

**TOURISM, ARTS AND HERITAGE CABINET**  
**Department of Fish and Wildlife Resources**  
**(Amendment)**

**301 KAR 2:075. Wildlife rehabilitation permit.**

RELATES TO: KRS 150.010, 150.015, 150.021, 150.170, 150.183, 150.195, 150.330, 150.990, 321.185, 50 C.F.R. 17, 21, 22, 16 U.S.C. 668, 703 – 712

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.280

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.280 requires the department to promulgate administrative regulations regarding the holding of protected wildlife. This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.

Section 1. Definitions.

- (1) "Cervid" means deer, elk, moose, caribou, reindeer, and related species and hybrids thereof, including all members of the Cervidae family and hybrids thereof.
- (2) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.
- (3) "CWD Surveillance Zone" means an area, designated and listed on the department's Web site at fw.ky.gov, as being under special cervid requirements, as established in 301 KAR 2:172, due to a CWD positive cervid detection.
- (4) "Enhanced Rabies Surveillance Zone" means the counties designated by the United States Department of Agriculture as current rabies surveillance counties listed at <https://fw.ky.gov/Wildlife/Pages/Rabies.aspx>. ~~[Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.]~~
- (5) "Federally protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act, 16 U.S.C. 703 – 712, or the Bald and Golden Eagle Protection Act, 16 U.S.C. 668.
- (6) "Habituation" means the process where wildlife becomes accustomed to the presence of humans or other anthropogenic stimuli, resulting in a reduced or altered behavioral response hindering their ability to survive post release. Habituation does not include imprinting of avian species.
- (7) ~~[(6)]~~ "Permit holder" means a wildlife rehabilitation permit holder.
- (8) ~~[(7)]~~ "Rabies vector species" means a:
  - (a) Bat (Order Chiroptera);
  - (b) ~~[(a)]~~ Coyote (*Canis latrans*);
  - (c) ~~[(b)]~~ Gray fox (*Urocyon cinereoargenteus*);
  - (d) ~~[(c)]~~ Raccoon (*Procyon lotor*);
  - (e) ~~[(d)]~~ Red fox (*Vulpes vulpes*);
  - (f) ~~[(e)]~~ Spotted skunk (*Spilogale putorius*);

- (g) ~~((f))~~ Striped skunk (*Mephitis mephitis*); or
  - (h) ~~((g))~~ Any hybrid of paragraphs (a) through (g) ~~((f))~~ of this subsection.
- (9) "Sub-permit holder" means a volunteer at wildlife rehabilitator facility who works under supervision of a valid permit holder.
- (10) ~~((8))~~ "Wildlife rehabilitation" means the process of obtaining, rescuing, raising, providing supportive care, regularly transporting, and arranging for veterinary medical care of orphaned, sick, displaced, or injured wildlife with the goal of releasing the wildlife back into its natural habitat.

#### Section 2. Permitting Requirements.

- (1) A permit shall authorize a person to rehabilitate wildlife as defined as "wildlife rehabilitation" by Section 1(8) of this administrative regulation.
- (2) An applicant for a wildlife rehabilitation permit shall:
  - (a) Be at least eighteen (18) years of age;
  - (b) Submit a completed Wildlife Rehabilitation Permit Application;
  - (c) Provide the department with a valid email address;
  - (d) Submit:
    - 1. Certificate of completion of the course entitled "Basic Wildlife Rehabilitation" offered by the International Wildlife Rehabilitation Council; or
    - 2. Proof of a doctorate of veterinary medicine degree from an American Veterinary Medical Association (AVMA) accredited school; and
  - (e) Submit the annual permit fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022 ~~[established in 301 KAR 3:022]~~.

