

1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:095. Importation of cervid carcasses and parts.

5 RELATES TO: KRS 150.180, 150.280, 150.290

6 STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.720(2)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the
8 department to promulgate administrative regulations governing the buying, selling, or
9 transporting of wildlife. KRS 150.720(2) authorizes the department and the Department
10 of Agriculture to hold a person responsible for all costs incurred in the investigation,
11 response, and eradication of a disease if the person imports a diseased animal into the
12 Commonwealth. This administrative regulation establishes procedures for the importation
13 and possession of [whole] cervid carcasses or carcass parts [~~from states or Canadian~~
14 ~~provinces that have known cases of chronic wasting disease~~].

15 Section 1. Definitions. (1) "Cervid" means a member of the family Cervidae.

16 (2) [~~"Chronic wasting disease" or "CWD" means a fatal disease affecting the brain of~~
17 ~~cervids which belongs to a group of diseases called transmissible spongiform~~
18 ~~encephalopathies.~~

1 ~~(3)~~ "Clean" means having no meat matter or tissue attached to the carcass part.

2 ~~(3)~~~~(4)~~ "Import"["Importation"] means to transport~~[the transportation of]~~ a cervid
3 carcass or carcass part into Kentucky~~[the Commonwealth]~~.

4 ~~[(5) "Infected area" means a state or Canadian province that has a known case of~~
5 ~~chronic wasting disease.~~

6 ~~(6) "Whole" means the entire carcass whether eviscerated or not, prior to the carcass~~
7 ~~being processed.]~~

8 Section 2. ~~Importation~~~~[and Possession]~~. (1) A person shall not import ~~[or possess]~~ a
9 ~~[whole]~~ cervid carcass or carcass part that has~~[from an infected area without first~~
10 ~~converting the carcass or part, pursuant to subsection (2) and (3) of this section.~~

11 ~~(2) A person may import a cervid carcass or a carcass part from an infected area if the~~
12 ~~carcass or carcass part does not have]~~ any part of the spinal column or head ~~[attached];~~

13 ~~(2)~~~~(3)~~ A person importing a legally taken cervid carcass or carcass part may possess
14 the items listed in paragraphs (a) through (f) of this subsection.~~[following inedible parts~~
15 ~~of a legally taken cervid carcass from an infected area:]~~

16 (a) Antlers;

17 (b) Antlers that are attached to a clean skull plate;

18 (c) A clean skull;

19 (d) Clean upper canine teeth;

20 (e) A finished taxidermy product; ~~[or]~~

1 (f) The hide; or

2 (g) Quartered or deboned meat.

3 (3)[(4)] A licensed taxidermist or deer processor who accepts~~[may accept]~~ a cervid head
4 with an intact skull, spinal column, or spinal column part originating from another state
5 or country shall~~[an infected area if the taxidermist or deer processor]:~~

6 (a) Contact~~[Contacts]~~ the law enforcement division of the department within forty-
7 eight (48) hours after receiving the cervid head, spinal column, or spinal column part;

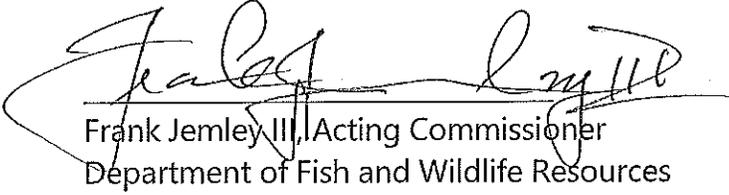
8 (b) Provide~~[Provides]~~ to the department the hunter's:

9 1. Name; and

10 2. Address; and

11 (c) Transfer~~[Transfers]~~ all spinal column parts and the skull with the intact brain to the
12 department once the skull plate has been removed.

Approved by the Fish and Wildlife Commission


Frank Jemley III, Acting Commissioner
Department of Fish and Wildlife Resources


Regina Stivers, Deputy Secretary for
Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

Date: 12/17/18

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 25, 2019 at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation through February 28, 2019.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Mark Cramer
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-0506
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

301 KAR 2:095. Importation of cervid carcasses and parts.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone: 502-564-3400

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes procedures for the importation and possession of cervid carcasses or carcass parts from other states or countries.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to prevent the importation of cervid parts most likely to be contaminated with the agent that causes Chronic Wasting Disease (CWD).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish the requirements for the transportation of wildlife. KRS 150.720(2) authorizes the department to hold individuals responsible for violating administrative regulations regarding the importation of diseased animals into the state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the administration of the statutes by helping to protect the state's deer and elk herds from CWD.

(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 prohibits the importation of cervid carcasses and high-risk carcass parts from all states and countries.

(b) The necessity of the amendment to this administrative regulation: CWD may persist in the environment for years before clinical symptoms develop in cervids or the disease is discovered. By prohibiting the importation of cervid carcasses and high-risk carcass parts, the likelihood that infectious materials enter the state is greatly reduced.

(c) How the amendment conforms to the content of the authorizing statutes: See 1 (c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1 (d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All deer and elk hunters from Kentucky who transport legally taken deer and elk from other states or countries will be affected. The number of affected hunters is unknown. Currently deer processors are unlicensed by the department and the number of processors in Kentucky is also unknown. There are approximately 350 licensed taxidermists within Kentucky.

(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: Hunters who hunt in other states or countries will not be allowed to import a carcass or carcass parts from these areas unless the entire spinal column and head are removed prior to importation. A processor or taxidermist who accepts a whole carcass or carcass parts from another state or country must report this to the department within 48 hours, provide the department with the name and address of the hunter, and transfer possession of high-risk cervid parts to the department.

(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 associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no direct benefits to the entities identified in question (3), only the secondary benefit of protecting the deer herd in Kentucky.

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

(a) Initially: There will be no initial cost to the agency to implement this regulation.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish 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: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applied because all individuals, taxidermists, and deer processors are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

301 KAR 2:095. Importation of cervid carcasses and parts.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone number: (502) 564-3400

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be affected by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and 150.720(2).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no administrative costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no administrative costs for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: