
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*)