



**WEST VIRGINIA SECRETARY OF STATE**

**KRIS WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

6/24/2025 3:50:41 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Natural Resources

TITLE-SERIES: 58-21

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: Wildlife Rehabilitation

CITE STATUTORY AUTHORITY: §20-12D-3(f)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2025 3:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wendy Greene

ADDRESS: 112 California Avenue

Charleston, WV 25305

EMAIL: dnrcomments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes regulations concerning a wildlife rehabilitation program including the application requirements, permit eligibility requirements, permit renewal requirements, record keeping requirements, care and housing requirements, and definitions.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The new rule establishes regulations for the newly created wildlife rehabilitation program including application, training and permit eligibility requirements, care and housing requirements and definitions. This program was authorized by HB 2836 which was passed during the 2025 regular session.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This rule has no anticipated economic impact on the revenues of state government. There is no proposed application or program fee.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no anticipated economic impact on special revenue accounts.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There is no anticipated economic impact on the state or its residents. The agency anticipates being able to operate the program within the current budget.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There is no anticipated economic impact.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Emily Rector -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

**TITLE 58**  
**LEGISLATIVE RULE**  
**DEPARTMENT OF COMMERCE**  
**DIVISION OF NATURAL RESOURCES**

**SERIES 21**  
**WILDLIFE REHABILITATION**

**§58-21-1. General.**

1.1. Scope. -- This rule establishes regulations concerning a wildlife rehabilitation program including the application requirements, permit eligibility requirements, permit renewal requirements, record keeping requirements, care and housing requirements, and definitions.

1.2. Authority. -- W. Va Code §20-2D-3(f).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2031.

**§58-21.2. Definitions.**

2.1. "Certified Wildlife Rehabilitator or CWR" means a person who has received this designation through certification by the International Wildlife Rehabilitation Council.

2.2. "IWRC" means the International Wildlife Rehabilitation Council.

2.3. "Orphan wildlife" means any healthy or injured young animal, still dependent on parental care for survival, that is found under circumstances in which there is a high probability that the parents are dead or not available.

2.4. "Rabies vector species or RVS" means mammals that frequently carry or are common carriers of the rabies virus including racoons, red foxes, gray foxes, striped skunks, coyotes, and all species of bats.

2.5. "Threatened or endangered species" means species that are likely to become endangered or species at serious risk of extinction as designated by the United States Fish and Wildlife Service.

2.6. All other terms have the meaning prescribed in West Virginia Code §20-1-2.

**§20-21-3. Wildlife Rehabilitation Permit requirements.**

3.1. An applicant for a wildlife rehabilitation permit must submit an application to the Director or his or her designee on the forms prescribed by the Director.

3.2. The application form shall require the following information:

3.2.1. The applicant's name, business name, if applicable, mailing address, physical address of the facility, and telephone number.

3.2.2. The applicant's date of birth.

3.2.3. The applicant's disclosure of any criminal convictions of Federal, State, or local law or ordinance relating to wildlife, animal welfare, or animal cruelty.

3.2.4. Proof of wildlife handling and care training requirements pursuant to Section 4 of this rule.

3.2.5. List of any in-facility assistants, their age and training.

3.3. An applicant must pass a facility inspection by the Director or his or her Wildlife Resources Section designee. Unless otherwise specified by this rule, the facility must follow the standards in the Standards for Wildlife Rehabilitation as established by the IWRC.

**§58-21-4. Training Requirements.**

4.1. Applicants must submit verification of current active status as a Certified Wildlife Rehabilitator issued by the IWRC.

4.2. All in-facility assistants must submit verification of a degree in animal science or veterinary technology, or successfully passing the Basic Wildlife Rehabilitation class offered through the IWRC.

**§58-21-5. Wildlife Rehabilitation.**

5.1. The Director may prohibit the rehabilitation of wildlife species to protect public health and protect the welfare of native wildlife.

5.2. Wildlife having or suspected of having infectious diseases must be kept isolated from all non-infected but susceptible wildlife. Newly acquired wildlife must be housed separately upon receipt until it has been established that they are free from infectious diseases that can be transmitted to other wildlife.

5.3. Unless otherwise specified in this rule, wildlife rehabilitators must adhere to the best practices and standards for wildlife rehabilitation as established by the IWRC.

5.4. Wildlife captured, trapped, or otherwise collected by a licensed Wildlife Damage Control Agent may not be accepted for rehabilitation.

5.5. No individual wildlife may be rehabilitated by a permit holder for more than 180 days, unless otherwise approved by the Director.

5.6. Rehabilitated wildlife may not be released on private or public lands without written landowner permission.

5.7. Wildlife may be transferred to another permitted facility within the first 24 hours of captivity when a wildlife rehabilitation facility is at capacity. Transfers must be made to the nearest lawfully permitted facility capable of caring for the wildlife. If no facility is available, the wildlife must be euthanized or turned over to the Director or his or her designee.

5.8. The Director must provide written approval for non-releasable wildlife to be retained by a wildlife rehabilitator in accordance with W. Va. Code §20-2D-6(d).

