TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended at ARRS Committee)

301 KAR 2:083. Holding and intrastate transportation of captive cervids.

RELATES TO: KRS 13B, 150.010(42), 150.290, 150.725, 150.730, 150.735, 150.740
STATUTORY AUTHORITY: KRS 150.025(1), 150.280, 150.720, 150.730, 150.735
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 HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to regulate the buying, selling, or transportation of wildlife. KRS 150.280 requires the department to promulgate administrative regulations relating to propagating and holding of wildlife. KRS 150.720 requires the department to promulgate administrative regulations pertaining to the importation and holding of cervids, including privately-owned and farm-raised cervids. KRS 150.730 authorizes the department to issue or deny permits to hold captive cervids. KRS 150.735 authorizes the department to promulgate administrative regulations relating to the expansion of captive cervid facilities and the transfer of permits. This administrative regulation establishes the requirements for holding and intrastate transporting of cervids in Kentucky.

Section 1. Definitions.
(1) "Approved laboratory" means:
(a) The National Veterinary Service Laboratory in Ames, Iowa; or
(b) Any other laboratory approved by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
(2) "Captive cervid" means a cervid that is privately owned, born, and raised in captivity, and not considered wildlife as established in KRS 150.010.
(3) "Captive cervid permit" means a permit issued by the Kentucky Department of Fish and Wildlife Resources that authorizes the holding of cervids in captivity, with the exception of shooting areas, which are permitted under 301 KAR 2:041.
(4) "Cervid" is defined by KRS 150.010(4).
(5) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.
(6) "Flop tag" means a commercial plastic ear tag used to identify livestock.
(7) "Line post" means a post in a fence that is not a corner or end post.
(8) "Noncommercial captive cervid permit" means a permit issued prior to March 1, 2016, that allows a person to possess captive cervids that are not intended for sale, offered for sale, traded, or bartered.

Section 2. Fencing and Holding Requirements.
(1)
(a) An exterior fence shall:
1. Be at least eight (8) feet above ground level for its entire length: and
2. Consist of twelve and one-half (12 1/2) gauge woven wire, fourteen and one-half (14 1/2) gauge high-tensile woven wire, wood planks, or chain link.
(b) A single or double strand of barbed wire strung across the top to bring the total fence height to eight (8) feet shall be acceptable.

(c) Strands of barbed wire shall not be more than six (6) inches apart and shall not be more than five (5) inches from the top of the fencing, as established in this subsection and subsection (2) of this section.

(d) Spacing between vertical wires shall not exceed:

1. Six and one-half (6 1/2) inches for captive deer or species whose adult size is less than 400 pounds; and

2. Twelve (12) inches for captive elk or species whose adult size is 400 pounds or more.

(e) If two (2) woven wire fences are combined, one (1) above the other, the woven wire fences shall be overlapped at least six (6) inches and firmly attached to each other at intervals no greater than three (3) feet.

(f) The fence bottoms shall be installed to provide not more than three (3) inches of ground clearance.

(2) Right-of-way.

(a) Except as established in paragraph (b) of this subsection, the fence right-of-way shall be cleared for a distance of six (6) feet on each side.

(b) If the fence is a property boundary fence, the fence right-of-way shall be cleared for a distance of six (6) feet on the inside only.

(c) If dead timber with a height greater than the distance of the fence exists on the permittee's property, it shall be felled.

(3)

(a) Fence posts shall:

1. Extend a minimum of eight (8) feet above the ground; and

2. Be of sufficient strength to maintain the fence integrity.

(b) Pine wood posts shall be treated.

(c) Posts shall be set to a minimum depth of three (3) feet.

(d) T-posts shall be installed according to manufacturers' specifications.

(4) Line posts.

(a) Wooden line posts shall be a minimum of four (4) inches in diameter and shall not be spaced more than twenty-four (24) feet apart.

