

#### **15A NCAC 10H .0904 DISPOSITION OF GAME BIRDS OR GAME BIRD EGGS**

(a) It shall be unlawful for a game bird propagation license holder to knowingly sell or transfer possession of a live game bird that shows evidence of a communicable disease, except for transfers to a veterinarian or pathologist for examination and diagnostic purposes. Disposition of any game bird with a communicable disease not likely to infect wild game bird populations shall be the responsibility of the license holder.

(b) Subject to the limitations set forth in Rule .0901 of this Section, game birds that are authorized to be propagated under this Section, or their eggs, may be sold or transferred alive by a licensed game bird propagator to another licensed game bird propagator or licensed controlled hunting preserve operator or to a person that holds a valid license or permit that authorizes possession.

(c) Upon sale or transfer, a written receipt of the transaction shall be prepared in duplicate showing the date, the names and license or permit numbers of both parties, and the species and quantity of the game birds or game bird eggs transferred. A copy of the receipt shall be retained by the parties as provided by Rule .0906 of this Section.

(d) Live migratory waterfowl sold or transferred to a person for use in training retrievers or conducting retriever trials shall be marked by one of the methods provided by 50 CFR 21.45, which is hereby incorporated by reference, including subsequent amendments and editions. This document may be found free of charge at [www.ecfr.gov](http://www.ecfr.gov).

(e) Subject to Rule .0901 of this Section and to applicable laws and regulations relating to pure foods, public health, and advertising, domestically raised waterfowl and game birds produced by licensed game bird propagators shall not be killed by shooting during the closed season. Dead game birds, except for dead pen-raised quail, and game bird eggs may be sold for food purposes as follows:

- (1) Sale Direct to Consumer. Unprocessed dead domestically raised waterfowl and game birds may be sold directly to a consumer when accompanied by a receipt showing the name of the consumer, the name and license number of the propagator, and the quantity and species of the birds sold. A copy of the receipt shall be retained by the propagator for one year after the transaction. It shall be unlawful for the consumer to resell unprocessed dead domestically raised waterfowl and game birds.
- (2) Sale to or Through a Processor.
  - (A) Unprocessed dead domestically raised waterfowl and game birds may be sold to a commercial food processor that holds a permit to possess them or transferred to a commercial food processor for processing and packaging prior to sale. Sale or transfer shall be evidenced by written receipt retained by each party for a year after the sale or transfer, that includes the following information:
    - (i) the processor's name and permit number;
    - (ii) the propagator's name and license number; and
    - (iii) the number and species of birds sold or transferred.
  - (B) Domestically raised waterfowl and game bird carcasses processed by a commercial food processor for wholesale or retail sale shall be enclosed in a wrapper or container marked with the following:
    - (i) the number and species of birds contained;
    - (ii) the license number of the propagator; and
    - (iii) the words "domestically raised."
- (3) Domestically raised waterfowl and game bird eggs shall not be sold for food.

*History Note: Authority G.S. 113-134; 113-273; 50 CFR 21.45;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2010; May 1, 2008; June 1, 2005;  
Readopted Eff. November 1, 2019;  
Amended Eff. August 1, 2024; February 1, 2023.*