

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 290

By Senator Woelfel

[Introduced February 12, 2025; referred
to the Committee on Natural Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §20-2-4a, relating to the rehabilitation of wildlife by authorized persons;
3 providing for the issuance of a wildlife rehabilitator permit; authorizing rulemaking;
4 establishing requirements for a wildlife rehabilitator permit; authorizing care for orphaned,
5 injured, or ill wildlife by wildlife rehabilitators; authorizing care for orphaned, injured, or ill
6 wildlife by licensed veterinarians, humane societies, and animal control agencies;
7 authorizing transport by individuals of orphaned, injured, or ill wildlife to authorized
8 caregivers; setting restrictions on care provided to wildlife; providing for treatment of non-
9 releasable wildlife; and providing for removal of wildlife improperly cared for by a wildlife
10 rehabilitator.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-4a. Rehabilitation of wildlife by authorized persons.

1 (a) Issuance of Wildlife Rehabilitator permit. – Notwithstanding the provisions of §20-2-4 or
2 any other provision of this code to the contrary, the director is authorized to issue a permit to an
3 individual, herein referred to as a Wildlife Rehabilitator, to capture and transport, receive,
4 temporarily hold or confine, provide medical and supportive care to, and release or humanely
5 dispatch orphaned, injured, or ill wildlife. The director shall propose rules for legislative approval in
6 accordance with §29A-3-1 et seq. regarding applications for and the issuance of Wildlife
7 Rehabilitator permits, and regarding permissible rehabilitation practices to be used by Wildlife
8 Rehabilitators. The director may issue a Wildlife Rehabilitator permit only if the permit applicant:

9 (1) Provides proof of certification by the International Wildlife Rehabilitation Council in
10 wildlife rehabilitation, or is a veterinarian licensed in this state;

11 (2) Has not been convicted of an offense under this article, or an offense under federal law
12 involving the handling of wildlife;

13 (3) Maintains facilities for the holding, care, and rehabilitation of wildlife that are in

14 compliance with the Minimum Standards for Wildlife Rehabilitation published by the International
15 Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association, and which
16 shall be inspected and approved by the division prior to the issuance of a permit; and

17 (4) Provides a letter of competence from a licensed veterinarian, zoological facility, or other
18 Wildlife Rehabilitator who has been issued a permit under this section, stating that the applicant is
19 qualified to properly care for wildlife that is orphaned, injured, or ill.

20 (b) (1) A Wildlife Rehabilitator who has been issued a permit under this section may
21 capture and transport, receive, temporarily hold or confine, provide medical and supportive care
22 to, and release or humanely dispatch orphaned, injured, or ill wildlife. Records of all wildlife cared
23 for by a Wildlife Rehabilitator shall be kept detailing the date of intake, species of animal,
24 circumstances of intake, nature of care provided, and circumstances and date of the wildlife's final
25 disposition. The Wildlife Rehabilitator shall submit such records to the division annually.

26 (2) A veterinarian licensed in this state, or a humane society or animal control agency
27 organized and operating under the laws of this state, may also capture and transport, receive,
28 temporarily hold or confine, provide medical and supportive care to, and release or humanely
29 dispatch orphaned, injured, or ill wildlife without a Wildlife Rehabilitator permit when emergency
30 treatment is necessary: *Provided*, That the licensed veterinarian, humane society, or animal
31 control agency shall not hold the wildlife for more than 48 hours before contacting the division or a
32 permitted Wildlife Rehabilitator to determine if the division or Wildlife Rehabilitator can accept the
33 wildlife for further treatment. As soon as emergency treatment is no longer necessary, the licensed
34 veterinarian, humane society, or animal control agency shall transfer the wildlife to the division or a
35 Wildlife Rehabilitator, or otherwise release or humanely dispatch the wildlife.

36 (3) Any person may capture and transport orphaned, injured, or ill wildlife without
37 unnecessary delay directly to a permitted Wildlife Rehabilitator, the division, a veterinarian
38 licensed in this state, a humane society, or an animal control agency, but only after contacting the
39 individual or entity to which the wildlife is to be transferred and confirming that the wildlife will be

accepted. Prior to transport, no care may be provided to the wildlife unless directed by a permitted Wildlife Rehabilitator or by division personnel.

(4) No person authorized by this section to capture and transport, receive, temporarily hold or confine, provide medical and supportive care to, or release or humanely dispatch orphaned, injured, or ill wildlife may intentionally tame the wildlife or hold or confine the wildlife longer than is required for the restoration of its health. If wildlife becomes habituated or has a medical diagnosis preventing its release, the non-releasable wildlife may be held under the authority of a permitted Wildlife Rehabilitator for educational programs or exhibits. The non-releasable wildlife may also be transferred to a licensed zoological park, museum, or to the holder of a permit under §20-2-52.

(5) A natural resources police officer may take into possession any wildlife that is being improperly cared for by a Wildlife Rehabilitator, as determined by the Minimum Standards for Wildlife Rehabilitation published by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association. The division shall provide written notice to the Wildlife Rehabilitator of the deficiencies identified prior to removal of the wildlife, and the Wildlife Rehabilitator must be given at least 14 days to cure such deficiencies.

NOTE: The purpose of this bill is to provide for the rehabilitation of orphaned, injured, or ill wildlife. The bill provides for the issuance of a Wildlife Rehabilitator permit, establishes requirements for the permit, and authorizes rulemaking. The bill authorizes care for wildlife by Wildlife Rehabilitators. The bill also authorizes care for wildlife by licensed veterinarians, humane societies, and animal control agencies, and provides for transport by individuals of orphaned, injured, or ill wildlife to authorized caregivers. The bill sets restrictions on care provided to wildlife, provides for treatment of non-releasable wildlife, and provides for removal of wildlife improperly cared for by a Wildlife Rehabilitator.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.