#### Section 3. Reporting Requirements.

- (1) A permit holder shall:
  - (a) Keep records of all wildlife received or rehabilitated on the Wildlife Rehabilitation Annual Report;
  - (b) Submit a Wildlife Rehabilitation Annual Report to the department within thirty (30) days after expiration of a permit and before a permit is renewed; and
  - (c) Submit a Wildlife Rehabilitation Non-Releasable Wildlife Report, if applicable, to the department within thirty (30) days after expiration of a permit and before a permit is renewed.
- (2) The annual activity report shall contain the information regarding the activity for the period from December 1 of the previous year to November 30 of the current year.
- (3) The department shall not renew the permit of a wildlife rehabilitator who does not submit:
  - (a) A completed Wildlife Rehabilitation Annual Report;
  - (b) The Wildlife Rehabilitation Non-releasable Wildlife Report, if applicable; and
  - (c) Report documents and all records of wildlife rehabilitation activity, including veterinary medical records, from the current and previous years' activity upon request to department staff.

#### Section 4. Receiving and Rehabilitating Wildlife.

- (1) A permit holder shall not rehabilitate or attempt to rehabilitate:
  - (a) Cougar (*Felis concolor*);
  - (b) Wolf (*Canis lupus* or *Canis rufus*);
  - (c) Elk (*Cervus elaphus*);
  - (d) Bear (*Ursus americanus*);
  - (e) Any species of terrestrial wildlife not native to Kentucky; or
  - (f) Prohibited species listed in 301 KAR 2:082 Section 4.
- (2) A permit holder shall not:

- (a) Propagate non-releasable wildlife or wildlife undergoing rehabilitation;
  - (b) Except as established in Section ~~12(1)~~~~10(1)~~ of this administrative regulation, allow a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with wildlife undergoing rehabilitation;
  - (c) Allow a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with rabies vector species;
  - (d) Remove wildlife undergoing rehabilitation from the permitted facility except for release, veterinary care, or transfer to another permitted wildlife rehabilitation facility;
  - (e) Habituate wildlife to humans;
  - (f) Exhibit or display wildlife undergoing rehabilitation;
  - (g) Transport wildlife across state lines for rehabilitation, release, or for any purpose, unless authorized by the commissioner because rehabilitation services are not feasibly available within Kentucky and the activities pose minimal disease risk. Authorization shall not be granted for rabies vector species;
  - (h) Simultaneously hold captive wildlife under a captive wildlife permit, as established in 301 KAR 2:081, while holding wildlife under a wildlife rehabilitation permit; or
  - (i) Simultaneously hold captive cervids under a captive cervid permit as established in 301 KAR 2:083, while holding wildlife under a wildlife rehabilitation permit.
- (3) A permit holder shall only provide necessary supportive care to wildlife undergoing rehabilitation, which shall not permanently diminish their ability to survive and reproduce naturally in the wild.
- (4) Cervids.
- (a) Except as established in paragraphs (c) and (d) of this subsection, a permit holder shall not rehabilitate or attempt to rehabilitate any cervid:
    - 1. Within a CWD Surveillance Zone;
    - 2. Originating from a CWD Surveillance Zone; or
    - 3. From a distance greater than 100 miles from the rehabilitation facility.
  - (b) A permit holder shall not transport a cervid into or out of a CWD Surveillance Zone.
  - (c) A permit holder shall not keep a cervid as non-releasable wildlife within a CWD Surveillance Zone, except that a non-releasable cervid legally obtained before the establishment of a CWD Surveillance Zone may be kept for the life of the animal.
  - (d) A permit holder in possession of a cervid prior to the establishment of a CWD Surveillance Zone shall only keep the cervid up to 180 days or upon recovery from injury or illness and of suitable age to survive in the wild, whichever comes first, and shall release the cervid within the county of rehabilitation, unless the animal is euthanized or meets the criteria to be kept as non-releasable wildlife.
  - (e) A wild-born cervid held in captivity for rehabilitation purposes shall not be housed in:
    - 1. The same pen as another captive cervid or housed in direct physical contact with a cervid that originated in captivity; or
    - 2. A pen that has previously housed cervids that originated in captivity.
- (5) Rabies vector species.
- (a) A permit holder shall not possess, rehabilitate, or attempt to rehabilitate a rabies vector species:
    - 1. Originating from the Enhanced Rabies Surveillance Zone;
    - 2. Inside the Enhanced Rabies Surveillance Zone that originated from outside the Enhanced Rabies Surveillance Zone; or
    - 3. If collected at a distance greater than 100 miles from the rehabilitation facility.
  - (b) A permit holder shall not transport a rabies vector species into or out of the Enhanced Rabies Surveillance Zone.

