TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended After Comments)

301 KAR 1:122. Importation, possession, and prohibited aquatic species.

RELATES TO: KRS 150.180
STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.280(2)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations regarding the buying, selling, or transporting of fish and wildlife. KRS 150.280(2) authorizes the department to promulgate administrative regulations prohibiting the holding or transporting of species potentially damaging to native ecosystems. This administrative regulation establishes the species of aquatic life that are prohibited in the Commonwealth.

Section 1. A person shall not buy, sell, possess, import, or release any aquatic species not native or established in Kentucky waters, except as established in Section 2, 4, or 5 of this administrative regulation.

Section 2. Exceptions.

(1) A person may buy, sell, import, or possess any aquatic specimens for aquarium use, except as established in Sections 3 and 4 of this administrative regulation, but shall not release the species into Kentucky waters.

(2) A person may buy, sell, import, or possess sterile, triploid grass carp (Ctenopharyngodon idella) pursuant to 301 KAR 1:171.

(3) A fertile, diploid grass carp may only be imported or possessed by a certified propagator for the exclusive purpose of producing triploid grass carp.

(4) Individuals of any aquatic species may be immediately released at the time of catch back into the water body from which they are caught.

(5) Tilapia (Tilapia spp. or Oreochromis spp.) may be transported and sold live within Kentucky for aquarium use or to a:

(a) Licensed propagator;

(b) Licensed live fish and bait dealer; or

(c) Person, corporation, or other business entity that is selling fish for food in establishments licensed for resale by another state agency or for sale as wholesale food products.

(6) A person may buy, sell, import, or possess goldfish (Carassius auratus) for use as bait.

Section 3. The live aquatic organisms established in subsections (1) through (7) of this section shall not be imported, bought, sold, or possessed in aquaria:

(1) Subfamily Serrasalminae - piranha, piraya, pirae, or tiger characins;
(2) Astyanax mexicanus - Mexican banded tetra, Mexican minnow, or Mexican tetra;
(3) Petromyzon marinus - sea lamprey;
(4) Genus Clarias - walking catfish;
(5) Genus Channa - snakeheads of Asia and Africa;
(6) Dreissena polymorpha - zebra mussel; or
(7) Neogobius melanostomus – round goby.

Section 4. Invasive carp.

(1) A person shall not buy, sell, possess, import, transport, or release the live invasive carp species established in paragraphs (a) through (d) of this subsection, except as established in Sections 2(2), (3), and (4) of this administrative regulation:

(a) Hypophthalmichthys molitrix – silver carp;

(b) Hypophthalmichthys nobilis – bighead carp;

(c) Mylopharyngodon piceus – black carp; or
(d) Ctenopharyngodon idella – grass carp.

(2) A licensed commercial fisherman or any person possessing a sport fishing license may possess, sell, and transport the species of invasive carp established in Section 4(1) of this administrative regulation if the invasive carp are:
(a) Not being transported in water;
(b) Dead or dying; and
(c) Being transported to a fish processing facility.

Section 5. Commissioner Approval. The commissioner may permit the importation of a banned aquatic species if the applicant demonstrates that the species shall be used for legitimate scientific or educational purposes.

(KFWR-F-LF1-1; 1 Ky.R. 346; eff. 2-5-1975; Am. 8 Ky.R. 1154; eff. 6-2-1982; 12 Ky.R. 1356; eff. 3-4-1986; 16 Ky.R. 377; eff. 11-4-1989; 17 Ky.R. 1796; eff. 12-19-1990; 29 Ky.R. 514; eff. 10-9-2002; 32 Ky.R. 2086; 33 Ky.R. 87; eff. 7-12-2006; 39 Ky.R. 2201; 40 Ky.R. 17; eff. 8-2-2013; 41 Ky.R. 2614; 42 Ky.R. 277; eff. 9-4-2015; 50 Ky.R. 140, 830; eff. 11-16-2023.)

RICH STORM, Commissioner

APPROVED BY AGENCY: September 14, 2023

FILED WITH LRC: September 15, 2023 at 9:00 a.m.

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