 day after the date of enactment of this act, the President of the
46 Senate in consultation with the Speaker of the General Assembly
47 shall fill any vacancy by appointing a member as soon as
48 practicable. A member appointed pursuant to this subsection shall

1 be subject to the appointment terms set forth in subsection d. of this
2 section. Any person may apply for consideration to be appointed as
3 a member of the board pursuant to this subsection.

4 d. Of the nine members first appointed, three shall be
5 appointed to a term of one year, three shall be appointed to a term
6 of two years, and three shall be appointed to a term of three years.
7 Thereafter, all appointments shall be for a term of three years, and a
8 member shall not be appointed to serve more than three consecutive
9 three-year terms.

10 e. Each appointed member shall serve for the term of the
11 appointment and until a successor shall have been appointed and
12 qualified.

13 f. No member may be appointed if found in violation of any
14 law, rule, or regulation concerning animal cruelty, or this act or any
15 rule or regulation adopted pursuant thereto. A member found in
16 violation of any law, rule, or regulation concerning animal cruelty,
17 or this act or any rule or regulation adopted pursuant thereto, shall
18 be immediately removed by the Governor from the board and the
19 vacancy shall be filled in the manner prescribed pursuant to
20 subsection b. of this section.

21 g. The appointed members shall serve without compensation.

22 h. The board shall organize as soon as possible after the
23 appointment of its members, and shall select a chairperson from
24 among its members, other than the commissioner or the
25 commissioner's designee, and a secretary who need not be a
26 member of the board.

27 i. A majority of the entire board shall constitute a quorum for
28 the transaction of business. Action may be taken and motions and
29 resolutions adopted by the board at any meeting thereof by the
30 affirmative vote of a majority of the nine voting members of the
31 board.

32 j. The board shall be entitled to the assistance and service of
33 the employees of the Department of Environmental Protection, and
34 any State, county or municipal department, board, bureau,
35 commission or agency, or a public institution of higher education in
36 the State, as it may require and as may be available to it for its
37 purposes.

38

39 9. a. The department may recommend to the board that the
40 license of a wildlife rehabilitator or an apprentice be suspended or
41 revoked pursuant to the provisions of this section. The board shall
42 determine if a license shall be suspended or revoked.

43 b. Whenever, on the basis of available information, the
44 department finds that a wildlife rehabilitator or an apprentice is in
45 violation of this act, or any rule or regulation adopted pursuant
46 thereto, or knowingly has made any false statement, representation,
47 or certification in any documents or information required to be
48 submitted to the department, the department may recommend to the

1 board that the license of the wildlife rehabilitator or apprentice, or
2 the renewal thereof, be denied, suspended, or revoked.

3 c. (1) The board is authorized to deny, suspend, or revoke a
4 license of a wildlife rehabilitator or an apprentice after receipt of
5 any recommendations from the department, pursuant to the process
6 set forth in this section.

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

11 (3) Upon determination by the board that a license shall be
12 suspended or revoked, the board shall provide to the wildlife
13 rehabilitator or apprentice a written statement setting forth the
14 reasons for the suspension or revocation.

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

22 d. Upon determination by the board that an applicant shall be
23 denied a license or that a wildlife rehabilitation license or an
24 apprentice license shall be suspended or revoked, an applicant,
25 wildlife rehabilitator, or apprentice may, within 30 days after the
26 date of receipt of the written statement, request a hearing for a
27 review of the determination. The board shall grant a hearing to the
28 applicant, wildlife rehabilitator or apprentice within 30 days after
29 receipt of the request for a hearing.

30 After a hearing and upon finding that a violation has occurred,
31 the board shall issue a final order denying, suspending, or revoking
32 the license. If a violator does not request a hearing or fails to satisfy
33 the requirements for requesting a hearing, the notice of intent to
34 deny, suspend, or revoke the license shall become final after the
35 expiration of the 30-day period.

36 e. Upon a recommendation of the department that the conduct
37 of the wildlife rehabilitator or apprentice is so egregious as to pose
38 an imminent threat to public health or safety or to the health or
39 safety of the animals if the wildlife rehabilitator or apprentice is
40 allowed to continue conducting wildlife rehabilitation activities or
41 otherwise caring for the animals pending a hearing on a revocation
42 of the license, the board may suspend the license prior to the
43 outcome of the hearing and relocate the animals to a secure and
44 appropriate wildlife rehabilitation facility if appropriate, pending
45 the hearing and final determination concerning the license.

