SPECIAL PURPOSE EDUCATIONAL PERMIT REGULATIONS

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 or turtles possessed under 312 IAC 9-5-11. 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) An educational institution such as a corporation or organization whose primary function is conservation education.
(5) A nonprofit organization.
(6) A person who is employed or sponsored by an educational institution or a nonprofit organization.
(7) A person with a special purpose possession permit from the United States Fish and Wildlife Service for a nonreleasable migratory bird.

(b) This section does not apply to 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 providing the following:

(1) Documentation, in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing that the wild animal was lawfully acquired.
(2) If the animal was obtained under a rehabilitation permit, that the animal is permanently injured and nonreleasable.
(3) 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 education program meets the following criteria:

   (A) Promotes the survival and role of wild animals in their natural habitat.
   (B) Promotes an understanding of the ecological needs of wild populations of the species.
   (C) 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.

(d) A person possessing a wild animal under this section shall handle, house, and transport the wild animal in a manner that:

(1) is safe;
(2) is sanitary;
(3) is humane; and
(4) prevents the escape of the animal.

(e) A person possessing a wild animal under this section must not place the wild animal in physical contact with the public unless the wild animal is a species of reptile that is neither venomous nor endangered.
(f) A person shall not possess a migratory bird under this section 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.

(g) A person possessing a wild animal under this section 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 issued under this section.

(h) The permit issued under this section must be carried and displayed when conducting any authorized activities.

(i) A person possessing a valid permit under this section must file an application and annual report by February 1 of each year in order to renew the permit. The annual report must contain the following:
   (1) The numbers and species of wild animals used.
   (2) The location of each program.
   (3) The date of each program.
   (4) The name of the group to whom the program was given.

(j) A person possessing a permit under this section shall maintain a copy of the records relative to this permit for at least two (2) years after the expiration date of the permit.

(k) A permit issued under this section may be suspended, denied, or revoked under IC 4-21.5 if the person possessing the permit does any of the following:
   (1) Fails to comply with a provision of a permit issued under this section.
   (2) Possesses the wild animal in a manner that constitutes maltreatment or neglect of the animal.
   (3) Violates any applicable state, local, or federal law.

(l) A conservation officer may, at any reasonable time, inspect the records and wild animals possessed by a person issued a permit under this section. (Natural Resources Commission; 312 IAC 9-10-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 551; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA; filed Nov 16, 2020, 9:30 a.m.: 20201216-IR-312200069FRA)