

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

**301 KAR 2:172. Deer hunting seasons, zones, and requirements.**

RELATES TO: KRS 150.010, 150.177, 150.180, 150.411(3), 150.990, 237.110

STATUTORY AUTHORITY: KRS 150.025(1), 150.170, 150.175, 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain people from hunting license and permit requirements. KRS 150.175 authorizes the kinds of licenses and permits to be issued by the department. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. This administrative regulation establishes deer hunting seasons and zones, bag limits, legal methods of taking, and checking and recording requirements for deer hunting.

Section 1. Definitions.

(1) "Additional deer permit" means a permit that allows the holder to take up to two (2) additional deer beyond those allowed by the statewide deer permit in the following combinations:

(a) One (1) antlered deer and one (1) antlerless deer; or

(b) Two (2) antlerless deer.

(2) "Adult" means a person who is at least eighteen (18) years of age.

(3) "Air gun" means a pneumatic gun fired by a charge of compressed air.

(4) "Antlered deer" means a male or female deer, excluding male fawns, with a visible antler protruding above the hairline.

(5) "Antlerless deer" means a male or female deer with no visible antler protruding above the hairline.

(6) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.

(7) "Arrow" means the projectile fired from a bow or crossbow.

(8) "Centerfire" means a type of gun that detonates a cartridge by the firing pin striking a primer in the middle of the end of the cartridge casing.

(9) "Crossbow" means a bow with a string designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(10) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.

(11) "CWD Surveillance Zone" means an area designated as being subject to special deer hunting regulations due to a CWD positive cervid detection.

(12) "Deer" means a member of the species *Odocoileus virginianus*.

(13) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.

(14) "License year" means the period from March 1 through the last day of February.

(15) "Modern gun" means an air gun, rifle, handgun, or shotgun that is loaded from the rear of the barrel.

(16) "Muzzle-loading gun" means a rifle, shotgun, or handgun that is loaded from the discharging end of the barrel or discharging end of the cylinder.

(17) "Novice deer hunter" means a person who has not harvested more than two (2) deer in Kentucky in the last ten (10) years.

(18) "Shed" means an antler that has naturally been cast off the skull as a part of the annual growth and replacement process.

- (19) "Special deer hunt" means a one (1) or two (2) day deer hunt sponsored and overseen by the department on private land that:
- (a) Allows a novice deer hunter to use a modern gun outside of modern gun deer season; and
  - (b) Shall be made available only to a:
    - 1. Kentucky resident;
    - 2. Person enrolled as a resident or non-resident student in a public or non-public postsecondary institution located in Kentucky; or
    - 3. Member of the United States military or his or her spouse or children stationed at a military base in Kentucky.
- (20) "Statewide deer hunting requirements" means the season dates, zone descriptions, bag limits, and other requirements for deer hunting established in this administrative regulation.
- (21) "Statewide deer permit" means a permit, which, in conjunction with appropriate licenses, seasons, and methods, allows the holder to take:
- (a) One (1) antlered deer and no more than three (3) antlerless deer; or
  - (b) No more than four (4) antlerless deer.
- (22) "Youth" means a person under the age of sixteen (16) by the date of the hunt.
- (23) "Youth deer permit" means a permit, which in conjunction with appropriate licenses, seasons, and methods, allows the holder to take:
- (a) One (1) antlered deer and no more than three (3) antlerless deer; or
  - (b) No more than four (4) antlerless deer.
- (24) "Zone" means an area consisting of counties designated by the department within which deer hunting season dates and limits are set for the management and conservation of deer in Kentucky.

#### Section 2. License and Deer Permit Requirements.

- (1) Unless license exempt, as established in KRS 150.170, a person shall carry a valid:
- (a) Kentucky hunting license while hunting; and
  - (b) Deer permit while hunting.
- (2) Unless license exempt, as established in KRS 150.170, a youth shall carry a valid:
- (a) Kentucky youth hunting license while hunting; and
  - (b) Youth deer permit while hunting.

