

### **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 Sections 2, 4, or 5 of this administrative regulation.

Section 2. Exceptions.

- (1) A person may buy, sell, import, or possess aquarium species, except those established in Section 3 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.

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, piraie, 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. Asian carp.

- (1) A person shall not buy, sell, import, transport, or release the live Asian carp species established in paragraphs (a) through (d) of this subsection:
  - (a) *Hypophthalmichthys molitrix* - silver carp;
  - (b) *Hypophthalmichthys nobilis* - bighead carp;
  - (c) *Mylopharyngodon piceus* - black carp; or
  - (d) *Ctenopharyngodon idella* - grass carp, except as established in Section 2(2) and (3) of this administrative regulation.
- (2) A licensed commercial fisherman may possess, sell, and transport the species of Asian carp established in Section 4(1) of this administrative regulation if the Asian carp are:
  - (a) Not being transported in water;
  - (b) Moribund; 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; Certified to be Amended, filing deadline 2-4-2024.)