(b) Steel pipeline posts shall:

1. Be a minimum of two and three-eighths (2 3/8) inches in outside diameter;

2. Weigh a minimum of three (3) pounds per foot; and

3. Not be spaced more than twenty-four (24) feet apart.

(c) Metal "T" posts shall be:

1. A minimum of one and one-quarter (1.25) pounds per foot; and

2. Spaced no more than twenty (20) feet apart.

(d) If the woven wire is not high tensile, there shall be a wooden or steel pipe post every sixty (60) feet.

(5) Corner and end posts.

(a) Wooden corner and end posts shall be a minimum of five (5) inches in diameter.

(b) Steel pipe corner and end posts shall be a minimum of two and seven-eighths (2 7/8) inches in outside diameter.

(c) Corner and end posts of other materials shall be of sufficient strength to maintain the fence integrity.

(6) Gates shall be:

(a) Substantially constructed to meet the specifications of the fence; and

(b) Equipped with at least one (1) latching and one (1) locking device.

(7)

(a) Swinging water gaps and stream crossings shall be constructed to equal or exceed the standards of the fence.

(b) Crossings shall be adequate to prevent ingress and egress during high water.

(c) The following shall be permissible water gaps:

1. For larger water gaps:
   a. Swinging gates constructed to match the contour of the stream supported by cable or hinge; and
   b. Pipe with swinging barrier;
2. For smaller water gaps:
   a. Pipe with fixed mesh barrier; and
   b. Heavy gauge woven barrier contoured to fit the gap.

(8) If topographic, natural, or other conditions exist that enable cervids to pass through, under, or over the fence, the permittee shall be required to supplement the fence with:

(a) Additional, stronger, or higher fence posts;
(b) Special grading;
(c) Additional wire to increase fence height; or
(d) Other measures to prevent escape.

(9) Maintenance. The fence shall continuously be maintained in a game-proof condition.

(10) A noncommercial captive cervid permit holder shall:

(a) Separate all adult males and females with fencing as established in this section;
(b) Not allow breeding, either by natural or artificial insemination;
(c) Not introduce any additional captive cervids to the facility;
(d) Complete and submit to the department a Captive Cervid Annual Reporting Form by February 28 of each year;
(e) Report any cervid deaths to the department by telephone at 800-858-1549 within forty-eight (48) hours; and
(f) Submit tissue specimens of all captive cervids that die in the permit holder's facility to an approved laboratory for CWD testing.

Section 3. Capture and Handling Facilities.

(1) Except as established in subsection (2) of this section, each captive facility shall have a squeeze chute or crush that facilitates inspection, handling, or capture of an individual animal.

(2) If a permittee's facility does not have the handling or capture facilities established in subsection (1) of this section, the alternative shall be a dart gun or tranquilizer that immobilizes the animal.

Section 4. Tagging.

(1) Captive cervids shall be identified in accordance with the Kentucky Department of Agriculture's Chronic Wasting Disease program requirements established in 302 KAR 22:150.

(2) Except as established in subsection (3) of this section, captive cervids over six (6) months old shall be uniquely identified with a plastic flop tag in at least one (1) ear that is clearly visible and identifiable.

(3) Upon written request, the department shall approve one (1) of the alternatives for plastic flop tags established in paragraphs (a) through (c) of this subsection for bona fide zoos, nature centers, or similar educational institutions:

(a) Lip or ear tattoo;
(b) Microchip; or
(c) Branding.

Section 5. Ingress and Egress.

(1) The permit holder shall be responsible for immediately capturing or destroying escaped animals upon discovering their escape.

(2) If the permit holder is unable to capture an escaped animal within forty-eight (48) hours from discovering its escape, the permit holder shall report each escape to the

department by telephone at 1-800-858-1549.

(3) The permit holder shall send a written report to the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Captive Cervid Permits, within ten (10) days, describing what escaped and the reason for the escape.

(4) The permit holder shall report known ingress of wild cervids into the enclosure by sending a written report to the department at the same address established in subsection (3) of this section.

