

## Chapter IV

### Possession, Importation and Sale

#### 4.1 Possession of animals; duty to retrieve game animals.

Sec. 4.1 A person may possess any animal or parts of any animal, from this state, or from outside of this state, whether living or dead, only as provided by this section:

(1) Game lawfully taken, acquired, and transported may be possessed by any person.

(2) Live game taken from the wild shall not be possessed. Wounded game, reduced to possession, shall be immediately killed and included in the daily limit. A person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit.

(3) Dead game lawfully taken in another state, territory, or country, and lawfully imported into this state, may be possessed by any person.

(4) Game lawfully taken may be possessed afield, or in or upon a motorized vehicle, if the identification of species and sex is readily identifiable as provided by section 40109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40109. Waterfowl may be transported or possessed only in accordance with sections 3.403 to 3.406 of this order. For the purposes of identification under section 40109, the species and sex of a butchered or processed deer, bear, or elk shall be considered readily identifiable if the carcass or parts thereof are accompanied by the head of the animal with the validated tag or seal as required for the species by this order.

(5) Animals, dead or alive, and parts thereof may be possessed by educational institutions, public agencies, and public zoological gardens. A qualified person may obtain a permit from the department to possess a live animal for rehabilitation purposes as specified in sections 5.70 to 5.75 of this order. Rehabilitation shall be undertaken only for the expressed purpose of ultimately returning the sick or injured animal to the wild.

(6) Except as otherwise provided in this subsection, live game or protected species, and any other animals which closely resemble game or protected species, and can reasonably be confused with game or protected species as determined by the department, which have been lawfully acquired from within this state, or lawfully imported, may be possessed if the person first applies for and has been issued 1 or more of the following licenses or permits specifically authorizing the species to be possessed by that person:

(a) A shooting preserve license.

(b) A permit to hold wildlife in captivity.

(c) A federally recognized falconry permit.

(d) A federal raptor propagation permit, except that the possession of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not possess any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose education permit or state scientific collector's permit.

(7) Nothing in this section shall be construed to prohibit the possession of a hawk, owl, or eagle, or parts thereof, by an American Indian for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

(8) A licensed taxidermist may possess lawfully acquired dead game and protected animals only under the following conditions:

(a) Game and protected animals must be tagged with a taxidermist specimen identification tag supplied by the department and the information requested on the tag must be completely and legibly recorded.

(b) A copy of the taxidermist specimen identification tag shall be maintained by the taxidermist on the premises for inspection by a conservation officer for 1 year following disposal of any specimen.

(c) Receipt of any carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, elk, or moose, originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations, or from the CWD surveillance zone as defined in section 12.900 of this order, that does not have documentation showing a negative test for CWD, must be reported to the Michigan department of natural resources and environment, wildlife disease laboratory, within the business hours of the next 72 hours of receipt.

(9) A person shall not possess the carcass or parts thereof, of a deer, elk, or moose originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except for the following:

(a) Deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth.

(b) A finished taxidermist mount.

(c) Tissues imported for use by a diagnostic or research laboratory.

History: Eff. Mar 31, 1989; Am. 22, 1989, Eff. Jan 1, 1990; Am. 14, 1990, Eff. Aug 1, 1990; Am. 3, 1996, Eff. Apr 11, 1996; Am. 1, 1997, Eff. May 1, 1997; Am. 8, 1999, Eff. Sep 1, 1999; Am. 16, 2008, Eff. Oct 10, 2008; Am. 15, 2010, Eff. Aug. 12, 2010.

## **4.2 Importation.**

Sec. 4.2 A person may import any animal, whether living or dead, or parts of any animal, into this state only as provided in this section:

(1) Dead bear, deer, elk, wild turkey, and parts thereof, lawfully taken or purchased in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the bear, deer, elk, or turkey is clearly and permanently tagged as to the state, territory, or country of origin. A person causing a dead animal or parts thereof to be imported shall maintain documentation of the lawful taking, purchase, and/or importation of the animal until the animal is consumed, or if prepared as a trophy, the documentation must remain with the trophy.

