

CHAPTER 41:09:08
IMPORTATION OF FISH

Section

- 41:09:08:01 Repealed.
- 41:09:08:01.01 Fish importation prohibited -- Exceptions.
- 41:09:08:02 Repealed.
- 41:09:08:03 Repealed.
- 41:09:08:03.01 Application requirements for fish importation permit -- Validity requirements -- Types -- Fees.
- 41:09:08:03.02 Repealed.
- 41:09:08:03.03 Diseases of regulatory concern.
- 41:09:08:03.04 Importation requirements for fish or fish reproductive products.
- 41:09:08:03.05 Repealed.
- 41:09:08:04 Packaging and shipping procedure.
- 41:09:08:05 Inspection of shipments.
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- 41:09:08:07 In-transit shipments exempt -- Exceptions.

41:09:08:01. Salmonidae importation prohibited without permit. Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 103, effective January 19, 1989; repealed, 29 SDR 80, effective December 10, 2002

41:09:08:01.01. Fish importation prohibited -- Exceptions. A person may not import live fish or any fish reproductive product into the state except for the following:

- (1) A person possessing a valid fish importation permit issued by the department;
- (2) An angler fishing on any boundary water as defined in § 41:07:01:01; or
- (3) A person importing fish designated for aquaria use.

Source: 29 SDR 80, effective December 10, 2002; 34 SDR 179, effective December 24, 2007.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

41:09:08:02. Certificate of source required. Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 15 SDR 103, effective January 19, 1989.

41:09:08:03. Disease-free certificate required. Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 103, effective January 19, 1989; repealed, 29 SDR 80, effective December 10, 2002.

41:09:08:03.01. Application requirements for fish importation permit -- Validity requirements -- Types -- Fees. A person shall make application for a fish importation permit on forms provided by the department. The application must be received at least ten working days prior to the date of importation. A person may import only those species from the specific source facility listed on the permit. A separate application is required to add any additional species to an existing permit or to import from any additional source facility. Fish importation permit types and fees are as follows:

(1) An annual commercial importation permit authorizes any licensed aquaculture hatchery, fee fishing hatchery, wholesale bait dealer or retail bait dealer to import live fish and fish reproductive products into the state. The fee is \$40 per source facility. The permit expires on December 31 of the calendar year in which the permit is issued. An annual fish importation report shall be submitted on forms provided by the department prior to the issuance of an annual commercial importation permit in the following year; and

(2) A noncommercial importation permit authorizes any other applicant to import live fish and fish reproductive products into the state only on the dates specified on the permit. There is no fee for this permit.

Source: 29 SDR 80, effective December 10, 2002; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

41:09:08:03.02. Fish health inspection and accepted guidelines. Repealed.

Source: 29 SDR 80, effective December 10, 2002; 32 SDR 109, effective December 27, 2005; repealed, 35 SDR 184, effective February 2, 2009.

41:09:08:03.03. Diseases of regulatory concern. Fish diseases of regulatory concern are as follows:

(1) Emergency prohibitive diseases:

- (a) Viral hemorrhagic septicemia – V.H.S. virus;
- (b) *Oncorhynchus masou* virus – O.M. virus;
- (c) Salmonid rickettsial septicemia – S.R.S. virus;
- (d) Spring viremia of carp – *Rhabdovirus carpio* – S.V.C. virus;
- (e) Rhabdovirus disease of northern pike fry – P.F.R.D. virus; and
- (f) Infectious salmon anemia – I.S.A. virus;

(2) Prohibitive diseases:

- (a) Infectious hematopoietic necrosis – I.H.N. virus;
- (b) Infectious pancreatic necrosis – I.P.N. virus;
- (c) Ceratomyxosis – *Ceratomyxa shasta*;
- (d) Proliferative kidney disease – PKD/PKX agent;
- (e) Epizootic epitheliotropic disease – EED virus;

- (f) Channel catfish herpesvirus – C.C.V.D.;
- (g) White sturgeon iridovirus – W.S.I. virus of white sturgeon; and
- (h) Largemouth bass virus – L.M.B.V.; and

(3) Notifiable diseases:

- (a) Bacterial kidney disease – *Renibacterium salmoninarum*;
- (b) Furunculosis – *Aeromonas salmonicida*;
- (c) Enteric redmouth – *Yersinia ruckeri*;
- (d) Whirling disease – *Myxosoma cerebralis*;
- (e) Shovelnose sturgeon iridovirus – S.S.I. virus of shovelnose and pallid sturgeon; and
- (f) Heterosporis – *Heterosporis sp.*

Source: 29 SDR 80, effective December 10, 2002; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

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 shall 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 shall be screened for regulated pathogens at a laboratory approved by the department.

Each fish health inspection and laboratory screening shall be conducted according to procedures in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," 2014 Edition or according to procedures of the "World Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016.

The application for an importation permit shall be denied if an emergency or prohibited disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility.

If a notifiable disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility, the department's fish health official 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 to areas 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, shall 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, shall have been inspected within the past twelve months. In addition, other fish populations from this water shall 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 a facility, shall have been inspected within the past twelve months.

Source: 29 SDR 80, effective December 10, 2002; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 43 SDR 89, effective December 29, 2016.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

Reference: "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," 2014 Edition. American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 and "World Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016 World Animal Health Organization 12, rue de Prony 75017 Paris, France.

41:09:08:03.05. Importation requirements for fish or fish reproductive products obtained from non salmonid facility. Repealed.

Source: 29 SDR 80, effective December 10, 2002; repealed, 35 SDR 184, effective February 2, 2009.

41:09:08:04. Packaging and shipping procedure. Any live fish or fish reproductive product that requires an importation permit shall be packaged and shipped in the original containers from a facility that has been inspected as provided in this chapter. The original copy of the importation permit must accompany each shipment and shall include a statement of prophylactic treatments used prior to departure from the original facility. The importation permit must be readily accessible to South Dakota authorities. Shipments arranged by a broker may be imported if they are delivered directly from the certified facility, in original containers, to the receiver in South Dakota.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 29 SDR 80, effective December 10, 2002.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

41:09:08:05. Inspection of shipments. Any live fish or fish reproductive product imported under this chapter is subject to inspection either at the place of entry into the state or at other locations suitable to the department. The inspection may include the removal of reasonable samples of fish or any fish reproductive product for biological examination.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 103, effective January 19, 1989; 29 SDR 80, effective December 10, 2002.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

41:09:08:06. Shipments in violation of rules -- Disposal. Any shipment failing to display an importation permit, found to be diseased upon inspection, containing any species not authorized by the import permit, or otherwise in violation of this chapter shall be refused entry, immediately destroyed, or transported out of the state at the direction of the fish health specialist as designated by the secretary.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 103, effective January 19, 1989; 29 SDR 80, effective December 10, 2002.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

41:09:08:07. In-transit shipments exempt -- Exceptions. Any in-transit shipment through South Dakota substantiated by an invoice or shipping document is not subject to the provisions of this chapter. However, such a shipment shall be considered an importation if any repackaging or exchange of containers or water in containers is attempted within the borders of the state.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 29 SDR 80, effective December 10, 2002.

General Authority: SDCL 41-2-18(1).

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