46 f. Any order issued by the board suspending or revoking a
47 license shall provide for the obligations of a wildlife rehabilitator
48 regarding the disposition of any wildlife in the possession of the

1 wildlife rehabilitator and the maintenance and preservation of
2 records regarding the wildlife rehabilitation activities.

3 g. A wildlife rehabilitator wishing to retain a license, prior to
4 suspension or revocation, shall allow an inspector, authorized by
5 the board pursuant to subsection b. of section 11 of this act, to
6 inspect, at a reasonable time, the wildlife rehabilitation facility in
7 which the wildlife rehabilitator performs wildlife rehabilitation and
8 any wild animal therein, to determine compliance with license and
9 inspection requirements as set forth by the board.

10 h. At the discretion of the board, a wildlife rehabilitator or an
11 apprentice may not apply for a new license for up to two years
12 following the date of revocation of a license by the board if the
13 violation is of a severe nature. At the conclusion of the license
14 revocation period, the formerly licensed wildlife rehabilitator or
15 apprentice shall follow the application procedures for licensure in
16 accordance with this act.

17 i. Upon the second revocation of a license, a wildlife
18 rehabilitator or an apprentice shall be permanently prohibited from
19 holding a wildlife rehabilitation license or apprentice license in the
20 State.

21

22 10. a. The Wildlife Rehabilitation Board, in consultation with
23 the Department of Environmental Protection, shall establish
24 continuing education requirements for a wildlife rehabilitator. A
25 wildlife rehabilitator shall fulfill specific criteria, as set forth
26 pursuant to this section, prior to renewal of a wildlife rehabilitation
27 license issued pursuant to this act.

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

30 c. Upon fulfillment of the continuing education requirements, a
31 wildlife rehabilitator shall provide verification to the board and the
32 department that the continuing education coursework is complete.
33 The board shall accept any certificate of completion issued by a
34 college or other education provider for the purposes of renewing a
35 license issued pursuant to section 5 of this act. If such a certificate
36 is not provided, the board may specify other documentation that is
37 acceptable for the verification required pursuant to this section.

38

39 11. a. The Wildlife Rehabilitation Board shall develop wildlife
40 rehabilitation facility inspection requirements for any size facility,
41 including home-based facilities and facilities specializing in a
42 particular species, and shall use the National Wildlife Rehabilitators
43 Association guidelines as the basis therefor. The requirements shall
44 include inspection of the space, and cage if applicable, for an
45 animal, and the capacity of the facility for rehabilitating multiple
46 animals.

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

1 posted notice to permit an inspection at a time agreed to by both
2 parties.

3 i. A violation of this section may be used by the board to
4 determine if denial of a license renewal or suspension or revocation
5 of a license, pursuant to section 9 of this act, is appropriate.

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

14

15 12. a. A wildlife rehabilitator may release an animal within 10
16 miles of where the animal was found, and may release an animal at
17 a State park or forest, with the approval of the Division of Parks and
18 Forestry in the Department of Environmental Protection, or in a
19 wildlife management area if the animal was originally found near or
20 in the park, forest, or wildlife management area.

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

24

25 13. a. A wildlife rehabilitator shall be allowed to care for an
26 injured, orphaned, or sick wild animal outside of the scope of the
27 species authorized under the license pursuant to subsection b. of
28 section 4 of this act or the permit required pursuant to section 7 of
29 this act, if:

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

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

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

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

40 b. For any injured, orphaned, or sick wild animal being
41 temporarily cared for by a wildlife rehabilitator pursuant to
42 subsection a. of this section, the wild animal shall be transferred to
43 a wildlife rehabilitator with a license to care for that species within
44 a reasonable and practicable period of time, but no longer than 30
45 days, except if the board determines that transferring the wild
46 animal within that timeframe would be impracticable or unfeasible.

1 14. Notwithstanding the provisions of any law, or rule or
2 regulation adopted pursuant thereto, to the contrary, any person,
3 who in good faith renders emergency care to an animal at the scene
4 of a natural accident or emergency, or while transporting a animal
5 to a veterinary hospital or other facility where treatment or care is
6 to be rendered, shall not be liable for any civil damages as a result
7 of any acts or omissions by the person rendering the emergency
8 care, so long as the person contacts a wildlife rehabilitator or
9 licensed veterinarian as soon as possible and the animal is
10 transported within 48 hours to a wildlife rehabilitator or licensed
11 veterinarian. This section shall apply to, but shall not necessarily
12 be limited to, a volunteer member of an animal rescue organization
13 or shelter or a person licensed to practice any method of treatment
14 of animal ailments, disease, pain, injury, deformity, or mental or
15 physical condition, or licensed to render services ancillary thereto.

