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

301 KAR 1:125. Transportation of fish.

RELATES TO: KRS 13B, 150.010, 150.170, 150.235, 150.485
STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.180(6), 150.280(2)
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate the buying, selling, or transporting of game and fish, and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(6) requires the commissioner to promulgate administrative regulations relating to issuance of a fish transportation permit. KRS 150.280(2) requires the department to promulgate administrative regulations identifying species of wildlife that are potentially damaging to native ecosystems and prohibiting the transporting or holding of that wildlife. This administrative regulation provides for control of the transportation of fish, fish eggs, live bait, and other aquatic organisms into, within, and through~~[, and within]~~ the state to protect the resident fish population.

Section 1. A fish transportation permit~~[Fish Transportation Permit]~~ shall not be required:
(1) By an individual to transport aquarium species;
(2) By permitted Kentucky fish propagators as established in 301 KAR 1:115, except if transporting fish into Kentucky from outside of Kentucky;
(3) By individuals with a sport or commercial fishing license to transport legally caught bait or fish;
(4) By individuals transporting fish purchased from a licensed live bait dealer or permitted commercial fish propagator for stocking in private waters;
(5) By agents of the department while performing their normal duties; or
(6) To transport live fish or other aquatic organisms that were purchased for consumption from a licensed retailer.

Section 2. Live Fish, Live Bait, or Other Aquatic Organisms.
(1)
(a) All individuals, corporations, or other business entities that transport any live fish, live bait as defined in 301 KAR 1:001, Section 1, or other live aquatic organism, except those individuals listed in Section 1 of this administrative regulation shall have in possession the documents required by paragraph (b) of this subsection, if transporting into, within, or through Kentucky.
(b)
1. A fish transportation permit~~[Transportation Permit]~~, to be renewed annually by calendar year, issued in the name of the individual, corporation, or other business.
2. A bill of lading showing the origin and destination of the organisms being transported.
(2) An individual shall also possess a live bait and fish dealers license~~[Live Fish and Bait Dealers License]~~, as established in 301 KAR 1:132, if the organisms will be:

(a) Sold to another individual, corporation, or other business entity in Kentucky; or

(b) Transported from Kentucky to be sold outside of Kentucky.

(3) All organisms in transport shall be disease free, and any prohibited species listed in 301 KAR 1:122 shall not be present.

(4) If any Viral Hemorrhagic Septicemia- or VHS-regulated fish species from a VHS positive state are transported and unloaded in Kentucky, in addition to the requirements established in subsections (1), (2), and (3) of this section, the following requirements shall apply:

(a) If the origin of the VHS-regulated fish species is from a certified VHS free facility, the individual shall possess a copy of the documentation showing that the facility is VHS free.

(b) If the origin of the VHS-regulated fish species is from a non-certified VHS free facility:

1. The VHS-regulated fish species shall only be unloaded at a:
   a. State inspected fish-processing plant; or
   b. Research and diagnostic laboratory;
2. The individual shall possess a copy of the U.S. Department of Agriculture Animal and Plant Health Inspection Service, or APHIS, VS 1-27 permit for Movement of Restricted Animals issued by an APHIS Veterinary Services office or by a state, tribal, or federal accredited veterinarian; and
3. Water from the fish transportation tank shall only be discharged into a municipal sewage system that includes wastewater disinfection or into a non-discharging settling pond devoid of fish.

(5) If the origin of the VHS-regulated fish species is from a VHS positive state and are only being transported through Kentucky, then only the requirements established in subsections (1) and (3) of this section and Section 3 of this administrative regulation shall apply.

(6) VHS-regulated fish species being transported from a known VHS positive state into, within, or through Kentucky that do not meet all requirements established in Sections 2 and 3 of this administrative regulation shall be confiscated for disposal purposes.

Section 3. Fish Transportation Permit Application.

(1) If an individual, corporation, or other business entity wants to transport fish, live bait, or other aquatic organisms into, within, or through Kentucky they shall submit a completed ~~[Application for]~~Fish Transportation Permit Application to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and~~[permit fees as]~~ established in 301 KAR 5:022.

(2) In addition to the requirements established in subsection (1) of this section, an individual, corporation, or other business entity that wants to transport VHS-regulated fish species into or through Kentucky from a VHS positive state shall also submit a:

(a) Copy of the documentation showing that the facility that the VHS-regulated fish species are coming from is certified as being VHS free; or

(b) Copy of the APHIS VS 1-27 permit if the facility is not certified as being VHS free.

(3) An individual, corporation, or other business entity shall not transport fish, live bait, or other aquatic organisms into, within, or through Kentucky without an approved fish transportation permit~~[Fish Transportation Permit]~~ in possession.

(4) If an individual, corporation, or other business entity desires to transport VHS-regulated fish species from a facility in a VHS positive state that is currently not listed on their fish transportation permit~~[Fish Transportation Permit]~~, the permittee shall:

(a) Notify the department; and

(b) If approved by the commissioner, based on risk of contagion to fish of the Commonwealth, be sent an updated fish transportation permit[~~Fish Transportation Permit~~] listing the approved facility.

Section 4. Transportation of Roe-Bearing Fish and Roe.

(1) All individuals, with the exception of permitted roe-bearing fish harvesters as established in 301 KAR 1:155, who transport roe-bearing fish or unprocessed roe as established in 301 KAR 1:155 into, within, or through Kentucky, shall have in possession a fish transportation permit[~~Fish Transportation Permit~~] issued in the name of the individual with the associated roe-bearing fish harvester's name and commercial fishing license and roe-bearing harvester's permit numbers listed.

(2) All individuals who transport unprocessed roe from a fish processing facility to a permitted roe-bearing fish dealer shall also have in possession a bill of lading as established in 301 KAR 1:155, Section 8(4)(c).

Section 5. The transporter shall not transport the prohibited species listed in 301 KAR 1:122, and all game wardens[~~officers~~] and agents of the department shall have the authority to demand that the transporter submit proof of all appropriate permits and documentation.

Section 6. Fish Transportation Permit Denial, Revocation, and Nonrenewal.

(1) The department shall deny a fish transportation permit[~~Fish Transportation Permit~~] for transportation of aquatic organisms determined potentially damaging to Kentucky's native ecosystems.

(2) The department shall revoke and shall not renew the fish transportation permit[~~Fish Transportation Permit~~] of an individual, corporation, or other business entity for a period of two (2) years if they:

(a) Falsify the documentation needed to transport fish, eggs, live bait, or any other aquatic organism into, within, or through Kentucky;

(b) Falsify information on the [~~Application for~~]Fish Transportation Permit Application; or

(c) Are convicted of any federal or state violation involving the transportation of fish, eggs, live bait, or any other aquatic organism.

(3) An individual, corporation, or other business entity whose fish transportation permit[~~Fish Transportation Permit~~] has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(4) A request for a hearing shall be in writing and postmarked, or delivered in person to the department, no later than thirty (30) days after notification of the denial or revocation.

(5) Upon receipt of the request for a hearing, the department shall comply with the provisions of KRS Chapter 13B.

(6) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 7. Incorporated by Reference.

(1) "[~~Application for~~]Fish Transportation Permit Application", 2025 Edition[~~, 2023~~] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online[~~obtained~~] at https://fw.ky.gov/Licenses/Documents/Fish-Transportation-Permit-App.pdf. [~~https://fw.ky.gov/Fish/Pages/Commercial-Fishing.aspx.eu~~]

(301 KAR 001:125. KFWR-F-TP1-1; 1 Ky.R. 346; eff. 2-5-1975; 35 Ky.R. 992, 1829, 1742, eff. 3-6-2009; 48 Ky.R. 125, 1123; eff. 11-17-2021; 50 Ky.R. 436, 1228; eff. 2-22-2024; 52 Ky.R. 232; eff. 11-6-2025.)

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025
FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, 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 September 30, 2025. 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 Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (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 controls the transportation of fish, fish eggs, live bait and other aquatic organisms into, within, and through the state.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to protect the resident fish populations of Kentucky by preventing the unwanted spread of invasive aquatic organisms or diseases.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 150.025(1)(c) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate the buying, selling, or transporting of game and fish, and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(6) requires the commissioner to promulgate administrative regulations relating to issuance of a fish transportation permit. KRS 150.280(2) requires the department to promulgate administrative regulations identifying species of wildlife that are potentially damaging to native ecosystems and prohibiting the transporting or holding of that wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation fulfills the purpose of KRS 150.025(1)(c) by regulating the transportation of fish and other aquatic organisms that are transported into, within, and through Kentucky. It fulfills the purpose of KRS 150.180(6) by prohibiting fish that either may become a menace to the state or are carrying a disease. It also fulfills the purpose of KRS 150.280(2), by allowing the department to deny a transportation permit for transportation of aquatic organisms that are determined to be potentially damaging to Kentucky's native ecosystems.

(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 removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

(c) How the amendment conforms to the content of the authorizing statutes:
KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes:
This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
All individuals who wish to obtain the associated permit.

(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 action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

(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 cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):
Compliance with these amendments will allow individuals to obtain the associated permit.

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

(a) Initially:
There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis:
There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:
The Fish and Game 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:
There will be no increase in fees or funding necessary to implement these changes.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:
This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied?
Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 150.025(1)(c) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate the buying, selling, or transporting of game and fish, and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(6) requires the commissioner to promulgate administrative regulations relating to issuance of a fish transportation permit. KRS 150.280(2) requires the department to promulgate administrative regulations identifying species of wildlife that are potentially damaging to native ecosystems and prohibiting the transporting or holding of that wildlife.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:These amendments will not result in any additional expenditures for the department.

For subsequent years:These amendments will not result in any additional expenditures for the department.

2. Revenues:

For the first year:These amendments will not result in any change in revenues for the department.

For subsequent years:These amendments will not result in any change in revenues for the department.

3. Cost Savings:

For the first year:These amendments will not result in any cost savings for the department.

For subsequent years:These amendments will not result in any cost savings for the department.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities should be affected by these amendments.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
No other entities should be affected by these amendments.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:
This amendment will not have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion:
This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):
This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:
This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.