

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

**301 KAR 2:185. Hunter education.**

RELATES TO: KRS 150.010, 150.015, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. This administrative regulation establishes the requirements for hunter education.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years old.

(2) "Hunter education certification~~[card]~~" means a credential earned when~~[a card or similar document that verifies]~~ a person has successfully completed the hunter education requirements~~[a:]~~

~~[(a)] [Kentucky hunter education course; or]~~

~~[(b)] [Hunter education course from another state, province, or country that meets the standards established by the International Hunter Education Association.]~~

(3) "Hunter education exemption permit~~[certificate]~~" means a permit~~[certificate]~~ issued by the department that allows a person who is required to obtain a hunter education certification~~[card]~~ to hunt for a period of one (1) year from the date obtained.

Section 2. Hunter Education Certification~~[Card]~~.

(1) Unless exempt pursuant to Section 3 of this administrative regulation or license-exempt pursuant to KRS 150.170, a person born on or after January 1, 1975 shall carry proof of a valid hunter education certification~~[card]~~ while hunting in Kentucky.

(2) A person who is less than twelve (12) years old hunting without a hunter education certification~~[card]~~ shall be accompanied by an adult who is in position to take immediate control of the firearm or hunting equipment~~[weapon]~~ and who:

(a) Has a hunter education certification~~[card]~~; or

(b) Is exempt from hunter education requirements.

(3) An adult shall not accompany more than two (2) hunters under twelve (12) years old at any one (1) time.

Section 3. Hunter Education Exemptions.

(1) A person who is required to have ~~[a]~~ hunter education, ~~[card]~~ may obtain a temporary hunter education exemption permit~~[certificate]~~ from the department.

(2) A person hunting with a valid temporary hunter education exemption permit~~[certificate]~~ shall:

(a) Carry the permit~~[certificate]~~ while hunting; and

(b) Be accompanied by an adult who is in position to take immediate control of the firearm or hunting equipment~~[weapon]~~ and who:

1. Is carrying proof of~~[a]~~ hunter education certification~~[card]~~; or

2. Was born before January 1, 1975.

(3) The department shall not issue more than one (1) hunter education exemption certificate to any individual.

Section 4. Hunter Education ~~[Course]~~ Requirements.

(1) In order to obtain a Kentucky hunter education certification~~[card]~~, a person shall:

(a) ~~[Complete a hunter education course by:]~~

~~[1.] [Attending an entire department-sanctioned hunter education course; or]~~  
~~[2.] Obtain [Obtaining] and possess [possessing] a certificate of completion or its equivalent for course work meeting the standards of the International Hunter Education Association from another state, province, or country; or [.]~~

~~[a.] [An online hunter education course; or]~~

~~[b.] [A CD-ROM course or its equivalent.]~~

(b) Complete a department sanctioned hunter education series by:

1. Attending an entire in-person or online department-sanctioned hunter education course;

2. Correctly answering [answer] at least eighty (80) percent of the questions on a department-sanctioned exam; and

3. ~~[(e)]~~ Safely participating [participate] in department-sanctioned live fire exercise [exercises] unless exempted.

a. A person is exempted from a live fire exercise if he or she:

(i) Currently serves in the Armed Forces of the United States of America;

(ii) Is a Veteran of the Armed Forces of the United States of America; or

(iii) Is a Kentucky peace officer as established in KRS 15.380 and certified as established in KRS 15.404.

b. A person must provide one of the following documents to the department to verify eligibility for the live fire exercise exemption:

(i) Current front and back copy of his or her military identification card; or

(ii) Copy of an Armed Forces veteran's DD Form 214; or

(iii) Copy of an Armed Forces veteran's DD Form 256; or

(iv) A letter from the certified peace officer's employer on an official letterhead stating the individual is employed by the agency and is a peace officer as established in KRS 15.380 and certified as established in KRS 15.404.

(2) A person shall be at least nine (9) years old ~~[in order]~~ to take the department-sanctioned exam and department-sanctioned live fire exercise.

*RICH STORM, Commissioner*

APPROVED BY AGENCY: August 16, 2022

FILED WITH LRC: August 16, 2022 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 29, 2022, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Affairs, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Jenny Gilbert

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes hunter requirements for Kentucky hunters.

**(b) The necessity of this administrative regulation:**

The necessity of this administrative regulation is to establish minimum standards for responsible and safe hunting.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain people from hunting license and permit requirements.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

The administrative regulation will assist in the effective administration of the statutes by providing minimum standards for hunter education, thus placing additional safety requirements relating to methods of take.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment will allow hunters who have successfully completed hunter education to no longer carry a physical card for proof of successful course completion, but still require hunters to have documentation of course completion. Additionally, this amendment conforms this regulation for a change in KRS 150.170 to exempt current and former members of the Armed Forces and certified peace officers from the live-fire component of the hunter education course.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary to conform with Senate Bill 241 as passed during the 2021 Kentucky General Assembly that modifies KRS 150.170. It also allows hunters required to have hunter education to have multiple ways to demonstrate course completion besides carry a physical card only.

**(c) How the amendment conforms to the content of the authorizing statutes:**

See 1(c) above.

**(d) How the amendment will assist in the effective administration of the statutes:**

See 1(d) above.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

There are approximately 320,000 Kentucky hunting license holders and 15,000 individuals who take hunter education instruction each year that will be affected by this administrative regulation.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

No actions will need to be taken for the entities listed.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There will be no additional costs to those identified in question (3).

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Hunter education certified hunters will be given more flexibility on how they demonstrate hunter education course completion.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

There will be no additional cost to the agency to administer this regulation.

**(b) On a continuing basis:**

There will be no additional cost to the agency to administer this regulation on a continuing basis.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

The source of the funding is the State Game and Fish Fund.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

It will not be necessary to increase any fees or funding to implement this administrative regulation.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation does not directly or indirectly establish or increase any fees.

**(9) TIERING: Is tiering applied?**

Tiering was not applied. The same hunter education requirements apply to all hunters in Kentucky.

## FISCAL NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

The Department's Information and Education Division and Law Enforcement Division will be impacted by this administrative regulation.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain people from hunting license and permit requirements and from attending the live fire portion of the hunter education certification requirement.

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

This administrative regulation does not generate revenue.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

See 3(a) above.

**(c) How much will it cost to administer this program for the first year?**

There will be no cost to administer this program in the first year.

**(d) How much will it cost to administer this program for subsequent years?**

There will be no cost to administer this program in subsequent years.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

There will be no cost savings to administer this program in the first year.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

There will be no cost savings to administer this program in subsequent years.

**(c) How much will it cost the regulated entities for the first year?**

It will not cost the regulated entities in the first year.

**(d) How much will it cost the regulated entities for subsequent years?**

It will not cost the regulated entities in subsequent years.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.