16
17 15. The Department of Environmental Protection, in
18 consultation with the Wildlife Rehabilitation Board, shall adopt
19 rules and regulations, pursuant to the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary for the
21 implementation and administration of this act.

22
23 16. Section 8 of this act shall take effect immediately and the
24 remainder of this act shall take effect on the 180th day after the date
25 of enactment, but the Commissioner of Environmental Protection
26 may take such anticipatory administrative action in advance thereof
27 as shall be necessary for the implementation of this act.

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STATEMENT

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32 The bill would require the Department of Environmental
33 Protection (DEP) to establish a licensing program and requirements
34 for wildlife rehabilitators, including an apprenticeship requirement
35 and licensing requirements for apprentices. Each wildlife
36 rehabilitation license would list the species that the licensee is
37 authorized to handle. The bill also directs the DEP, in consultation
38 with the Wildlife Rehabilitation Board established under section 8
39 of the bill, to establish a permit for the possession of permanently
40 injured wildlife and permanently injured endangered or threatened
41 wildlife species, in addition to the wildlife rehabilitation license.

42 The bill establishes the Wildlife Rehabilitation Board in, but not
43 of, the DEP. It would be distinct and separate from the Division of
44 Fish and Wildlife. The board would have full authority and
45 responsibility for providing professional oversight for the wildlife
46 rehabilitation license and apprentice license, establishing and
47 implementing inspection requirements, developing continuing
48 education programs for wildlife rehabilitators, and determining if a

1 license should be suspended or revoked, with the DEP making
2 recommendations in this regard. The board would also develop
3 inspection requirements, including for home-based facilities, based
4 on National Wildlife Rehabilitators Association guidelines, and
5 would establish requirements for any person conducting inspections
6 of wildlife rehabilitation facilities.

7 More specifically concerning the required licenses, the bill
8 requires an applicant to complete the specified minimum hours of
9 wildlife rehabilitation experience in order to qualify to be a licensed
10 wildlife rehabilitator. No applicant would be denied a license
11 provided the applicant meets or exceeds the requirements set forth
12 in the committee substitute, except if the applicant has had a license
13 to rehabilitate wildlife suspended or revoked. A wildlife
14 rehabilitation license would be valid for three years and would be
15 automatically renewed every three years upon fulfillment of
16 continuing education requirements, submission of records for any
17 wild animals accepted for rehabilitation, and verification that the
18 wildlife rehabilitator has not been found in violation of any law,
19 rule, or regulation concerning animal cruelty, or this committee
20 substitute upon enactment, or any rule or regulation adopted
21 pursuant thereto.

22 The bill specifies the requirements for an apprentice license. In
23 order to qualify for a wildlife rehabilitation license, an applicant
24 must be an apprentice for at least one year and complete at least 100
25 hours of wildlife rehabilitation with a licensed wildlife rehabilitator.
26 The bill allows for a person to volunteer to assist a wildlife
27 rehabilitator, without holding an apprentice license, so long as the
28 person is under the direct supervision of a licensed wildlife
29 rehabilitator. The bill further allows the board to permit the
30 volunteer to receive credit for the time volunteered if the volunteer
31 decides to apply for an apprentice license.

32 A person issued a wildlife rehabilitator permit by the department,
33 or serving as an apprentice, before the date of enactment of this bill
34 into law would remain licensed as a wildlife rehabilitator or could
35 continue to serve as an apprentice, as appropriate, for up to two
36 years after the effective date of this bill. Thereafter, the person
37 would be required to apply for a renewal of the appropriate license.
38 The bill allows a person with significant experience related to
39 animal health, safety, or welfare, such as a full-time, part-time,
40 retired, or out-of-State veterinarian, veterinary technician, wildlife
41 rehabilitator, zoologist, or other animal specialist, to apply for a
42 wildlife rehabilitation license, without serving as an apprentice, by:

43 1) demonstrating, to the satisfaction of the Wildlife
44 Rehabilitation Board, that the person has relevant and necessary
45 experience related to wildlife rehabilitation;

46 2) completing at least 10 hours of wildlife rehabilitation with a
47 licensed wildlife rehabilitator; and

1 3) fulfilling the licensing and application requirements set forth
2 in the committee substitute.

3 Section 14 of the bill is a “good Samaritan” clause that provides
4 immunity from civil liability for a person providing emergency care
5 to an animal at the scene of a natural accident or emergency, so
6 long as the person contacts a wildlife rehabilitator or licensed
7 veterinarian as soon as possible and the animal is transported within
8 48 hours to a wildlife rehabilitator or licensed veterinarian.