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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-51(E)

DIGEST

Temporarily modifies 312 IAC 9-10-4 to govern game breeder licenses. Modifications prohibit the release of white-tailed deer into the wild and sets forth penalties for noncompliance. In addition, new game breeder licenses for white-tailed deer will not be issued after the effective date of this document. This document does not prohibit the renewal of an existing license. Authority: IC 14-10-2-5. Effective February 20, 2003.

SECTION 1. (a) Notwithstanding 312 IAC 9-10-4, this document governs individuals issued a game breeder license.

(b) An application for a license as a game breeder of one (1) or more species of wild animal shall be made on a departmental form. A new game breeder license will not be issued for the possession of white-tailed deer, but a valid existing license for the possession of white-tailed deer may be renewed.

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

(d) 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.

(e) 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.

(f) 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.

(g) 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.

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

(i) 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.

(j) 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.

SECTION 2. LSA Document #02-190(E), printed at 25 IR 3773, is repealed.

SECTION 3. SECTIONS 1 and 2 of this document expire February 1, 2004.

LSA Document #03-51(E)

Filed with Secretary of State: February 20, 2003, 8:52 a.m.