

Document: Proposed Rule, **Register Page Number:** 27 IR 246

Source: October 1, 2003, Indiana Register, Volume 27, Number 1

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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #03-149

DIGEST

Amends 312 IAC 9-10-4, governing game breeder licenses, to indicate which species can be kept under a game breeder license, to regulate the importation of a wild animal, to require documentation when transporting wild animals, to restrict the release of wild animals held under this license, to require compliance with other applicable state, local, and federal laws, and to identify causes for which a license can be suspended or revoked. 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

Sec. 4. (a) An application for a license as a game breeder of one (1) or more **of the following** species of wild animals (**common names are included for public convenience, but the scientific names control**) shall be made on a departmental form:

- (1) Ring-necked pheasant (*Phasianus colchicus*).
- (2) Bobwhite quail (*Colinus virginianus*).
- (3) White-tailed deer (*Odocoileus virginianus*).
- (4) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- (5) Gray squirrel (*Sciurus carolinensis*).
- (6) Fox squirrel (*Sciurus niger*).
- (7) Southern flying squirrel (*Glaucomys volans*).
- (8) Beaver (*Castor canadensis*).
- (9) Coyote (*Canis latrans*).
- (10) Gray fox (*Urocyon cinereoargenteus*).
- (11) Red fox (*Vulpes vulpes*).
- (12) Mink (*Mustela vison*).
- (13) Muskrat (*Ondatra zibethicus*).
- (14) Opossum (*Didelphis marsupialis*).
- (15) Raccoon (*Procyon lotor*).
- (16) Striped skunk (*Mephitis mephitis*).
- (17) Long-tailed weasel (*Mustela frenata*).
- (18) Least weasel (*Mustela nivalis* or *Mustela rixosa*).

(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 ready for habitation.~~ Each cage or enclosure will be inspected by a conservation officer before a ~~permit~~ **license** may be issued.

(c) A license holder may add a species to a game breeder ~~operation~~ **license** other than those identified in the application upon ~~written notification to an inspection by a conservation officer and approval by~~ the division of fish

and wildlife. A conservation officer must be notified 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. **Any person wishing to import any live animal under this license, or the eggs of birds covered under this license, must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin before the animal is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.**

(e) A wild animal must be confined in a cage or other enclosure ~~which that~~ makes escape of the animal unlikely **and prevents the entrance of a free-roaming animal of the same species.** The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. **All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters, holding pens, and nesting boxes may not be used as primary housing. Fresh water,** rainproof dens, nest boxes, **windbreaks,** shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled, **housed, and transported** in a sanitary and humane manner. **An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.** The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) No wild animals may be released except for bobwhite quail and ring-necked pheasants. Known diseased bobwhite quail and ring-necked pheasants may not be released. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.

~~(f)~~ (g) A **known** diseased wild animal possessed under this section shall not be ~~released in the wild:~~ **sold.**

(h) A license holder must comply with all applicable state, local, or other federal laws.

~~(g)~~ ~~A game breeder~~ **(i) A license holder shall do the following:**

(1) Record on a bill of sale or other suitable record a transaction ~~all transactions~~ by which a wild animal is sold, traded, **loaned, bartered,** or given to another person **on a departmental form or computerized record.**

(2) Keep a copy of the ~~transaction~~ record ~~shall be kept~~ on the premises of the game breeder for at least two (2) years after the transaction and ~~a copy must be presented~~ **provided** to a conservation officer upon request.

(3) Issue a valid, dated receipt for all animals sold, traded, bartered, or gifted and include the following information:

(A) Game breeder license number.

(B) Buyer and seller name and address.

(C) Number of animals sold.

(D) Species of animal sold.

(j) The license holder shall provide an annual report to the division by February 15. The annual report shall include for each species possessed under this license the following information:

(1) Number bought.

(2) Number sold.

(3) Number born.

(4) Number traded.

(5) Number gifted.

(6) Number of deaths.

(k) A conservation officer may enter the premises of the license holder at all reasonable hours to inspect those premises and any records relative to the license. The conservation officer shall immediately notify the license holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and the license may be suspended

or revoked under IC 4-21.5 and the wild animals may be confiscated if the license holder fails to comply with a provision of the license.

(l) 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 provision of a license issued under this section.

(2) IC 14-22-20.

(3) All applicable state, local, or other federal laws.

(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 October 27, 2003 at 1:00 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 a proposed amendment concerning game breeder licenses. 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