

# **Arkansas Game and Fish Commission**

## **Code Book**

**The regulations in this Code Book are hereby adopted by the Arkansas State Game and Fish Commission under authority of Amendment 35 to the Constitution of the State of Arkansas. All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.**

## **35.00 Live Fish Trade Regulations**

- [35.01](#) Live Fish Trade Permit Requirements
- [35.02](#) Fish Farmer Sales Records Requirements
- [35.03](#) Fish Farmer Bill Of Lading And Paperwork Requirements
- [35.04](#) Fish Farmer Tackle Requirements
- [35.05](#) Bull Frog Permit Requirements
- [35.06](#) Rearing Or Propagating Aquatic Wildlife In Confinement Restricted
- [35.07](#) Fishing In Fish Farm Culture Units Prohibited
- [35.08](#) Operating Lakes As A Fish Farm Prohibited
- [35.09](#) Possession, Rearing, Propagation, Or Sale Of Conditional And Unlisted Aquaculture Species Prohibited
- [35.10](#) Paddlefish And Sturgeon Roe Regulations
- [35.11](#) Viral Hemorrhagic Septicemia Virus Fish Importation Regulation
- [35.12](#) Aquatic Animal Health Certification Requirement For Importation
- [35.13](#) Importation Of Wild-Caught Live Fish

[35.14](#) Additional Penalty

## 35.01 Live Fish Trade Permit Requirements

It is unlawful for fish farmers, distributors, wholesalers, pond consultants, aquaponics/hydroponics producers, or independent live haulers to possess, propagate or offer for sale farm-reared (egg to harvest) aquaculture species or fertilized eggs without the appropriate valid permit. Permits are non-transferrable and are required to be renewed annually. See Addendum [J1.01](#) for Approved Commercial Aquaculture Species and Addendum Chapter [I1.00](#) for Aquatic Animal Health Requirements.

- A. Resident Fish Farmer Permit - A resident who possesses this permit may possess, propagate, and raise farm-reared approved aquaculture species/eggs on an approved fish farm in Arkansas. With this permit a resident fish farmer may also sell, distribute, hold and/or transport farm-reared approved aquaculture species/eggs within and into the state from approved fish farm sources and provide pond and aquaponics/hydroponics consulting.
- B. Non-resident Fish Farm Permit - A non-resident who possesses this permit may possess, propagate, and raise farm-reared approved aquaculture species/eggs on an approved fish farm in a location outside the state of Arkansas. With this permit a non-resident fish farmer may also sell, distribute, hold and/or transport farm-reared approved aquaculture species/eggs within and into the state from approved fish farm sources and provide pond and aquaponics/hydroponics consulting.
- C. Resident Fish Dealer/Independent Hauler - A resident who possesses this permit may sell, distribute, hold, and/or transport farm-reared approved aquaculture species/eggs within and into the state from AGFC-approved fish farm sources and provide pond and aquaponics/hydroponics consulting, including resident pond consultants.
- D. Non-resident Fish Dealer/Independent Hauler- A non-resident who possesses this permit may sell, distribute, and/or transport farm-reared approved aquaculture species/eggs within and into the state from AGFC-approved fish farm sources and provide pond and aquaponics/hydroponics consulting, including non-resident pond consultants.
- E. Research/Educational/Exhibition/Government Fish Culture Facility Permit - Any research, educational, public aquaria, or state and federally owned aquaculture facilities that possess and/or propagate fish for research, exhibition, or public stocking purposes and provide pond and aquaponics/hydroponics consulting . This permit does not allow the holder to sell live species in commercial trade, however, accredited zoos may sell species to other accredited zoos.

### EXCEPTIONS:

- A. A Retail Bait Dealer (Bait Shop) must comply with Code [32.02](#) regarding permit and license requirements.
- B. A commercial fisher must comply with Code [30.01](#) regarding permit and license requirements.

- C. A licensed fishing guide is not required to purchase a fish dealer's permit when providing baitfish during the act of guiding.
- D. No AGFC-issued permit is required for shipments of live fish or fertilized eggs passing through the state with no loading or unloading within the state; however, all shipments of live fish or fertilized eggs must comply with Codes [35.03](#), [35.11](#), and [35.12](#).
- E. Marine and tropical fish commonly distributed in the aquarium trade may be sold without special permits, as long as they are held only in closed systems and not otherwise prohibited.
- F. All other aquatic wildlife species traded commercially must comply with AGFC Code of Regulations, including captive wildlife.
- G. Common shipping carrier services (ex. Fed-Ex, UPS, USPS, etc.) are not required to obtain a hauler permit.