(5) The department or any peace officer may seize, capture, or destroy escaped animals or those that have ingressed if necessary.

Section 6. Space Requirements.

(1) For species whose adult weight is less than 400 pounds, each individual animal shall be allowed at least 1,000 square feet of space.

(2) One (1) individual animal of a species whose adult weight is 400 pounds or more, shall require at least 1,500 square feet of space, with each additional animal requiring an additional 1,000 square feet of space.

Section 7. Prohibited Species. Except for cervids legally held prior to November 12, 2002, a captive cervid permit shall not be issued for the species established in subsections (1) through (4) of this section:

(1) Genus Cervus spp., except Cervus elaphus nelsoni;

(2) Genus Axis spp.;

(3) Roe deer (Capreolus and Capreolus pygarus); or

(4) Hybrids of any of the species named in subsections (1) through (3) of this section.

Section 8. Captive Cervid Permits.

(1) Permit application and issuance. An application for a new or renewed captive cervid permit shall be processed in accordance with the provisions of KRS 150.730.

(2) A captive cervid permit shall be valid only for the property and facility identified in the application and that is inspected as established in subsection (11) of this section. A cervid shall not be moved into a new or expanded facility until the facility has been issued a captive cervid permit by the department.

(3) Zoos and other facilities fully accredited by and in good standing with the American Zoo and Aquarium Association shall not be required to obtain or renew a captive cervid permit, but facilities not accredited by the American Zoo and Aquarium Association shall be required to obtain and renew a captive cervid permit.

(4) A captive cervid permit shall be required for a facility owned or leased by a person wishing to hold captive cervids.

(5) A new noncommercial captive cervid permit shall not be issued to a facility after February 28, 2016.

(6) All wild cervids shall be removed from the facility prior to initial inspection.

(7) A permit shall identify the species of cervids being held.

(8) Duration.

(a) A captive cervid permit shall be valid for one (1) year beginning March 1 through the last day of February and may be renewed annually upon payment of the annual fee, established in 301 KAR 5:022, and proof of compliance with all applicable statutes and administrative regulations.

(b) A noncommercial captive cervid permit shall be valid for three (3) years beginning March 1 through the last day of February and may be renewed every third year upon payment of the fee and proof of compliance with all applicable statutes and administrative regulations.

(9) A holder of a noncommercial captive cervid permit prior to March 1, 2016, shall be allowed to hold captive cervids for the life of the animals, after which the permit shall not be valid.

(10) Transfers. A captive cervid permit may be transferred if an existing and currently permitted facility is sold or leased to a person or entity who shall maintain and operate the facility pursuant to KRS 150.735(3).

(a) The original captive cervid permit holder who is transferring the permit shall be compliant with all provisions of this administrative regulation prior to transfer.

(b) Prior to transfer of the permit to a new owner or lessee, the facility shall be inspected for compliance as provided by subsection (11) of this section.

(c) The purchaser or lessee of the facility shall:

1. Apply for transfer of the existing captive cervid permit on a department Captive Cervid Permit Transfer Application form;

2. Attach a copy of the deed indicating change of ownership or the lease agreement between the parties conducting the transfer; and

3. Send all application materials to the department at #1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Captive Cervid Permits, within thirty (30) days after the inspection.

(d) A transferred captive cervid permit may be renewed by the new owner or lessee completing a Captive Cervid Permit Application.

(e) A noncommercial captive cervid permit shall not be transferred.

(11) Inspections.

(a) Before a captive cervid permit or noncommercial captive cervid permit is issued, renewed, or transferred, each facility or facility expansion shall pass an inspection that certifies it is in compliance with all applicable statutes and administrative regulations.

(b) Upon completion of a facility or facility expansion, or if a facility is to be sold or otherwise transferred, the permit applicant or holder shall notify the department to request an inspection that shall be conducted within thirty (30) days of receipt of the request.

(c) Each facility shall be inspected annually after issuance of a captive cervid permit or noncommercial captive cervid permit to certify and document that the facility is in compliance with this administrative regulation.

