

15A NCAC 10H .0303 FORFEITURE

(a) The Executive Director of the Wildlife Resources Commission may issue a warning or revoke the holder's permit or license and a holder of a permit or license to keep wildlife in captivity may forfeit the right to keep that wildlife, lose custody of that wildlife, and be required to turn that wildlife over to a representative of the Wildlife Resources Commission upon request of the Commission as authorized by G.S. 150B-3 and G.S. 113-276.2. The determination whether to issue a warning or revoke a license or permit and require forfeiture shall be based upon the seriousness of the violation. Violations include but are not limited to the following circumstances or conditions:

- (1) The licensee or permittee fails to maintain the captive animal or bird in good health or to treat conditions that warrant medical attention. Chronic or acute instances of the following that are untreated may be considered evidence that the licensee is failing to keep the animal or bird in good health:
 - (A) weakness or instability in balance;
 - (B) bare spots in fur or feather covering that do not result from that animal's behavior;
 - (C) diarrhea;
 - (D) abnormally low weight;
 - (E) unusual nasal discharges;
 - (F) sores or open wounds; or
 - (G) injury to muscles or bones.
- (2) The permittee or licensee fails to provide accurate information on records or permit or license applications submitted to the Wildlife Resources Commission.
- (3) The licensee of a facility holding captive cervid(s) fails to comply with tagging requirements for cervids as provided by rules in this Section.
- (4) The licensee of a facility holding captive cervid(s) fails to comply with requirements for maintaining the enclosure fence as provided by rules in this Section.
- (5) The licensee fails to comply with monitoring or record-keeping requirements as provided by rules in this Section.
- (6) The permittee or licensee fails to keep in captivity the wildlife for which the facility is licensed.
- (7) The licensee of a facility holding captive cervid(s) fails to permit the Wildlife Resources Commission to inspect the licensed facility or records as provided by rules in this Section.

(b) The Executive Director of the Wildlife Resources Commission shall revoke the holder's permit or license and a holder of a permit or license to keep wildlife in captivity shall forfeit the right to keep that wildlife, lose custody of that wildlife and be required to turn that wildlife over to a representative of the Wildlife Resources Commission upon request of the Commission under any of the following circumstances or conditions:

- (1) The licensee of a facility holding captive cervid(s) fails to report symptoms of chronic wasting disease in a cervid to the Wildlife Resources Commission as provided by rule(s) in this Section;
- (2) The licensee of a facility holding captive cervid(s) fails to transport and submit a cervid carcass to a North Carolina Department of Agriculture diagnostic lab for CWD evaluation within 48 hours of that cervid's death or close of the next business day, whichever is later, as provided by rule(s) in this Section;
- (3) A cervid in possession of the licensee has been transported without a permit; or
- (4) Chronic Wasting Disease has been confirmed in a cervid at that facility.

History Note: G.S. 106-549.97(b); 113-131; 113-134; 113-272.5; 113-276.2; 113-292; 150B-3;
Eff. February 1, 1976;
Amended Eff. February 7, 1979;
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