**PENALTY:** Class 1

## **35.02 Fish Farmer Sales Records Requirements**

It is unlawful for fish farmers, fish dealers, and independent live haulers to fail to maintain legible records, including those required by Code [35.03](#) indicating all importations, sales and shipments, and to reveal records to an enforcement officer for inspection upon request. Records must be retained for a minimum of 3 years.

**PENALTY:** Class 1

## 35.03 Fish Farmer Bill Of Lading And Paperwork Requirements

It is unlawful to transport live aquatic species or fertilized eggs into or through the State of Arkansas without meeting the following requirements:

- A. A bill of sale (invoice) must be immediately supplied to each purchaser of aquaculture species. The bill of sale must indicate the species, number and/or weight of species/eggs sold, name of the purchaser, and name and permit number of the fish farmer, fish dealer, or independent live hauler making the transaction and accompanying the shipment to its final destination.
- B. A true bill of lading indicating the species, number and/or weight of species/eggs sold, source of each species/eggs, final destination of each species/eggs, name and address of each purchaser, and name, address, and permit number of the fish farmer, fish dealer, or independent live hauler making the transaction and accompanying the shipment to its final destination during intrastate and interstate commerce.
- C. When required, valid health certificates need to accompany all live fish shipments including eggs (see AGFC Codes [35.11](#) and [35.12](#), Addendum Chapter [11.00](#)). Health certification requirements for all other aquatic wildlife species must comply with Code Chapter [09.00](#) and Addendum Chapter F1.00

**PENALTY:** Class 1

## 35.04 Fish Farmer Tackle Requirements

It is unlawful for fish farmers to use or transport illegal commercial tackle without first complying with Codes [35.01](#), [35.02](#), and [35.03](#).

**PENALTY:** Class 1

## 35.05 Bull Frog Permit Requirements

Resident fish farmers are allowed to depredate *Ranidae* species present on the permitted farm and impacting production of the farm without additional permits, provided that the species is not otherwise protected. Resident fish farmers in possession of a valid Bull Frog Permit in compliance with Code Chapter [29.00](#) may harvest and offer for sale Bull Frogs from their permitted facility.

**PENALTY:** Class 1

## **35.06 Rearing Or Propagating Aquatic Wildlife In Confinement Restricted**

It is unlawful to rear or propagate aquatic wildlife in confinement in waters of the state without complying with Code [35.01](#).

**PENALTY:** Class 1

## **35.07 Fishing In Fish Farm Culture Units Prohibited**

It is unlawful to fish or otherwise disturb aquaculture species contained in fish farm culture units for production or rearing of aquaculture species without written permission from the fish farm owner/manager.

**EXCEPTION:** Permitted fish farmers, fish farm staff, fish health specialists, or veterinarians may disturb, fish, or use other alternative methods for obtaining samples for animal health/diagnostic purposes, size and weight evaluations, or sampling for off-flavor testing in commercial aquaculture facilities.

**PENALTY:** Class 1

## **35.08 Operating Lakes As A Fish Farm Prohibited**

It is unlawful to operate a lake as a fish farm without control structures to prevent the inflow of water from adjacent streams, creeks, bayous, or rivers and without first removing all wild fish present in compliance with a plan approved by the Commission.

**PENALTY:** Class 1

## **35.09 Possession, Rearing, Propagation, Or Sale Of Conditional And Unlisted Aquaculture Species Prohibited**

It is unlawful for fish farmers, fish dealers, or independent live haulers to possess, rear, transport, or sell aquaculture species/eggs not listed on the Approved Aquatic Species List (Addendum Chapter [J1.00](#)) without a Conditional Species Possession Permit or an Unlisted Species Possession Permit from the Arkansas Game and Fish Commission Chief of Fisheries. See Addendum [J1.01](#) for species, permitting process, and reporting requirements; Addendum Chapters [I1.00](#) and [V1.00](#) for aquaculture species health requirements.

### **EXCEPTIONS:**

- A. Resident fish farmers, state and federal culture facilities, and research/educational/public aquaria facilities, possessing a valid Conditional and/or Unlisted Species Permit may propagate those species.
- B. If not otherwise prohibited, a properly permitted fish farmer may sell native crayfish that naturally colonize in their aquaculture facilities and must list as a species on a resident fish farm permit.
- C. Marine and tropical fish commonly distributed in the aquarium trade may be sold without special permit, as long as they are held only in closed systems and not otherwise prohibited. Any live release of these species is unlawful.
- D. Fish Farmer permittees may depredate or relocate aquatic turtles impacting commercial fish production from their facility without an additional permit but may not sell or offer for sale those aquatic turtles from their aquaculture facilities unless they possess a valid Aquatic Turtle Harvest Permit or Aquatic Turtle Dealer Permit in compliance with Code Chapter [34.00](#).
- E. Accidental inclusion of aquatic species native to Arkansas, comprising 5% or less (by number) of an otherwise legal shipment of live aquaculture organisms, will be exempt from prosecution provided the included species are not otherwise prohibited.