(c) A permit holder shall not possess a rabies vector species as non-releasable wildlife, except for those animals legally held outside the Enhanced Rabies Surveillance Zone prior to April 4, 2023. Except bats (Order Chiroptera) that were legally held outside the Enhanced Rabies Surveillance Zone prior to April 4, 2026.

(d) Except as established in Section 5(5) of this administrative regulation, rabies vector species shall be maintained within an enclosure sufficient to prevent:

1. Escape; and
2. Direct contact with a non-permitted person.

Section 5. Wildlife Release. A permit holder shall:

- (1) Release wildlife immediately upon recovery from injury or illness and when of a suitable age to reasonably survive in the wild;
- (2) Only keep wildlife in a rehabilitation facility for a maximum of 180 days, unless written documentation from the U.S. Fish and Wildlife Service is provided or a release deadline extension is granted (Section 6);
- (3) Only release wildlife into appropriate habitat for that species;
- (4) Obtain landowner permission before releasing wildlife;
- (5) Release rabies vector species back into the original county of capture or any adjacent county to the county of capture when outside of the Enhanced Rabies Surveillance Zone and within Kentucky;
- (6) Release reptiles and amphibians at the original point of capture or within the vicinity if point of capture is not suitable habitat; and
- (7) Release cervids in the county in which they were rehabilitated.

Section 6. Release Deadline Extension.

(1) Upon written request, the Wildlife Division Director shall consider granting an extension to hold wildlife, other than federally protected species, undergoing rehabilitation for longer than 180 days. Any such request must meet the following criteria to be considered:

- (a) The written request and supporting documentation must be received thirty (30) days prior to the required release date;
- (b) The request shall include documentation establishing that the current stage of physiological development renders the individual animal incapable of surviving in the wild if released at 180 days; and
- (c) Documentation is included justifying the need for and specific benefits of a prolonged rehabilitation period for the individual animal.

(2) The Wildlife Division Director shall only grant extensions that:

- (a) Promote and further the purposes of KRS Chapter 150;
- (b) Would, as determined by the Wildlife Division Director, provide a substantial increase in the individual animal's likelihood of surviving in the wild upon release;
- (c) Are no longer than necessary to substantially increase the individual animal's likelihood of surviving in the wild upon release; and
- (d) Are no more than 180 days past the original 180 day release date for the individual animal.

Section 7. [~~Section 6.~~] Non-releasable Wildlife.

(1) Except as prohibited by Section 4 of this administrative regulation, wildlife may be considered non-releasable and may be retained by a permit holder if a licensed Kentucky veterinarian certifies in writing that it:

- (a) Is a mammal with an amputated leg;
- (b) Lacks adequate vision to function in the wild;
- (c) Lacks locomotive skills necessary for survival in the wild; or

- (d) Has another permanent injury that is reasonably expected to inhibit survival in the wild, not including habituation to humans.
- (2) Rabies vector species, excluding bats, that meet the criteria for non-releasable wildlife and legally held prior to April 4, 2023, may be allowed to remain in possession of a valid permit holder through the life of the animal by submitting a Wildlife Rehabilitation Non-Releasable Wildlife Report form by April 4, 2023.
- (3) Bats (Order Chiroptera) that meet the criteria for non-releasable wildlife and legally held prior to April 4, 2026, may be allowed to remain in possession of a valid permit holder through the life of the animal by submitting a Wildlife Rehabilitation Non-Releasable Wildlife Report form by July 4, 2026.
- (4) ~~(3)~~ Rabies vector species legally held as non-releasable, shall not leave the wildlife rehabilitation facility except for veterinary care or transfer to another permitted rehabilitation facility and shall be included on the Wildlife Rehabilitation Annual Report.
- (5) ~~(4)~~ A person who legally possesses non-releasable rabies vector species shall not replace that wildlife after its death.
- (6) ~~(5)~~ Except as established in Section 5(5) of this administrative regulation, non-releasable rabies vector species shall be maintained within an enclosure sufficient to prevent:
- (a) Escape; and
  - (b) Direct contact with non-permitted persons.
- (7) ~~(6)~~ Only non-releasable wildlife may be displayed, except that non-releasable rabies vector species shall not be displayed. Displays shall only be for conservation education purposes.
- (8) ~~(7)~~ Non-releasable migratory birds may be transferred with prior approval from the issuing federal Migratory Bird Permit Office.
- (9) ~~(8)~~ All non-releasable wildlife shall be housed and maintained at a permitted wildlife rehabilitation facility.

