

**GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION**

**IMPORTATION OF FISH  
Chapters 41:09:08**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>July 7, 2022</b>	<b>Spearfish</b>
	<b>Public Hearing</b>	<b>August 31, 2022</b>	<b>Sioux Falls</b>
	<b>Finalization</b>	<b>Aug. 31 - Sept. 1, 2022</b>	<b>Sioux Falls</b>

**COMMISSION PROPOSAL**

Proposed change:

Modify language in the rule listing importation requirements of fish to better describe current definitions of pathogens or diseases of regulatory concern (41:09:08:03.03).

Department recommended changes to proposal:

None

**SUPPORTIVE INFORMATION**

Current language in the rule on importation requirements for fish or fish reproductive products (41:09:08:03.04) needs to be modified to match language used to describe fish diseases and pathogens of concern in 41:09:08:03.03.

**DRAFT ADMINISTRATIVE RULE CHANGES**

The following are proposed draft changes that are intended to incorporate the recommended changes adopted by the Commission.

**41:09:08:03.04. Importation requirements for fish or fish reproductive products.** Before the department may issue an importation permit for fish or any fish reproductive product, a current fish health certification or a fish health inspection report must be submitted to the department.

A fish health inspection may only be conducted by:

(1) A person who is currently certified by the American Fisheries Society as a fish pathologist or a fish health inspector;

(2) A person who is currently authorized by the department to conduct official fish health inspections and who has completed a fish health inspection training program approved by the department; or

(3) A licensed veterinarian who has completed a fish health inspection training program approved by the department. Any fish health sample collected during a fish health inspection must be screened for regulated pathogens at a laboratory approved by the department.

Each fish health inspection and laboratory screening must be conducted according to procedures in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," or according to procedures of the "World Animal Health Organization (OIE) Aquatic Code," 19<sup>th</sup> Edition, 2016.

<b>APPROVE</b> _____	<b>MODIFY</b> _____	<b>REJECT</b> _____	<b>NO ACTION</b> _____
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The application for an importation permit ~~must will~~ be denied if ~~an emergency or prohibited disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility.~~ a pathogen of regulatory concern is detected in fish or fish reproductive products that are requested to be imported.

~~If a notifiable disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility,~~ The department's fish health official Aquatic Section Chief may allow the fish or fish reproductive products to be imported if the official determines the requested importation will not cause the introduction or spread of any ~~notifiable aquatic animal pathogens~~ pathogens of regulatory concern to areas in which they currently do not occur.

The fish or fish reproductive products to be imported, if obtained from man-made or natural waters and brought into a facility prior to shipping, must have been quarantined from other fish or fish reproductive products and inspected independently.

The fish or fish reproductive products to be imported, if obtained from man-made or natural waters, must have been inspected within the past twelve months. Other fish populations from this water must have been inspected within the same time period as determined by the department's fish health official.

The fish or fish reproductive products to be imported, if cultured at an aquaculture facility, must have been inspected within the past twelve months.