**PENALTY:** Class 2



## 35.10 Paddlefish And Sturgeon Roe Regulations

It is unlawful for a fish farmer to sell, offer to sell, or buy paddlefish, sturgeon or their parts, including eggs (roe), without a Resident Roe Taker/Seller Permit, Resident Roe Buyer/Exporter Permit, or a Nonresident Roe Buyer Permit in compliance with Codes [30.17](#), [30.18](#), and [01.00-L](#). Fish farmers in possession of a Resident Roe Buyer/Exporter Permit, or a Nonresident Roe Buyer Permit will be required to follow the reporting requirements as stated in Code [30.16](#). (Reference Code [01.00-L](#)).

**PENALTY:** Class 3

## 35.11 Viral Hemorrhagic Septicemia Virus Fish Importation Regulation

It is unlawful to import, transport, or otherwise receive into Arkansas live fish or fertilized eggs from any Viral Hemorrhagic Septicemia Virus (VHSV)-positive state without a valid Fish Farm Health Inspection Permit issued by the Commission and in compliance with the provisions of the permit, the requirements in Addendum Chapter [11.00](#), and the following requirements:

- A. Any person shipping live fish or fish eggs into Arkansas from VHSV-positive states must obtain the Fish Farm Health Inspection Permit and a copy of the permit must accompany all shipments into the state, even if the fish are transported by a third party.
- B. Any person hauling live fish through Arkansas from VHSV-positive states is prohibited from discharging water from fish-hauling tanks in Arkansas.
- C. All shipments of live fish or eggs coming into Arkansas must be accompanied by appropriate permits (Code [35.01](#)) and paperwork requirements (Code [35.03](#)).

**PENALTY:** Class 3

## 35.12 Aquatic Animal Health Certification Requirement For Importation

It is unlawful to import, transport, or otherwise receive live fish or fertilized eggs from any source outside of Arkansas without a valid Fish Health Disease-Free certification, issued following screening and confirmatory testing conducted as described in the inspection section of the most recent edition of the “American Fisheries Society - Fish Health Section Blue Book” or the most recent edition of the World Organization for Animal Health “Manual of Diagnostic Tests for Aquatic Animals,” or conducted according to approved protocols in a laboratory listed by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service that has been approved to test for aquatic animal pathogens, or in a USDA NAHLN laboratory by an official NAHLN protocol. See Addendum [11.00](#) for specific requirements.

### **EXCEPTIONS:**

- A. Channel Catfish (*Ictalurus punctatus*), Blue Catfish (*Ictalurus furcatus*), and Hybrid Catfish (*Ictalurus furcatus* X *Ictalurus punctatus*) for commercial “foodfish” production may be imported by permitted Resident fish farmers from permitted Non-resident fish farms located in the state of Mississippi, in the area West of Interstate Hwy 55 and North of Interstate Hwy 20, without a health certificate, provided such fish remain on the receiving facility's premises, except to go directly to a terminal processing facility. Exclusions for these species do not apply for fish destined for recreational or other stocking purposes.
- B. Species listed as threatened, endangered, or species of greatest conservation concern may utilize a sentinel species from the same genus, which are located in the same water source.
- C. A Certificate of Veterinary Inspection will be accepted in lieu of health certifications for educational display purposes (e.g. zoos, public aquaria, museums, etc.) where specimens remain permanently in captivity in a closed aquarium system.

**PENALTY:** Class 3

## **35.13 Importation Of Wild-Caught Live Fish**

It is unlawful to import or otherwise receive live, wild-caught fish species from any source outside of Arkansas.

### **EXCEPTIONS:**

- A. Species listed as threatened, endangered, or species of greatest conservation concern may be imported for bona fide research and/or conservation purposes.
- B. Importation of live, wild-caught specimens designated for educational display purposes (e.g. zoos, public aquaria, museums, etc.) will be allowed where specimens remain in captivity permanently in a closed aquarium system.

**PENALTY:** Class 3

## **35.14 Additional Penalty**

Any shipments found to be in violation of this Code Chapter [35.00](#) will be escorted back to the in-state originating source, or to the state line for non-resident sources, and will not be allowed to re-enter the state until in compliance with this Code Chapter.