5.9. Wildlife deemed non-releasable and approved by the Director to remain with the facility for educational display should be given the opportunity to live a wild existence to the best extent possible. Wildlife kept for educational purposes may not come in direct contact with the public. Wildlife kept for educational purposes may not be housed in the same facility as wildlife held under any other Division of Natural Resources permit that allows for the possession of wildlife. Fees may not be collected to view educational wildlife. The wildlife kept under this provision with the approval of the Director must be reported annually in accordance with section 7.1.

5.10. Wildlife being rehabilitated must be housed separately from domestic animals or livestock in a manner that prepares them for return to the wild and reduces the likelihood of habituation to humans.

5.11. Reptiles must be kept separate from all other wildlife, including other reptiles of the same species, and appropriate biosecurity measures must be followed to prevent the spread of disease. Reptile enclosures must be decontaminated following Bletz et al. 2023. Disinfection protocols for herpetofaunal pathogens. Herpetological Review 54(2) : 200-203.

5.11.1. All reptiles must be kept in enclosures that meet or exceed the Minimum Housing Guidelines for Reptiles.

5.11.2. Rehabilitated reptiles must be released at the site of collection and cannot be released before May 1 or after August 15. Releasing reptiles somewhere other than their point of capture requires written authorization from the Director or their designee.

5.12. Permit holders must keep accurate and complete records of all wildlife in their care on forms approved by the Division. When renewing their permit, permit holders must submit copies of these forms for the entirety of the previous year.

5.13. Social media posts made by permit holders, in-facility assistants, or facilities must in good faith work toward educating the public regarding wildlife, their habitats, their life cycles, that interaction with wildlife is never recommended and how to safely interact with wildlife as a last resort.

#### **§58-21-6. Rehabilitation of Rabies Vector Species.**

6.1. The Director may authorize the rehabilitation of rabies vector species provided the rehabilitator has completed adequate training for RVS in accordance with IWRC guidelines and has demonstrated proof of either rabies immunization or an adequate titer against rabies within two years of the date of application for the rehabilitator and in-facility assistants.

6.2. All enclosures housing RVS must be double-walled or double-fenced to minimize the risk of escape, contact with other animals, or contact with humans.

6.3. All rehabilitation facilities handling RVS must have a rabies exposure contingency plan that must include the name and telephone number of the local county Health Department, the name of the county sanitarian, and the after-hours number for the West Virginia Department of Health. All staff working at the rehabilitation facility must be informed of and trained in the use of this plan, and the plan must be permanently posted on the premises in an easily accessible location.

6.4. Any potential rabies exposure, even among those persons who have received pre-exposure prophylaxis against rabies and/or who demonstrate an adequate titer against rabies, must be immediately reported to the county health department to determine if post-exposure treatment is necessary and if rabies testing is required. Rehabilitators shall euthanize or humanely dispatch the wildlife, using a method in accordance with AVMA guidelines that does not damage the brain, and surrender to the Health Department any animal that must be tested for rabies subsequent to a potential exposure.

6.5. Rehabilitation of apparently healthy orphaned or infant RVS at facilities within the rabies control zone, and of RVS captured within the rabies control zone, may be authorized. Animals shall not be transported out of the rabies control zone or more than 50 miles within the rabies control zone for rehabilitation. All rehabilitated RVS from the rabies control zone must be released as near as possible to the original capture location in the same county in which they were originally captured and within the rabies control zone.

6.6. If orphans or infant RVS are combined into litters, they must be marked in such a manner as to differentiate individuals using a method at the discretion of the rehabilitator and their consulting veterinarian. If animals are combined in a litter with individuals sourced from the rabies control zone, all animals from the combined litter must be released as near as possible to the original capture location, and within the rabies control zone and county, of the animal(s) in the litter that were captured within the rabies control zone.

6.7. RVS other than raccoons must be held for at minimum 30 days with no signs of rabies before being released in the same county, and as near as possible to the original capture site, in which they were captured. RVS animals admitted to rehabilitation with no obvious signs of illness or injury may be immediately released to their capture location.

6.8. Raccoons must be held for a minimum of 65 days with no signs of rabies before being permissible for release in the same county, and as near as possible to the original capture site, in which they were captured. Individual raccoons admitted to rehabilitation with no obvious signs of illness or injury may be immediately released to their capture location.

#### **§58-21-7. Reporting.**

7.1. Wildlife rehabilitators are required to submit an annual report to the Director. For migratory species, a copy of the Federal permit annual report will be acceptable. Reports must include the following:

7.1.1. Species admitted for rehabilitation.

7.1.2. Date admitted.

7.1.3. The county from which wildlife was admitted.

7.1.4. Presenting injury, disease condition, or problem.

7.1.5. Final disposition, including location of release if applicable, of each animal.

7.1.6. Band or tag number, where applicable.

**58CSR21**

7.1.7. Data regarding disease diagnosis or confirmation for each animal.

7.2. Wildlife rehabilitators must report any sick wildlife and any reportable wildlife disease, as defined by the Director, to the Division of Natural Resources within 24 hours of confirmation.