

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 4:091. Buying and selling mounted wildlife specimens.

RELATES TO: KRS 150.010, 150.180, 150.411, 26 U.S.C. 501(c)(3)

STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.411(1), 150.4112, 150.4113

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting wildlife. KRS 150.4111 authorizes licensed taxidermists to buy and sell legally taken inedible wildlife parts for the purpose of mounting. KRS 150.4112 authorizes the department to promulgate administrative regulations which allow resident nonprofit 26 U.S.C. 501(c)(3) institutions to sell donated mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts. KRS 150.4113 authorizes the department to promulgate administrative regulations to allow the sale and purchase of mounted wildlife specimens and to provide a means by which each transaction is recorded for certain wildlife mounts. This administrative regulation establishes the requirements for the buying and selling of mounted wildlife specimens.

Section 1. Definitions.

- (1) "Deer" means *Odocoileus virginianus*.
- (2) "Elk" means *Cervus elaphus nelsoni*.
- (3) "Wild turkey" means *Meleagris gallopavo sylvestris*.
- (4) "Black bear" means *Ursus americanus*.
- (5) "Bobcat" means *Lynx rufus*.

Section 2.

- (1) A mounted wildlife specimen purchased from or sold to a licensed taxidermist pursuant to KRS 150.4111 shall be exempt from the requirements of this administrative regulation.
- (2) A mounted wildlife specimen may be bought or sold by any person or entity, except as prohibited by federal law.
- (3) A nonprofit charitable, religious, or educational institution, which has qualified for exemption pursuant to 26 U.S.C. 501(c)(3) may sell mounted wildlife specimens if the mounts have been donated, except as prohibited by federal law.
- (4) Prior to selling a mounted wildlife specimen of a species established in paragraphs (a) through (e) of this subsection, the seller shall first obtain a registration number from the department by completing the online registration process on the department's Web site at fw.ky.gov for each mounted specimen of:
 - (a) Black bear;
 - (b) Bobcat;
 - (c) Deer;
 - (d) Elk; or
 - (e) Wild turkey.
- (5) Prior to selling a mounted wildlife specimen of a species established in subsection (4) of this section, the seller shall affix the registration number to the mount in a clear and legible manner.
- (6) A department registration number shall be required for each sale of a mounted wildlife specimen established in subsection (4) of this section.

RICH STORM, Commissioner
MIKE E. BERRY, Secretary

APPROVED BY AGENCY: October 21, 2021

FILED WITH LRC: October 26, 2021 at 2:42 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022 at 10:00 a.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 January 31, 2022. 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.