Section 8. ~~Section 7.~~ Facilities and Operating Standards.

- (1) All wildlife rehabilitation facilities shall pass a facility inspection.
- (2) An applicant's or permit holder's facility and property on which the facility is located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, shall be inspected by a game warden~~conservation officer~~ using a Wildlife Rehabilitation Facility Inspection Checklist to document compliance with this administrative regulation before a permit is obtained or renewed.
- (3) A permit holder shall allow any game warden~~conservation officer~~, and all department staff accompanying a game warden~~conservation officer~~, to access the wildlife rehabilitation facility and the property on which the wildlife rehabilitation facility is located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, at any reasonable time and frequency to carry out the purposes of this administrative regulation.
- (4) A facility, and all methods of confinement, shall comply with the Minimum Standards for Wildlife Rehabilitation.
- (5) A permit holder shall:
- (a) Only rehabilitate wildlife at a facility that has passed an annual facility inspection; and
  - (b) List the addresses of all facilities on the Wildlife Rehabilitation Permit Application.
- (6) A permit holder shall allow a game warden~~conservation officer~~ to inspect the holding facilities and property on which the facilities are located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, at any reasonable time and frequency.

(7) The ~~game warden~~~~conservation officer~~ shall immediately notify the applicant or permit holder and the Wildlife Division director if the inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Wildlife Rehabilitation Facility Inspection Checklist to the appropriate Wildlife Division personnel within three (3) business days.

(8) If an inspection determines that a facility is not in compliance with a KRS Chapter 150 and KAR Title 301, the ~~game warden~~~~conservation officer~~ shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked ~~and all wildlife confiscated immediately~~ if the unsatisfactory conditions have not been corrected.

(9) If an applicant or permit holder refuses to allow a ~~game warden~~~~conservation officer~~ to fully conduct an inspection, the permit application shall be denied or the permit shall be revoked~~and all wildlife confiscated immediately~~.

#### Section 9. ~~Section 8.~~ Rabies Exposure.

(1) If a mammal bites a person, or a mammal shows symptoms of a rabies infection, the animal shall be dispatched in a manner so as to preserve the brain intact and the animal's head shall be submitted for testing immediately to a laboratory approved by the Secretary for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5 and KRS 258.085(1)(c).

(2) Department staff shall confiscate and dispatch any wild mammal that bites a person or shows symptoms of a rabies infection.

#### Section 10. Sub-permittees.

(1) A sub-permittee is responsible for reading and complying with all provisions in 301 KAR 2:075 and must sign a completed Wildlife Rehabilitation Sub-Permittee Assignment form, to be submitted by the permit holder, prior to assisting with any rehabilitation activities.

(2) A sub-permittee must work under the supervision of a valid permit holder.

(3) A sub-permittee's authorization to assist with rehabilitation activities shall only be assigned to a single permit holder.

(4) The permit holder is responsible for training and supervision of all sub-permittees listed under their supervision. Any violations that occur from a sub-permittee's rehabilitation activities shall be attributed to the permit holder for the purposes of permit denials, suspensions, or revocations.

(5) The permit holder must submit to the department via email at fwpermits@ky.gov, a Wildlife Rehabilitation Sub-Permittee Assignment form immediately upon removing a sub-permittee from under their supervision or prior to a new sub-permittee beginning to perform any rehabilitation activities.