#### Section 3. Hunter Restrictions.

- (1) A deer hunter shall not:
- (a) Take a deer except during daylight hours;
  - (b) Use dogs, except leashed tracking dogs, to recover a wounded deer;
  - (c) Take a deer that is swimming;
  - (d) From a vehicle, boat, or on horseback, take a deer, except that a hunter with a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform; and
  - (e) Possess or use a decoy or call powered by electricity from any source.
- (2) A person shall only use the equipment established in paragraphs (a) through (e) of this subsection to take a deer:
- (a) A crossbow or archery equipment loaded with a broadhead of seven-eighths (7/8) inch or wider upon expansion;
  - (b) A firearm:
    - 1. With an action that fires a single round of ammunition upon each manipulation of the trigger; and
    - 2. Loaded with centerfire, single projectile ammunition designed to expand upon impact;
  - (c) A muzzle-loading gun;

- (d) A shotgun loaded with a shell containing single projectile ammunition designed to expand upon impact; or
- (e) An air gun:
  - 1. Of .35 caliber or larger;
  - 2. Charged by an external tank; and
  - 3. Loaded with single projectile ammunition designed to expand upon impact.
- (3) A person shall only use a weapon that complies with the appropriate season established in Section 5 of this administrative regulation to take a deer.
- (4) A crossbow shall contain a working safety device.
- (5) A person shall not use a magazine capable of holding more than ten (10) rounds to take a deer.

#### Section 4. Hunter Orange Clothing Requirements.

- (1) During the modern gun deer season, muzzle-loader season, and any youth gun season, a person hunting any species during daylight hours and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest except while hunting waterfowl or mourning dove.
- (2) During an elk firearm season, as established in 301 KAR 2:132, a person hunting any species and any person accompanying a hunter within the elk restoration zone, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest, except while hunting waterfowl or mourning dove.
- (3) The hunter orange portions of a garment worn to fulfill the requirements of this section:
  - (a) May display a small section of another color; and
  - (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.
- (4) A camouflage-pattern hunter orange garment worn without additional solid hunter orange on the head, back, and chest shall not meet the requirements of this section.

#### Section 5. Statewide Season Dates.

- (1) A deer hunter may use archery equipment to hunt deer statewide from the first Saturday in September through the third Monday in January.
- (2) A deer hunter may take deer with a modern gun statewide beginning the second Saturday in November for sixteen (16) consecutive days.
- (3) A deer hunter may use a muzzle-loading gun to hunt deer statewide:
  - (a) For two (2) consecutive days beginning the third Saturday in October;
  - (b) For nine (9) consecutive days beginning the second Saturday in December; and
  - (c) During any season in which a modern gun may be used to take deer.
- (4) A deer hunter may use a crossbow to hunt deer statewide from the third Saturday in September through the third Monday in January.
- (5) A youth or a legal resident hunter sixty-five (65) years or older may hunt with a crossbow from the first Saturday in September through the third Monday in January.
- (6) There shall be a youth-only modern gun season for two (2) consecutive days beginning on the second Saturday in October, in which a youth deer hunter shall comply with this administrative regulation and all other statewide deer hunting requirements.
- (7) There shall be a free youth-only modern gun season~~[weekend]~~ for two (2) consecutive days beginning on the Saturday after Christmas during which a youth:
  - (a) Shall not be required to have a hunting license or deer permit; and
  - (b) Shall comply with this administrative regulation and all other statewide deer hunting requirements.

#### Section 6. Zones.

(1) Zone 1 shall consist of Anderson, Ballard, Boone, Bracken, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Franklin, Fulton, Gallatin, Grant, Graves, Green, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McClean, McCracken, Mercer, Muhlenberg, Nelson, Oldham, Owen, Pendleton, Robertson, Scott, Shelby, Spencer, Todd, Trigg, Trimble, Union, Washington, Webster, and Woodford Counties.

(2) Zone 2 shall consist of Adair, Allen, Barren, Bath, Bourbon, Boyd, Boyle, Breckinridge, Butler, Carter, Casey, Clark, Daviess, Edmonson, Fayette, Fleming, Grayson, Greenup, Hancock, Jessamine, Lawrence, Lewis, Lincoln, Logan, Madison, Marion, Meade, Metcalf, Monroe, Montgomery, Nicholas, Ohio, Simpson, Taylor, and Warren Counties.

(3) Zone 3 shall consist of Cumberland, Elliott, Estill, Garrard, Johnson, Laurel, Morgan, Powell, Pulaski, Rowan, ~~Simpson~~, Wayne, and Wolfe Counties.

(4) Zone 4 shall consist of Bell, Breathitt, Clay, Clinton, Floyd, Harlan, Jackson, Knott, Knox, Lee, Leslie, Letcher, Magoffin, Martin, McCreary, Menifee, Owsley, Perry, Pike, Rockcastle, Russell, and Whitley Counties.

#### Section 7. Season and Zone Limits.

(1) A person shall not take more deer than each zone allows, as established in this section.

(2) A person shall not take more than one (1) antlered deer per license year, regardless of permit type used or zone hunted, except as established in 301 KAR 2:111, 2:178, or 3:100.

(3) A person may take an unlimited number of antlerless deer in Zone 1 if the person has purchased the appropriate additional deer permits.

(4) A person may take up to a total of four (4) deer in Zone 2.

(5) In Zone 3, a person may take up to a total of four (4) deer, except that a firearm or air gun shall not be used to take a total of more than one (1) antlerless deer.

(6) In Zone 4, a person may take one antlerless deer, but only during:

(a) Archery season, except that a person shall not take an antlerless deer during modern gun season, the October muzzleloader season, or the first six (6) days of the December muzzleloader season;

(b) Crossbow season, except that a person shall not take an antlerless deer during modern gun season, the October muzzleloader season, or the first six (6) days of the December muzzleloader season;

(c) Any youth weekend; or

(d) The last three (3) days of the December muzzleloader season.

#### Section 8. Supervision of Youth Gun Deer Hunters.

(1) An adult shall:

(a) Accompany a person under sixteen (16) years old; and

(b) Remain in a position to take immediate control of the youth's gun.

(2) An adult accompanying a youth hunter shall not be required to possess a hunting license or deer permit if the adult is not hunting.

#### Section 9. Harvest Recording.

(1) Immediately after taking a deer, and prior to moving the carcass, a person shall record, in writing:

(a) The species taken;

(b) The date taken;

(c) The county where taken; and

(d) The sex of the deer taken on one (1) of the following:

1. The hunter's log section on the reverse side of a license or permit;

2. The hunter's log produced in a hunting guide;
3. A hunter's log printed from the Internet;
4. A hunter's log available from any KDSS agent; or
5. An index or similar card.

(2) The person shall retain and possess the completed hunter's log while the person is in the field during the current hunting season.

#### Section 10. Checking a Deer.

(1) A person shall check a harvested deer before 11:59 p.m. on the day the deer is recovered by:

- (a) Calling (800) 245-4263 and providing the requested information; or
- (b) Completing the online check-in process at fw.ky.gov.

(2) A person who has checked in a deer shall record the confirmation number on a hunter's log.

(3) If a hunter removes the hide or head of a harvested deer before the deer is checked in, then the hunter shall retain the deer parts established in paragraphs (a) and (b) of this subsection:

- (a) For antlered deer, the:
  1. Head with antlers; or
  2. Testicles, scrotum, or penis attached to the carcass; or
- (b) For antlerless deer, the:
  1. Head; or
  2. Udder or vulva attached to the carcass.

(4) If a hunter transfers possession of a harvested deer, or if the harvested deer is out of the hunter's possession, the hunter shall attach to the carcass a hand-made tag that contains the following information:

- (a) The confirmation number;
- (b) The hunter's name; and
- (c) The hunter's telephone number.

(5) A person shall not provide false information while:

- (a) Completing the hunter's log;
- (b) Checking a deer; or
- (c) Creating a carcass tag.

#### Section 11. Transporting and Processing Deer.

(1) A person shall:

- (a) Not transport an unchecked deer out of Kentucky;
- (b) Have proof that a deer or parts of deer brought into Kentucky were legally taken; or
- (c) Not sell deer hides except to a licensed:
  1. Fur buyer;
  2. Fur processor; or
  3. Taxidermist.

(2) A taxidermist or an individual who commercially butchers deer shall not accept a deer carcass or any part of a deer without a valid disposal permit issued by the department pursuant to KRS 150.411(3) or a proper carcass tag as established in Section 10 of this administrative regulation.

(3) An individual who commercially butchers deer shall keep accurate records of the hunter's name, address, confirmation number, and date received for each deer in possession and retain the records for a period of one (1) year.

#### Section 12. Special Deer Hunt Program.

(1) A special deer hunt shall:

- (a) Consist of a minimum of ten (10) novice deer hunters selected on a first-come, first-served basis;
  - (b) Take place on private land with the permission of the landowner;
  - (c) Only be overseen and sponsored by department employees; and
  - (d) Take place during the archery deer season.
- (2) A special deer hunt participant shall possess a valid hunting license and deer permit, except if the participant is license-exempt, as established in KRS 150.170.

Section 13. Antlers.

- (1) A person shall not use a device that is designed to entangle or trap the antlers of a deer.
- (2) A shed of a deer shall be legal to possess.

Section 14. CWD Surveillance Zone Requirements.

(1) A CWD Surveillance Zone shall be limited to an area surrounding the location(s) of CWD positive cervid detections as biologically and logistically necessary to monitor and combat the spread of CWD. The areas designated as part of the CWD Surveillance Zone shall be published on the department's Web site at [fw.ky.gov](http://fw.ky.gov).

(2) In any area identified as a CWD Surveillance Zone, the following requirements shall be effective:

(a) In addition to items in Sections 10 and 11 above a hunter harvesting deer in a CWD Surveillance Zone shall:

- 1. Transport the entire carcass or the entire head; and
- 2. Telecheck confirmation number to a KDFWR authorized check station in the CWD Surveillance Zone during the identified time periods as advertised by the department at <https://fw.ky.gov>.

(b) A hunter harvesting deer in a CWD Surveillance Zone shall not:

- 1. Transport a full carcass or any part thereof outside of the CWD Surveillance Zone, except deboned meat, clean skull plates, antlers, antlers attached to a clean skull plate, clean skulls, clean teeth, finished taxidermy work, and hides of legally harvested cervids; or
- 2. Bait or feed any wildlife inside the CWD Surveillance Zone, except for:
  - a. Normal agricultural practices, including food plots;
  - b. Hanging bird feeders within the curtilage of the home; and
  - c. Furbearer trapping attractants, except grain salt or mineral.

*RICH STORM, Commissioner*

APPROVED BY AGENCY: July 13, 2023

FILED WITH LRC: July 14, 2023 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2023, 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, 2023. 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](mailto: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 establishes the manner in which white-tailed deer may be harvested in Kentucky.

**(b) The necessity of this administrative regulation:**

Deer are a public resource entrusted to the state for management. As such, there must be regulations in place to control the method and manner in which deer may be taken.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

Conforms to KRS 150.025(1), 150.170, 150.175, 150.390(1) as these statutes allow the department to establish bag limits, season structure, etc. for the taking of wild deer.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This regulation establishes the manner in which deer may be taken in Kentucky and therefore assists in the effective administration of the abovementioned statutes.

**(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:**

Changes the deer hunting zone designation of Simpson County from a Zone 3 to a Zone 2.

**(b) The necessity of the amendment to this administrative regulation:**

The change in zone designation for Simpson County will allow the KDFWR to more effectively manage the deer population via a liberalization of the bag limit. Current population estimates show an increasing deer population in this area which warrants additional take.

**(c) How the amendment conforms to the content of the authorizing statutes:**

Conforms to KRS 150.025(1), 150.170, 150.175, 150.390(1) as these statutes allow the department to establish bag limits, season structure, etc. for the taking of wild deer.

**(d) How the amendment will assist in the effective administration of the statutes:**

The change in Zone designation will allow the KDFWR to more effectively manage the deer population within Simpson County.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

Simpson County hunters benefit from a liberalization of bag limits and methods for additional taking of wild deer. May also benefit non-hunting members of the county (i.e., farmers, motorists, insurance agencies, etc.) via decreasing deer populations (e.g., less depredation of agricultural crops, less risk of deer-vehicle collisions, etc.).

**(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 additional actions are required.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There is no cost associated with this change.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Additional hunting opportunities and a reduction in deer density.

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

**(a) Initially:**

No initial cost

**(b) On a continuing basis:**

No continuing cost

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

Fish and Game Funds

**(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:**

No additional fees or funding will be required

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

No additional fees associated with the amendment to this regulation

**(9) TIERING: Is tiering applied?**

Tiering is not applied; all Simpson County hunters have an equal opportunity under this amendment.

## FISCAL NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

No perceived impacts to the abovementioned groups.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 150.025(1), 150.170, 150.175, 150.390(1)

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

It is likely that there will be no increase in revenue to the abovementioned groups as a result of the implementation of this amendment

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

No revenue will be generated

**(c) How much will it cost to administer this program for the first year?**

No cost to administer

**(d) How much will it cost to administer this program for subsequent years?**

No cost to administer

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

No cost savings

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

No cost savings

**(c) How much will it cost the regulated entities for the first year?**

No cost to the regulated entities

**(d) How much will it cost the regulated entities for subsequent years?**

No cost to the regulated entities

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. There will be no major economic impact as a result of this amendment to the regulation

## FEDERAL MANDATE ANALYSIS COMPARISON

**(1) Federal statute or regulation constituting the federal mandate.**

**(2) State compliance standards.**

**(3) Minimum or uniform standards contained in the federal mandate.**

**(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?**

This regulation imposes less restrictive requirements

**(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.**

Local deer densities have increased within Simpson County which necessitates its switch to a more liberal bag limit.