

## SECTION .0900 – GAME BIRD PROPAGATORS

### 15A NCAC 10H .0901 GAME BIRD PROPAGATION LICENSE

The game bird propagation license authorizes the purchase, possession, propagation, sale, transportation and release of propagated upland game birds, except wild turkey, migratory game birds and their eggs, subject to the following limitations and conditions:

- (1) The sale of dead pen-raised quail for food is governed by the regulations of the North Carolina Department of Agriculture;
- (2) The possession, sale, and transfer of migratory game birds is subject to additional requirements contained in Title 50 of the Code of Federal Regulations.
- (3) No propagation license shall be issued for wild turkeys.

*History Note:* Authority G.S. 106-549.94; 113-134; 113-273; 50 C.F.R., Part 21;  
Eff. January 1, 1981;  
Amended Eff. July 1, 1988; July 1, 1987;  
Temporary Amendment Eff. July 1, 2001;  
Amended Eff. June 1, 2005; July 18, 2002.

### 15A NCAC 10H .0902 APPLICATION FOR AND TERM OF LICENSE

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. January 1, 1981;  
Repealed Eff. July 1, 1988.

### 15A NCAC 10H .0903 ACQUISITION OF BIRDS OR EGGS

A game bird propagator license under this Section shall take no birds or eggs from the wild for the purpose of propagation or sale, but may purchase or acquire live game birds, or the eggs thereof, from any other licensed game bird propagator. Upon such acquisition, he shall obtain a copy of a receipt or other written evidence of the transaction showing the date, the names and license numbers of both parties, and the species and quantity of the game birds, or eggs, so acquired. This receipt shall be retained by the licensee as part of his records as provided by Rule .0906 of this Section.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. January 1, 1981.

### 15A NCAC 10H .0904 DISPOSITION OF BIRDS OR EGGS

- (a) **Diseased Birds.** No game bird propagator licensed under this Section shall knowingly sell or otherwise transfer possession of any live game bird that shows evidence of any communicable disease, except that such transfer may be made to a veterinarian or pathologist for examination and diagnosis. Disposition of any game bird having a communicable disease in a manner not likely to infect wild game bird populations is the responsibility of the licensee.
- (b) **Sale of Live Birds or Eggs.** Subject to the limitations set forth in Rule .0901 of this Section, any healthy game birds which are authorized to be propagated under this Section, or the eggs thereof, may be sold or transferred alive by any licensed game bird propagator to any other licensed game bird propagator. Licensed game bird propagators may also sell or transfer healthy live game birds to licensed controlled shooting preserve operators or to any person who holds a valid state license or permit to

possess the same. Upon any such sale or transfer, a receipt or other written evidence of the transaction shall be prepared in duplicate showing the date, the names and license or permit numbers of both parties, and the species and quantity of the game birds or eggs transferred. A copy of such receipt or writing shall be retained by each of the parties as a part of his records as provided by Rule .0906 of this Section. Any live migratory waterfowl sold or transferred to any person for use in training retrievers or conducting retriever trials must be marked by one of the methods provided by 50 C.F.R. 21.13. Each pheasant sold or transferred for such purposes shall be banded prior to the transfer with a metal leg band which is imprinted with the number of the propagator's license.

(c) Sale of Dead Game Birds as Food. Subject to the limitations and conditions indicated in Rule .0901 of this Section and to any applicable laws and regulations relating to pure foods, public health and advertising, game birds produced by game bird propagators licensed under this Section may be killed at any time in any manner, except by shooting during the closed season on the species concerned, and sold for food purposes as provided by the following Subparagraphs:

- (1) Sale Direct to Consumer. Unprocessed dead game birds may be sold directly to a consumer when accompanied by a receipt showing the name of the consumer, the name and license number of the propagator, and the quantity and species of the game birds sold. A copy of such receipt shall be retained by the propagator as part of his records. No such bird shall be resold by any such consumer.
- (2) Sale To or Through a Processor. Game birds may be sold to any commercial food processor who holds a permit to possess them or delivered to such a processor for processing and packaging prior to sale. In either case, the transfer shall be evidenced by a duplicate receipt identifying the processor by name and permit number and the propagator by name and license number, and indicating the number and species of birds transferred. A copy of such receipt shall be retained by each of the parties as part of his records. The processed carcasses of the birds shall be enclosed in a wrapper or container on the outside of which is indicated the number and species of birds contained, the license number of the propagator, and the fact that such birds were domestically raised. When so packaged, such processed game birds may be sold at wholesale or at retail through ordinary channels of commerce. This Paragraph does not apply to dead quail marketed for food purposes under the regulations of the North Carolina Department of Agriculture.
- (3) The eggs of propagated game birds may not be sold for food purposes.

*History Note:* Authority G.S. 113-134; 113-273; 50 C.F.R., Part 21.13;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2010; May 1, 2008; June 1, 2005.

## **15A NCAC 10H .0905 TRANSPORTATION**

### **(a) Live Game Birds or Eggs**

- (1) Private Carriers. Live propagated game birds or the eggs thereof may be transported by private carrier when accompanied by a copy of receipt required by Rule .0903 or Rule .0904(b) or (c)(2) of this Section.
- (2) Common Carriers. When live propagated game birds or the eggs thereof are transported by common carrier, each separate container shall be tagged or labeled to show the name, address and license number of the shipping propagator, the name, address and license or permit number of the consignee, and the number and species of game birds or eggs contained therein.

### **(b) Dead Game Birds**

- (1) Private Consumers. Unprocessed dead game birds may be transported by consumers or hunters when accompanied by a copy of the receipt from a licensed game bird propagator required by Rule .0904(c)(1) of this Section or by a copy of the receipt from a controlled shooting preserve operator required by 15A NCAC 10H .0105.
- (2) Processed Game Birds. The carcasses of processed propagated game birds other than quail may be transported in any manner when packaged in a wrapper or container marked as required by Rule .0904(c)(2) of this Section.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. January 1, 1981.

#### **15A NCAC 10H .0906 RECORDS**

Each licensed game bird propagator shall maintain a chronological file of receipts or copies thereof showing the dates and sources of acquisition of game birds and their eggs and the species and quantities thereof as required by Rule .0903 of this Section, and a chronological file of copies of receipts showing all transfers of propagated game birds, except dead quail sold for food purposes, and their eggs as required by Rule .0904 of this Section. Such records shall be segregated as to each license year, shall be made available for inspection by any authorized agent of the Wildlife Resources Commission, and shall be retained for at least one year following the close of the license year to which they pertain.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. January 1, 1981.

#### **15A NCAC 10H .0907 QUAIL CALL-PEN TRAPS**

Any licensed game bird propagator who raises quail and who wishes to release live pen-raised quail on his premises for dog training purposes may use quail call-pen traps for the purpose of recovering such quail subject to the following restrictions:

- (1) All traps shall have a weather-resistant permanent tag attached with the propagator's name and address written legibly on it;
- (2) No such trap shall be located with 100 yards of any outside boundary of the premises;
- (3) All quail released for dog training shall be banded; and
- (4) No unbanded quail caught in any such trap shall be retained.

*History Note:* Authority G.S. 113-134; 113-273; 113-291.1;  
Eff. January 1, 1981;  
Amended Eff. May 1, 2009; July 1, 1987.