(6) A permit holder shall not allow an individual to assist them as a sub-permittee until the department provides written approval of the sub-permittee.

(7) A sub-permittee shall not be approved if the individual:

(a) Has been convicted of a state or federal fish and wildlife violation within one (1) year; or

(b) Is currently under a suspension, revocation, or denial period from holding a wildlife rehabilitation permit.

#### Section 11. ~~Section 9.~~ Veterinarians.

(1) A veterinarian is not required to obtain a wildlife rehabilitation permit to temporarily possess, stabilize, or euthanize sick and injured wildlife, only for the purpose of providing immediate critical care.

(2) A veterinarian who does not possess a valid wildlife rehabilitation permit shall transfer wildlife to a permitted wildlife rehabilitator according to the requirements of this

regulation, within twenty-four (24) hours after the animal's condition is stabilized and no longer requires critical care, unless wildlife is euthanized.

(3) A veterinarian who rehabilitates wildlife shall possess a valid wildlife rehabilitation permit.

(4) A permit holder shall follow veterinarian's medical instructions per KRS 321.185.

(5) A veterinarian shall keep medical records of all wildlife treated, in accordance with KRS Chapter 321 and 201 KAR Chapter 16 and provide records to department staff upon request.

(6) Only a licensed veterinarian or licensed veterinarian technician shall perform euthanasia using AVMA approved non-inhaled chemical methods under KRS Chapter 321.

#### Section 12. ~~[Section 10.]~~ Wildlife Possession.

(1) Any person who finds sick, injured, displaced, or orphaned wildlife may, without a permit, take possession of the animal in order to immediately transport it to a permitted wildlife rehabilitator, except a person who:

(a) Regularly transports wildlife for rehabilitation purposes shall possess a valid wildlife rehabilitation permit or shall be a sub-permittee for an individual who possesses a valid wildlife rehabilitation permit; and

(b) Finds sick, injured, displaced, or orphaned federally protected migratory birds within a nest shall not, without a state and federal permit, take possession of the animal as established in 50 C.F.R. 21.12(d)(10).

(2) A wildlife rehabilitation permit shall not confer ownership of any wildlife species held under a wildlife rehabilitation permit, including non-releasable wildlife.

(3) All wildlife held under a permit shall remain under the stewardship of the Department of Fish and Wildlife Resources, except that federally-protected wildlife remain under the stewardship of both the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

(4) Wildlife shall be surrendered to the department, for processing and disposition pursuant to KAR Title 301~~§~~, upon being presented with a written order by the commissioner for failure to comply with KRS Chapter 150 or KAR Title 301.

Section 13. ~~[Section 11.]~~ Federally-Protected Species. A person rehabilitating federally protected species shall possess valid Kentucky and federal wildlife rehabilitation permits, except that a person may be authorized as a USFWS sub-permittee on a federal migratory bird rehabilitation permit, under a federal permit holder, per 50 C.F.R. 21.31.

(1) USFWS sub-permitted ~~[Sub-permitted]~~ persons on a federal migratory bird rehabilitation permit conducting wildlife rehabilitation activities shall possess a valid state wildlife rehabilitation permit.

(2) A permit holder shall immediately notify the department in writing or by email to fwpermits@ky.gov, of any federally threatened or endangered wildlife species, delivered, received, recovered, or retained for rehabilitation.

(3) A general or master class falconry permit holder may condition raptors for subsequent release into the wild for a permitted wildlife rehabilitator, as established in 301 KAR 2:195, only for the species the falconry permit holder is allowed to possess.

(4) Falconers that rehabilitate wildlife, except for conditioning raptors per this section, shall possess a valid wildlife rehabilitation permit.

#### Section 14. ~~[Section 12.]~~ Revocation and Denial of Permits and Appeal Procedure.

(1) Denial and revocation.

(a) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit ~~and confiscate wildlife~~ of a person who is convicted of a violation of any provisions of:

1. KRS Chapter 150;
2. 301 KAR Chapters 1 through 5; or
3. Any federal statute or regulation related to hunting, fishing, or wildlife.

(b) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit, ~~and confiscate wildlife~~ from a person who:

1. Provides false information on a Wildlife Rehabilitation Permit Application, federal permit, Wildlife Rehabilitation Annual Report, Wildlife Rehabilitation Non-Releasable Wildlife Report, Wildlife Rehabilitation Facility Inspection Checklist, or records;
2. Acquires wildlife prior to receiving an approved wildlife rehabilitation permit;
3. Fails a facility inspection, as established in Section ~~8~~<sup>7</sup> of this administrative regulation;
4. Fails to comply with any provision of this administrative regulation, 301 KAR 3:120, 301 KAR 2:081, 301 KAR 2:082, 301 KAR 2:083, 301 KAR 2:195, or 301 KAR 2:251;
5. Allows a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with wildlife undergoing rehabilitation or non-releasable rabies vector species;
6. Fails to contain wildlife in enclosures that meet Minimum Standards for Wildlife Rehabilitation except during treatment, release, or transfer as established in Section ~~7~~<sup>6</sup> of this administrative regulation;
7. Keeps wildlife beyond the maximum rehabilitation period, subject to any extensions granted pursuant to Section 6 of this administrative regulation;
8. Accepts rabies vector species within the enhanced Rabies Surveillance Zone;
9. Accepts rabies vector species that originated from the Enhanced Rabies Surveillance Zone;
10. Transports rabies vector species into or out of the Enhanced Rabies Surveillance Zone;
11. Fails to possess a valid federal permit or be listed as a USFWS sub-permittee on a federal permit to rehabilitate federally protected wildlife;
12. Accepts cervids within a CWD Surveillance Zone;
13. Accepts cervids that originated within a CWD Surveillance Zone; ~~or~~
14. Transports cervids into or out of a CWD Surveillance Zone; or
15. Has a sub-permittee working under their permit who violates the provisions of this administrative regulation.

(c) A fee shall not be refunded for a permit that is revoked.

(2) Confiscated wildlife.

(a) All wildlife shall be confiscated if a wildlife rehabilitation permit is revoked or denied, a person possesses native wildlife for the purpose of wildlife rehabilitation without a valid wildlife rehabilitation permit, or a facility fails a facility inspection per Section ~~8~~<sup>7</sup> of this administrative regulation.

(b) Confiscated wildlife shall be released; transferred with the approval of the Wildlife Division Director based on the animal's health, survivability, probability of placement, rabies vector species designation, and federal protection status; or dispatched ~~except that rabies vector species shall be dispatched immediately~~.

(c) Wildlife shall not be returned to the permit holder or facility from which they were confiscated.

(3) Denial period.

(a) An applicant whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established in subparagraphs 1. through 3. of this paragraph.

1. The initial denial period shall be one (1) year.

2. A second denial period shall be three (3) years.

3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose wildlife rehabilitation permit has been denied or revoked shall not rehabilitate wildlife or assist in the rehabilitation of wildlife.

(4) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

#### Section 15. ~~[Section 13.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Minimum Standards for Wildlife Rehabilitation, Fourth Edition" 2012 edition;

~~(b) "United States Department of Agriculture Enhanced Rabies Surveillance Zone", 2025 Edition.~~

~~(c) ~~(b)~~ "Wildlife Rehabilitation Annual Report", 2022 edition;~~

~~(d) ~~(e)~~ "Wildlife Rehabilitation Permit Application", 2025~~[2022]~~ edition;~~

~~(e) ~~(d)~~ "Wildlife Rehabilitation Non-Releasable Wildlife Report", 2022 edition;~~and~~~~

~~(f) ~~(e)~~ "Wildlife Rehabilitation Facility Inspection Checklist", 2022 edition; and~~

~~(g) "Wildlife Rehabilitation Sub-Permittee Assignment", July 2025 edition.~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m. or online at:

(a) Minimum Standards for Wildlife Rehabilitation, Fourth Edition:  
<https://theiwrc.org/resources/guidelines-for-wildlife-rehabilitation>;

