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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #02-68

DIGEST

Amends 312 IAC 9-2-13 to allow scientific collectors to administer drugs and vaccines to animals held under a scientific collector's license. Amends 312 IAC 9-10-6 that governs scientific collector licenses by adding scientific collector qualifications and requiring additional information on collection reports. Effective 30 days after filing with the secretary of state.

312 IAC 9-2-13

312 IAC 9-10-6

SECTION 1. 312 IAC 9-2-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-13 Administration of chemical to nondomestic animals, to animals held on a game breeder license, to animals held on a wild animal possession permit, or to animals held under a rehabilitation permit

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) A person may not administer any drug, vaccine, steroid, micro-organism, or other chemical to any:

- (1) noncaptive wild bird or mammal;
- ~~(2) animal held under a scientific collector license;~~
- ~~(3) (2) animal held under a game breeder license;~~
- ~~(4) (3) animal held under a wild animal possession permit; or~~
- ~~(5) (4) animal held under a rehabilitation permit;~~

without a permit for such administration issued by the director of the division of fish and wildlife.

(b) Notwithstanding subsection (a), an animal held under a:

- ~~(1) scientific collector license;~~
- ~~(2) (1) game breeder license;~~
- ~~(3) (2) wild animal possession permit; or~~
- ~~(4) (3) rehabilitation permit;~~

may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of malnutrition, illness, disease, injury, or stress. Normal reproductive functions and the potential for pregnancy do not qualify under this subsection.

(c) Notwithstanding subsection (a), a licensed veterinarian, county animal control agent, municipal animal control agent, ~~or~~ holder of a nuisance wild animal control permit, **or holder of a scientific collector's license** may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia. (*Natural Resources Commission; 312 IAC 9-2-13; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125*)

SECTION 2. 312 IAC 9-10-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-6 Scientific collector licenses

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

Affected: IC 4-21.5; IC 14-22-22-2; IC 20-1-1-6; IC 20-1-1-6.2

Sec. 6. (a) An application for a scientific collector license shall be made on a departmental form **and include the following information:**

- (1) The purpose for collection.
- (2) The species and number of the species to be collected.
- (3) The location and any method of collection.
- (4) The intended administration of any drug, vaccine, steroid, micro-organism, or other chemical to the wild animal to be collected.
- (5) The intended treatment of the wild animal collected, including the use of bacterial or other markers and any proposed genetic modification.
- (6) The disposition of any wild animal or nest or egg of a wild bird to be collected.

(b) A license issued under this section is subject to the specifications set forth in the application and to terms, ~~or~~ conditions, ~~set by the division:~~ and restrictions on the license. The director may condition the license according to any of the following terms:

- (1) The kind and number of specimens that may be taken.
- (2) The type of methods used.
- (3) The time and seasons for take.
- (4) The areas where take may occur.
- (5) The use and disposition of wild animal or nest or egg of a wild bird held, treated, or taken under this rule.
- (6) Contingent upon the applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17 for any of the following:
 - (A) A migratory bird.
 - (B) The nest or egg of a migratory bird.
 - (C) A federally endangered or threatened species of wild animal.

(c) The license holder must carry the license and any amendments to the license when conducting any activity authorized by the license.

(d) The director may amend the conditions of a license at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.

(e) The director may issue a license only to a properly accredited person who will collect the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. The applicant must hold at least a bachelor's degree in the biological sciences or be currently pursuing a bachelor's degree in the biological sciences. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group. The original application form submitted for the taxonomic group indicated on the application must be signed by two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant.

(f) An applicant must be affiliated with one (1) of the following institutions:

- (1) A public school accredited under IC 20-1-1-6, a nonpublic school accredited under IC 20-1-1-6 or IC 20-1-1-6.2, or a college or university.
- (2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.
- (3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).
- (4) A scientific research organization, consulting firms, or individuals working in cooperation with a college, university, government agency, or private company under a contract for scientific or educational purposes.

(g) The applicant must ensure compliance with monitoring, tagging, and reporting requirements for all extra-

label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted with the application form.

(h) The sale or transport for sale and offer to sell or transport to sell an animal or a part of an animal held under the authority of this license is prohibited. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.

(i) A license issued under this section is not transferable. A person may assist the license holder if the license holder is present and oversees the activities of the person.

(j) If an endangered or threatened species is encountered while conducting activities authorized under this license, the Indiana department of natural resources state endangered species coordinator must be notified within five (5) working days at the following address:

Endangered Species Coordinator
Division of Fish and Wildlife
402 West Washington Street, Room W273
Indianapolis, Indiana 46204
(317) 232-4080

(k) The license holder must obtain the written permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.

(l) A license expires on December 31 of the year the license is issued. A report of the collection by species, number, and location of the collection must be supplied within fifteen (15) ~~sixty~~ (60) days after the expiration of the license and contain the following information:

- (1) Any species collected.
- (2) The date on which a wild animal or nest or egg of a wild bird was collected.
- (3) A description of the location of the collection site.
- (4) The number of each species collected.
- (5) The treatments and markings, if any, of any wild animal collected.
- (6) The disposition of any wild animal or nest or egg of a wild bird collected.

The department shall not renew a license unless a properly completed report is received in a timely fashion.

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

- (1) fails to comply with a provision of a license issued under this section;
- (2) fails to comply with IC 14-22-22-2;
- (3) provides false information on the license application and report;
- (4) fails to establish that the collection or release of a wild animal would not threaten the welfare of the wild animal population or the people;
- (5) collects or releases a specimen that is likely to threaten the welfare of the wild animal population; or
- (6) collects or releases a specimen that is likely to threaten the welfare of the people.

(Natural Resources Commission; 312 IAC 9-10-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2729)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 28, 2002 at 2:00 p.m., at the Pike Township Public Library, 6525 Zionsville Road, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to allow scientific collectors to administer drugs and vaccines to animals held under a scientific collector's license and amendments that govern scientific collector licenses by adding scientific collector qualifications and requiring additional information on collection reports. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325,

Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission