

### **312 IAC 9-10-9.5 Special purpose educational permit**

Authority: IC 14-22-2-6; IC 14-22-11-12

Affected: IC 4-21.5; IC 14-22

Sec. 9.5. (a) This section governs a special purpose educational permit. The permit is required for a person who conducts an educational display or lecture using a live wild animal that is a mammal, bird, reptile, or amphibian protected under this article. Exempted from this section are reptiles and amphibians lawfully collected and possessed under 312 IAC 9-5-6. The permit is available only to a person who is at least one (1) of the following:

- (1) A licensed rehabilitator.
- (2) A licensed falconer.
- (3) A wild animal possession permit holder.
- (4) A special purpose turtle possession permit holder.
- (5) An educational institution.
- (6) A nonprofit organization.
- (7) An individual who is employed or sponsored by an educational institution or a nonprofit organization.

(b) Exempted from this section is any zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An application must be made on a departmental form. An applicant must show that a wild animal was lawfully acquired with proper documentation. If the animal was obtained under a rehabilitation permit, the animal must be permanently injured and nonreleasable. Documentation must be in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing the lawful acquisition of the wild animal.

(d) An animal possessed under this permit must be handled, housed, and transported in a sanitary and humane manner. A person must not possess a wild animal in a condition that is any of the following:

- (1) Unsafe.
- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(e) An application must include an outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed educational program meets the following criteria:

- (1) Promotes the survival and role of wild animals in their natural habitat.
- (2) Promotes an understanding of the ecological needs of wild populations of the species.
- (3) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.

(f) If a wild animal is obtained under a rehabilitation permit, the animal must not be displayed as part of or to promote a commercial venture or in a manner that might cause a member of the public to reasonably confuse the display with a commercial venture. A person must not use an animal obtained under a rehabilitation permit for commercial or for-profit purposes. A person must not use an animal obtained under a rehabilitation permit to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.

(g) An animal must not be placed in physical contact with the public unless the animal is a species of reptile that is neither venomous nor endangered.

(h) A migratory bird must not be used unless the U.S. Fish and Wildlife Services also issues a special purpose possession permit. If the terms of the federal permit and the permit under this section differ, the more restrictive terms govern.

(i) A permit holder must not maintain or display a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permit holder.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the permit under which the animal is possessed.

(j) The permit issued under this section must be carried on the permit holder and displayed when conducting any authorized activities.

(k) The permit holder must file an application by February 1 of each year in order to renew the permit. The annual report shall accompany the renewal application. The report must contain the following:

- (1) Numbers and species of wild animals used.
- (2) Location of each program.
- (3) Date of each program.
- (4) Name of the group to whom the program was given.

(l) A copy of the records relative to this permit must be kept on the premises of the permit holder for at least two (2) years after the expiration date of the permit. Upon request by a conservation officer, the permit holder must provide these records.

(m) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder does any of the following:

- (1) Fails to comply with a provision of a permit issued under this section.
- (2) Possessed the wild animal in a manner that constitutes maltreatment or neglect of the animal.
- (3) Violates any applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-10-9.5)*