(b) United States Department of Agriculture Enhanced Rabies Surveillance Zone:  
<https://fw.ky.gov/Wildlife/Pages/Rabies.aspx>;

(c) Wildlife Rehabilitation Annual Report:  
<https://fw.ky.gov/Wildlife/Documents/Wildlife-Rehab-Annual-Rpt.pdf>;

(d) Wildlife Rehabilitation Permit Application:  
<https://fw.ky.gov/Licenses/Documents/Wildlife-Rehab-Permit-App.pdf>;

(e) Wildlife Rehabilitation Non-Releasable Wildlife Report:  
<https://fw.ky.gov/Wildlife/Documents/Non-Release-Wildlife-Rpt.pdf>;

(f) Wildlife Rehabilitation Facility Inspection Checklist:  
<https://fw.ky.gov/Wildlife/Documents/Wildlife-Rehab-FAC-Inspection-Checklist.pdf>;

and

(g) Wildlife Rehabilitation Sub-Permittee Assignment:  
<https://fw.ky.gov/Licenses/Documents/Wildlife-Rehab-Sub-Permittee-Assgn.pdf>.

*Approved by the Fish and Wildlife Commission  
RICH STORM, Commissioner*

APPROVED BY AGENCY: July 7, 2025

FILED WITH LRC: July 9, 2025 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 2:00 p.m., at KDFWR

Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Jenny Gilbert**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.

**(b) The necessity of this administrative regulation:**

This administrative regulation is needed to provide safe guidelines for wildlife rehabilitators to operate in a manner that will protect their operation and the wildlife in the Commonwealth of KY.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation will carry out the purposes of KRS 150.195 by authorizing the department to promulgate administrative regulations for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. This amendment establishes a sub-permit to allow volunteers to assist permitted wildlife rehabilitators, redefines the Enhanced Rabies Surveillance Zone, expands options for release of rabies vector species, allows for an exemption to hold wildlife undergoing rehabilitation for longer than 180 days, and designates bats as rabies vector species.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. These amendments will also allow wildlife rehabilitators to operate more efficiently by allowing volunteers and protect public health by restricting display of bats.

**(c) How the amendment conforms to the content of the authorizing statutes:**

KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance,

distribution, and other matters related to licenses and permits issued by the department.

**(d) How the amendment will assist in the effective administration of the statutes:**

This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022. This amendment will allow more opportunity for wildlife rehabilitation and better define rabies vector species.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

All individuals who wish to obtain the associated license or permit.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

Permitted wildlife rehabilitators would need to apply to have volunteers listed as sub-permittees and request an exemption from the commissioner if a longer period of time is need to rehabilitate an animal beyond 180 days. Individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There will be no cost to comply with the amendments to this regulation.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Compliance with these amendments will allow individuals to obtain the associated license or permit.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

There will be no cost to implement these regulatory amendments initially.

**(b) On a continuing basis:**

There will be no continuing costs to implement these amendments.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

The Fish and Game Fund

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

There will be no increase in fees or funding necessary to implement these changes.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

**(9) TIERING: Is tiering applied?**

Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits and abide by the same

regulation.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

KRS 150.025(1)(h) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.280 requires the department to promulgate administrative regulations regarding the holding of protected wildlife. This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:**These amendments will not result in any additional expenditures for the department.

**For subsequent years:**These amendments will not result in any additional expenditures for the department.

**2. Revenues:**

**For the first year:**These amendments will not result in any change in revenues for the department.

**For subsequent years:**These amendments will not result in any change in revenues for the department.

**3. Cost Savings:**

**For the first year:**These amendments will not result in any cost savings for the department.

**For subsequent years:**These amendments will not result in any cost savings for the department.

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

No local entities should be affected by these amendments.

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:**N/A

**For subsequent years:**N/A

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

No other entities should be affected by these amendments.

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

This amendment will not have any significant fiscal impact.

**(b) Methodology and resources used to reach this conclusion:**

This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):**

This amendment will not have a major economic impact.

**(b) The methodology and resources used to reach this conclusion:**

This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.