

## STATE LAW

**41-6-33. Taxidermist's license** -- A person may not preserve or mount birds, animals, or fish that such person does not own without a taxidermist's license or in violation of the conditions of the license or the rules of the Game, Fish and Parks Commission.

A taxidermist's license permits the licensee to have in possession at the taxidermist's place of business, birds, animals, or fish, lawfully caught, taken, or killed, for the sole purpose of preserving or mounting them. Birds, animals, or fish or any part thereof may be transported by anyone having them legally in possession to a licensee for preserving or mounting only and for return by the licensee to the owner thereof.

Each licensee shall keep a written record of all birds, animals, and fish received by the licensee. The record shall include the name and address of each specimen's owner, the number and species, and the dates of receipt and delivery of each specimen. The record and customers' specimens shall be made available for inspection by any representative of the Department of Game, Fish and Parks during normal business hours.

## STATE &amp; FEDERAL REGULATIONS

The fee for a state taxidermist license is \$15. Applications are available from the GFP licensing office in Pierre. The license is valid from date of issue to December 31 of that calendar year, inclusive. A taxidermist is also required to obtain a federal permit before performing taxidermy work on migratory game birds for any person other than himself. The Migratory Bird - Taxidermy permit has a fee of \$100 and is valid for five years. Applications are available from:

Migratory Bird Permit Office  
US Fish & Wildlife Service  
PO Box 25486  
DFC(60154)  
Denver, CO 80225-0486  
Phone: 303-236-8171

Individual taxidermists must have a State Taxidermist License before a federal Taxidermy Permit will be issued. Federal Taxidermy Permits are required for each individual doing taxidermy work on migratory birds.

## Definitions.

- 1) "Taxidermist," a person who engages in the art, business, or operation of preserving or mounting in a lifelike state any bird, animal, or fish, or any part thereof, that does not belong to the person. The term does not include a person engaged in the business of mass producing artificial parts of wild animals;
- 2) "Customer," a person who submits a bird, animal, or fish, or any part thereof, to a taxidermist and that the taxidermist accepts for the purpose of preserving or mounting in a lifelike state;
- 3) "Specimen," any bird, animal, or fish, or part thereof, that has been submitted to a taxidermist for the purpose of preserving or mounting in a lifelike state.

**Records--Retention.** Each taxidermist shall keep current any written record required by SDCL 41-6-33. The taxidermist shall keep a separate record for each specimen. However, if a customer submits more than one specimen, a single record may be used for all of the customer's specimens. The taxidermist shall retain each written record for a period of five consecutive calendar years beginning January 1 of the year following the year that the record was completed.

**Immediate tagging of specimen -- Temporary removal of tag.** Immediately upon receipt of a specimen, a taxidermist shall attach a tag to the specimen that contains the name of the customer and the date of receipt. A taxidermist may complete and attach only one tag if the specimen is submitted in two or more parts. The tag may be removed during the taxidermy process if the tag remains with the specimen at all times while the specimen is in the taxidermist's possession.

**Transfer of specimens to another taxidermist.**

A licensed taxidermist who transfers any part of an existing inventory of specimens to another taxidermist shall assure at the time of transfer that each specimen is tagged with the name of the customer and the original date of receipt. The tag shall remain with each specimen. If the transfer of a specimen is permanent, the taxidermist shall also provide a copy of the specimen's corresponding written record to the acquiring taxidermist and shall document the name of the acquiring taxidermist and the date of transfer on the original record. The acquiring taxidermist shall retain the record for a period of five consecutive years and make the record available for inspection by a department representative during normal business hours.

**BUYING, SELLING, TRADING.** Federal law prohibits the sale of all migratory game birds, even to recover costs of labor and material. The only exception is the sale of properly marked migratory birds obtained from the holder of a federal waterfowl sale and disposal permit.

The taxidermist must have in possession a Form 3-186 obtained from the propagator and a copy of the 3-186 must accompany the bird when it is sold.

State law allows the sale only of plumage and skin of lawfully taken Chinese ring-necked pheasant, sharp-tail grouse, prairie chicken and Hungarian partridge. Game birds obtained from the holder of a valid captive game bird license may also be sold. With the exception of partridge and quail, these birds must be marked by one of the following methods: 1) must have one front toe or one hind toe on either foot removed back to the first joint including the nail, or 2) enlarged nares as a result of wearing an anti-pecking device. The taxidermist must have in possession a bill of sale showing captive game bird licensee's name and address, license number, the number, species and sex of birds or animals, and date of transaction and name and address of purchaser.

State law provides for the sale of only the skins, including bear skins with paws attached, heads, claws and antlers of lawfully taken big game animals. A conservation officer must tag velvet antlers before they are offered for sale, sold or purchased.

State law prohibits the barter or sale of any fish taken or killed in the waters of this State; however, lawfully-taken fish that have been mounted may be sold. If fish come from a legal, private source it is the responsibility of the taxidermist to have sufficient proof of origin.

**Violation is cause for revocation of license -- Immediate return of specimens -- Exception.**

Failure to maintain a written record, to knowingly falsify information on a written record or tag, failure to tag a specimen, or failure to comply with the provisions of SDCL 41-6-33, is cause for revocation of the violator's taxidermist license by the commission and for the refusal to issue a license for a period of one year following the violation.

If the commission revokes a taxidermist's license, or a taxidermist goes out of business or otherwise liquidates an inventory of specimens, the taxidermist shall immediately return to the customer any specimen submitted to the taxidermist by the customer. However, the taxidermist may transfer a tagged specimen to another licensed taxidermist if the affected customer approves the transfer and the transfer includes a copy of the specimen's written record.