(d) A Captive Cervid Facility Inspection Form shall be completed by a department law enforcement captain, who shall then forward the original copy to department headquarters for processing.

(12) Revocation or suspension.

(a) The department shall issue a notice of violation in the form of a certified letter to a person who is not in compliance with this administrative regulation, 302 KAR 22:150, or a Kentucky statute pertaining to the holding of captive cervids.

(b) The department shall suspend the permit of a person who has received a notice of violation until the person complies with this administrative regulation and applicable statutes.

(c) The department shall issue a citation to a person who has failed to comply with this administrative regulation or applicable statutes within sixty (60) days from the date of the notice of violation.

(d) If convicted of a violation of this administrative regulation, the department shall:

1. Revoke the permit; and

2. Seize the captive cervids.

(e) A person who has a captive cervid permit revoked or suspended shall not, without the written approval of the department:

1. Transfer or expand the facility; or

2. Sell, offer to sell, trade, transport, hunt, or slaughter captive cervids that are housed in that facility.

(13) Appeal procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(14) Expansions.

(a) A facility may be expanded and shall conform to the fencing specifications established in this administrative regulation.

(b) Facility expansions shall be adjacent and connected to the currently permitted facility.

(c) Cervids shall not be introduced into the expanded portion of a facility until that expansion has been inspected and approved by the department as established in subsection (11) of this section.

Section 9. Origin and Disposition of Captive Cervids.

(1) Cervids obtained from the wild shall only be held by a permitted wildlife rehabilitator pursuant to 301 KAR 2:075.

(2) Captive cervids shall not be released into the wild except for wild-born cervids released by a permitted wildlife rehabilitator pursuant to 301 KAR 2:075.

(3) Wild-born cervids held in captivity for rehabilitation purposes shall not:

(a) Be housed in the same pen or otherwise housed in direct physical contact with cervids that were born in captivity; and

(b) Be housed in a pen that has ever housed cervids that were born in captivity.

Section 10. Intrastate Movement of Cervids.

(1) Before a person may move a captive cervid within the state, an authorization number shall be obtained from the Kentucky Department of Agriculture pursuant to 302 KAR 22:150.

(2) A person transporting cervids shall have the authorization number issued by the Kentucky Department of Agriculture, and if applicable, the required health papers, in possession while transporting cervids.

Section 11. Selling Cervids. A permit holder who holds a captive cervid permit may sell live cervids, parts thereof, or products produced by captive cervids, if those animals were not obtained from the wild in Kentucky.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Captive Cervid Permit Application", May 2025 edition;

(b) "Captive Cervid Permit Transfer Application", June 2025 edition;

(c) "Captive Cervid Facility Inspection Form", 2016 edition; and

(d) "Captive Cervid Annual Reporting Form", 2017 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Wildlife/Documents/Captive_Cervid_Permit_Application_Form.pdf for the "Captive Cervid Permit Application";

(b) https://fw.ky.gov/Wildlife/Documents/CaptiveCervidPermitTransferForm.pdf for the "Captive Cervid Permit Transfer Application";

(c) https://fw.ky.gov/Wildlife/Documents/CaptiveCervidInspectionForm.pdf for the "Captive Cervid Facility Inspection Form"; and

(d) https://fw.ky.gov/Wildlife/Documents/Captive-Cervid-Ann-Rpt-Form.pdf for the "Captive Cervid Annual Reporting Form".

(301 KAR 002:083. 29 Ky.R. 1162; Am. 1531; eff. 12-18-2002; 30 Ky.R. 407; 1305; 1505; eff. 1-5-2004; 33 Ky.R. 882; 1294; eff. 11-8-2006; 42 Ky.R. 1604; 2059; eff. 2-5-2016; 43 Ky.R. 1850; eff. 7-6-2017; 50 Ky.R. 731, 1259; eff. 2-22-2024; 52 Ky.R. 272, 723; eff. 11-6-2025.)

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