(2) Except as otherwise provided in this subsection, live game or protected animals, lawfully taken or acquired in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the person causing the game or protected animal to be imported complies with sections 5.2 and 5.5 of this order and has first applied for and been issued one or more of the following licenses or permits specifically authorizing possession of the species being imported:

(a) A shooting preserve license.

(b) A permit to hold wildlife in captivity.

(c) A federally recognized falconry permit.

(d) A federal raptor propagation permit, except that the importation of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and

environmental protection act, 1994 PA 451. A person shall not import any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose possession education permit or state scientific collector's permit.

(3) A person shall not import the carcass or parts thereof, of a free-ranging deer, elk, or moose into this state if the carcass or parts thereof originated from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except as described in section 4.1 (9) of this order.

(4) A person who is notified by mail or other means that a carcass or parts thereof, imported into Michigan tested positive for CWD, shall report such finding within the business hours of the next 72 hours to the Michigan department of natural resources, wildlife disease laboratory, and shall provide such information as may be requested by the laboratory.

(5) Nothing in this subsection shall be construed to prohibit an American Indian from importing a hawk, owl, or eagle for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

History: Eff. Mar 31, 1989; Am. 22, 1989, Eff. Jan 1, 1990; Am. 14, 1990, Eff. Aug 1, 1990; Am. 7, 1991, Eff. Jul 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 16, 2008, Eff. Oct 10, 2008; Am. 15, 2010, Eff. Aug. 12, 2010.

### **4.3 Buying and selling.**

Sec. 4.3 A person may buy, offer to buy, sell, offer to sell, or exchange for anything of value animals or parts of animals only as provided in this section:

(1) The fur, hide, pelt, plumage, or skin of game, lawfully taken during the open season or raised under the authority of a permit to hold wildlife in captivity, may be sold or offered for sale by the person licensed to take the game or the person permitted to hold wildlife in captivity.

(2) The carcass and parts thereof, of fur-bearing animals lawfully taken during their open season or lawfully imported from another state, territory, or country, may be bought or sold.

(3) The antlers of deer, elk, and moose and the skull of black bear lawfully taken may be bought or sold. The teeth, claws, flesh, bones, or internal organs of game, other than those species listed in subsection (2), shall not be bought or sold.

(4) A person engaged in the business of buying or selling animals, or parts thereof, other than tanned skins, hides, or manufactured products, may be required to obtain a fur dealer's license as required by part 425, furs, hides, and pelts, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42501 to 324.42507 of the Michigan Compiled Laws. A taxidermist, licensed by the department, is not required to obtain a fur dealer's license to purchase animals, or parts thereof, which may be legally bought or sold under subsections (1) to (3), part 427, breeders and dealers, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws, or part 417, private shooting preserves, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.41701 to 324.41712 of the Michigan Compiled Laws.

(5) A dealer in meats, restaurateur, private club manager, shooting preserve licensee, or the sponsor of a field dog trial may sell for food the carcasses of game listed in subsection (2), game lawfully purchased from a captive wildlife permittee, and/or game lawfully imported from another state, territory, or country provided that the seller maintains on the premises documents, receipts, bills of lading, invoices, or customs declarations which identify the number, origin, poundage, species, and cost of the game being sold. Such records must be maintained on the premises and made available to any conservation officer during normal business hours for at least 30 days following the sale of the game.

(6) A person with a permit to hold wildlife in captivity may buy and sell any animals listed on their permit in accordance with the provisions of part 427, breeders and dealers, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws, and orders issued under the authority of that part.

(7) A licensed taxidermist may sell a permanently preserved specimen other than a migratory bird if the animal was lawfully obtained and, upon transfer, is lawfully possessed by the buyer. Documentation of lawful purchase or lawful importation must be maintained by the taxidermist and transferred to the buyer upon sale. A licensed taxidermist may sell a mounted, properly marked, captive bred, migratory bird if it was lawfully obtained and is sold in compliance with federal regulations.

