

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 4:110. Administration of drugs to wildlife.

RELATES TO: KRS 150.025

STATUTORY AUTHORITY: 2008 Ky. Acts ch.133, sec.5

NECESSITY, FUNCTION, AND CONFORMITY: 2008 Ky. Acts ch.133, sec.5 instructs the department to promulgate administrative regulations that restrict a person from administering drugs to noncaptive wildlife. This administrative regulation prohibits the administration of drugs to wildlife and creates the necessary exceptions. EO 2008-516, effective June 16, 2008, reorganizes and renames the Commerce Cabinet as the Tourism, Arts and Heritage Cabinet.

Section 1. Definitions.

- (1) "Captive wildlife" means wildlife legally kept in confinement by fence or other structure or restraint intended to prevent escape and does not include fish.
- (2) "Drug" means any chemical substance, other than food or mineral supplements, that affects the structure or biological function of any wildlife.
- (3) "Noncaptive wildlife" means wildlife not legally kept in confinement by fence or other structure or restraint intended to prevent escape and does not include fish.

Section 2. Administration of Drugs. Except as provided in this administrative regulation, a person shall not administer drugs to noncaptive wildlife without written authorization from the commissioner.

Section 3. Petitions.

- (1) Persons or entities shall petition the commissioner in writing for authorization to administer drugs to noncaptive wildlife. Written petitions shall include:
 - (a) A biological or sociological justification for the need to administer a drug to noncaptive wildlife;
 - (b) A literature review of the known and potential effects of the drug on individual animals, the wildlife population, and potential consumers of wildlife; and
 - (c) A detailed plan and timeline for administration of the drug(s).
- (2) The commissioner may issue a waiver for the petition requirement for authorization to administer drugs to noncaptive wildlife for specific situations involving:
 - (a) Public safety; or
 - (b) Wildlife disease outbreaks.

Section 4. Exemptions. This administrative regulation shall not apply to:

- (1) The administration of drugs to captive wildlife including captive cervids;
- (2) The treatment of sick or injured wildlife by:
 - (a) A licensed veterinarian;
 - (b) A holder of a wildlife rehabilitation permit; or
 - (c) A holder of a valid scientific collection permit;
- (3) The administration of drugs by Commercial Nuisance Wildlife Control operators licensed by the department as set forth in 301 KAR 3:120; or
- (4) Employees of federal or state government in the performance of their official duties related to public health, wildlife management, or wildlife removal.

Section 5. Disposition of Wildlife. An officer of the department may take possession or dispose of any noncaptive wildlife if the officer has probable cause to believe the

noncaptive wildlife have been administered drugs in violation of this administrative regulation.

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 14, 2021

FILED WITH LRC: August 5, 2021 at 9:22 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021 at 1:00 p.m. 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 October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov