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

301 KAR 1:132. Sale of live bait.

RELATES TO: KRS 150.175, 150.180, 150.280, 150.450, 150.485
STATUTORY AUTHORITY: KRS 150.025(1), 50 C.F.R. 17.11
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) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. 50 C.F.R. 17.11 establishes federally threatened or endangered fish species. This administrative regulation establishes the requirements under which live bait may be taken, transported, and sold.

Section 1. Legal Sources of Live Bait.
(1) Live bait may be sold by a person possessing a valid:
(a) Live bait and fish dealer's license if the person purchases the live bait from a legal source as established in this section; or
(b) Commercial fishing license, if the live bait is taken pursuant to the requirements of this section.
(2) Live commercially harvested shad, herring, mooneye, goldeye, or invasive carp shall not be transported or sold.
(3) Legal sources of live bait shall include:
(a) Live bait hatched and reared in Kentucky by a person possessing a valid commercial fish propagation permit;
(b) Legal commercial live bait sources in states outside of Kentucky;
(c) A person selling Asiatic clams obtained by means of a tagged commercial bait rake pursuant to Section 2 of this administrative regulation, if the person possesses a valid commercial fishing license; or
(d) A person with a valid commercial fishing license who is selling live bait, except live shad, live herring, live goldeye, and live mooneye, if taken pursuant to Section 2 of this administrative regulation.
(4) A licensed live bait and fish dealer who purchases live bait from legal sources outside of Kentucky shall possess a bill of sale that lists the:
(a) Date of purchase; and
(b) Number of each type of live bait purchased.

Section 2. Legal Methods of Take.
(1) A person shall not take live bait from any public waterway or water body for commercial purposes, except as established in this section.
(2) A person who holds a valid commercial fishing license may sell:
(a) Live bait, except live shad, live herring, live goldeye, and live mooneye, that was taken with legally set commercial fishing gear;

(b) Dead shad and dead herring, if taken with a dip net with a maximum diameter of three (3) feet or a cast net with a maximum diameter of twenty (20) feet and possessing a maximum bar mesh of one (1) inch in the following bodies of water:

1. Cumberland River below Barkley Dam;
2. Kentucky River downstream of Lock Number Fourteen (14);
3. Mississippi River;
4. Ohio River; or
5. Tennessee River; or

(c) Asiatic clams taken in legal commercial fishing waters pursuant to 301 KAR 1:150 with a tagged commercial live bait rake having the following specifications:

1. A maximum width of twenty (20) inches;
2. A maximum tine length of five (5) inches;
3. A maximum distance in between tines of one (1) inch;
4. A basket with a maximum:
   a. Width of twenty (20) inches;
   b. Length of ten (10) inches; and
   c. Height of eight (8) inches;
5. A rigid handle with a maximum length of twenty (20) feet; and
6. The rake does not contain a bridle that would allow dragging.

(3) Any mussel other than an Asiatic clam shall be returned to the water unharmed.

Section 3. Other Requirements.

(1) A person, corporation, or other business entity transporting, selling, or possessing live bait for sale in Kentucky shall hold a valid live bait and fish dealer's license and have in possession the license or exact copy thereof when transporting, selling, or holding live bait organisms in Kentucky.

(2) A live bait and fish dealer's license shall not be used in lieu of a fish propagation or transportation permit if these permits are also legally required.

(3) A person, corporation, or other business entity who transports live bait from one (1) state, through Kentucky, to another state without conducting any business in Kentucky shall not be required to have a live bait and fish dealer's license, but shall have a valid Kentucky transportation permit.

(4) A person, corporation, or other business entity is not required to possess a live bait and fish dealer's license if selling live bait as food in establishments licensed by another state agency to sell resale or wholesale food products.

Section 4. License Application Procedures. If an individual, corporation, or other business entity is required to hold a valid live bait and fish dealer's license as established in Section 3 of this administrative regulation, they shall submit a completed Live Bait and Fish Dealer's License Application to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.

Section 5. Incorporation by Reference.

(1) "Live Bait and Fish Dealer's License Application", 2025 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Fisheries, 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 at https://fw.ky.gov/Licenses/Documents/Live-Bait-Fish-Dealer-License-App.pdf.

(301 KAR 001:132. KRWT-F-LB2-1; 1 Ky.R. 347; eff. 2-5-1975; 4 Ky.R. 125; 227; eff. 12-7-1977; 26 Ky.R. 2295; 27 Ky.R. 484; eff. 8-14-2000; 40 Ky.R. 644; 1040; eff. 11-7-2013; 45 Ky.R. 750; eff. 12-7-2018; 52 Ky.R. 234; 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 9:30 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.