(8) Dead game, or parts thereof, imported from another state, territory, or country and offered for sale must be labeled or stamped as a product of that state, territory, or country and the name of the producer clearly identified in legible English on the exterior of any packaging.

(9) The state will allow the buying and selling of raptors as provided by 50 C.F.R. 21.30. No person shall purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

History: Eff. Mar 31, 1989; Am. 22, 1989, Eff. Jan 1, 1990; Am. 14, 1990, Eff. Aug 1, 1990; Am. 2, 1992, Eff. Jul 1, 1992; Am. 1, 1997, Eff. May 1, 1997.

#### **4.4 Commercial processing and storage; records required; maintenance and inspection.**

Sec. 4.4 (1) The owner, operator, or agent of any commercial processing operation, refrigeration plant, or frozen food locker plant, shall maintain records of all wild animals accepted for processing or storage for 90 days following receipt of the animal. Such records shall include the name and address of the owner of the animal, the date accepted, and the number of the license or permit authorizing possession. These records shall be maintained on the premises and be available for inspection by a conservation officer at any reasonable time.

(2) A commercial processing operation that receives a carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, elk, or moose which originated from a state or a province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations, shall report such acquisition to the Michigan department of natural resources, wildlife disease laboratory, within the business hours of the next 72 hours.

(3) A commercial processing operation outside of the CWD surveillance zone described in 12.900 of this order, that receives a carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within the CWD surveillance zone described in section 12.900 of this order, without a negative test for CWD documented by the department for that carcass, shall report such acquisition to the Michigan department of natural resources wildlife disease laboratory, within the business hours of the next 72 hours.

History: Am. 22, 1989, Eff. Jan 1, 1990; Am. 3, 1996, Eff. Apr 11, 1996; Am. 16, 2008, Eff. Oct 10, 2008.

#### **4.5 Possession of road-killed wild animals.**

Sec. 4.5 A person may possess a road-killed wild animal only as provided for by the following:

(1) For purposes of this section "nongame" means all wild birds and wild mammals not defined as game by Part 401 of the Natural Resources and Environmental Protection Act, 1994 PA 451, being MCL 324.40103(1).

(2) Road-killed nongame mammals, except for mammals protected by section 9.3 of this order and Part 365 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.36503, may be kept by any person at anytime without a permit. Mammals protected by the endangered species act may be possessed only in compliance with Part 365.

(3) Road-killed nongame birds, except for house (English) sparrows, European starlings, feral pigeons, or endangered or threatened species, may be kept only by a scientific or educational institution with a permit from the director for scientific or educational purposes. House (English) sparrows, European starlings, or feral pigeons may be kept by any person at anytime without a permit. Birds protected by Part 365 may be possessed only in compliance with Part 365.

(4) Road-killed game animals, except for a spotted fawn, cub bear, or migratory birds, may be kept by any person without a permit if the hunting or trapping season is open for that species where the animal was killed and if that person has a valid license for taking the animal. A road-killed game animal shall be included in the daily, possession, and season limit. A spotted fawn, cub bear, migratory game bird, and all other game animals killed outside of the open season may be kept only by a scientific or educational institution with a permit from the director for scientific or educational purposes and applicable federal permit.

(5) Notwithstanding the provisions of subsection (4), a road-killed deer that is not spotted, or an adult bear, may be salvaged for food by anyone at anytime with a permit from the director as provided by section 5.10.

(6) A road-killed wild animal from outside the state of Michigan may be kept only by a person who can show proof that it was legal to take or possess that animal in the state where it was killed.

History: Am. 2, 1991, Eff. Jun 1, 1991; Am. 9, 2009, Eff. Jun 4, 2009.

Publisher's note: See [Possession of Road-Killed Wild Animals](#) for a summary of the regulations.