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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #02-232

DIGEST

Amends 312 IAC 9-10-4, that governs game breeder licenses, by requiring documentation when transporting white-tailed deer, requiring compliance with Indiana state board of animal health laws, and restricting the release of white-tailed deer. Effective 30 days after filing with the secretary of state.

312 IAC 9-10-4

SECTION 1. 312 IAC 9-10-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-4 Game breeder licenses

Authority: IC 14-22-2-6; IC 14-22-20

Affected: IC 4-21.5; IC 14-22; IC 15-2.1

Sec. 4. (a) An application for a license as a game breeder of one (1) or more species of wild animals shall be made on a departmental form.

(b) An application for a permit under this section must be made within five (5) days after the acquisition of an animal within Indiana or within five (5) days after the importation of an animal into Indiana, but after the cages or other enclosures are readied for habitation. Each cage or enclosure will be inspected by a conservation officer before a permit may be issued.

(c) A license holder may add a species to a game breeder operation other than those identified in the application upon written notification to the division within five (5) days of acquisition of the new species.

(d) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Game or furbearing mammals or game birds, other than wild turkeys, lawfully taken in season may be retained alive after the close of the season. **All animals held in captivity under this license shall be confined to the licensee's premises at all times. A person may transport an animal held under a license for the following reasons only:**

(1) Veterinary treatment of the animal.

(2) Sale or transfer of ownership of the animal to a licensed game breeder or licensed shooting preserve.

Documentation that establishes lawful acquisition or ownership must accompany any transportation of white-tailed deer.

(e) A wild animal must be confined in a cage or other enclosure which makes escape of the animal unlikely. The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. Rainproof dens, nest boxes, shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled in a sanitary and humane manner. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) A diseased wild animal possessed under this section shall not be released in the wild. **No white-tailed deer may be released into the wild. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.**

(g) A license holder must comply with IC 15-2.1 and 345 IAC.

~~(g)~~ (h) A game breeder shall record on a bill of sale or other suitable record a transaction by which a wild animal is sold, traded, or given to another person. A copy of the record shall be kept on the premises of the game breeder for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(i) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:

(1) A license issued under this document.

(2) IC 14-22-20.

(3) IC 15-2.1 and 345 IAC.

(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 24, 2003 at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to requiring documentation when transporting white-tailed deer, requiring compliance with Indiana state board of animal health laws, and restricting the release of white-tailed deer. 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