§ 11-0917. Possession, transportation and sale of wild game and other wildlife.

1. Wild game and other wildlife, taken in this state, and parts thereof, may, if lawfully taken, be

a. possessed.

b. transported within the state and from within to without the state, and

c. bought and sold, as provided in this section and in the sections of the Fish and Wildlife Law and regulations of the department to which this section refers, and not otherwise. It shall not be possessed, transported, bought or sold unless lawfully taken, nor transported, bought or sold unless lawfully possessed. Nothing in this section applies to any game which is not wild game, as defined in subdivision 2 of section 11-0103.

2. Unprotected wildlife may be possessed, transported, bought and sold without restriction except as provided in subdivision 9 or subdivision 10.

3. Game for propagation purposes may be transported without restriction except as provided in subdivision 8 or subdivision 10.

4. The carcasses, flesh, head, hide, feet or fur of wildlife, except birds, may be bought and sold without restriction, except as provided in subdivisions 8, 9 or 10. The head, skin plumage, hide, feet or fur of wildlife may be possessed and transported without restriction except (a) as provided in section 11-0911 with respect to deer, (b) as provided in subdivision 9 with respect to birds, and (c) as provided in subdivision 8 or subdivision 10.

5. Game taken and possessed in one part of the state may be transported as provided in this section by the taker, or any person who acquires it lawfully from the taker, and possessed by the taker or by

such person in any part of the state for the period during which it may be possessed at the place where taken.

6. Skunk, bobcat, mink, raccoon and muskrat may be bought and sold alive during their respective open seasons.

8. Migratory game birds and beaver, fisher, otter, bobcat, coyote, fox, raccoon, skunk, muskrat and mink shall be possessed, transported and disposed of only as permitted by regulation of the department.

9. a. The flesh of cottontail rabbits, varying hares, European hares, squirrels, bear and deer shall not be bought or sold.

b. Bear gallbladders and bile shall not be possessed, bartered, sold or offered for sale or offered for barter unless a valid bear tag is attached. For the purposes of this paragraph a valid bear tag shall mean the tag or similar identification required by the governmental entity that permitted the legal taking of such bear. Possession of a bear gallbladder without a valid bear tag shall be prima facie evidence of a violation of this paragraph. A minimum five thousand dollar penalty shall be issued per infraction of this paragraph. Nothing in this section prohibits an officer, employee, or agent of the federal government or the department from possessing, transporting, delivering, or receiving bear gallbladders or bile, for wildlife law enforcement purposes.

c. Notwithstanding paragraph a of this subdivision, game legally taken may be possessed, prepared and served by a non-profit organization at any meeting for the members and guests provided that there is no charge for the meal.

d. Game legally taken may be donated to, and possessed, prepared and distributed by a charitable or not-for-profit organization which serves or distributes food without cost to the poor or needy. Game or packages of game donated pursuant to this paragraph shall, notwithstanding the requirements for tagging and labelling of game contained in paragraph b of subdivision 5 of section 11-0911 of this title, be tagged, labelled

or marked "not for sale" and such tag, label or marking shall identify the type of meat, the license number of the taker, the name and address of the professional processor of the game and the date of processing. The department shall make available instructions for the safe and sanitary preparation of game, a list of professional processors where potential donors may take their game for preparation and packaging and a list of charitable or not-for-profit organizations which accept donations of game. Professional processors, charitable and not-for-profit organizations may notify the department of their intention to participate in such distribution, and the department shall include them in its lists unless good cause otherwise exists.

e. The dead bodies of birds belonging to all species or subspecies native to this state, defined in subdivision five of section 11-0103 of this article, as protected wild birds, or belonging to any family of which any species or subspecies is native to this state, and is so defined in subdivision five of section 11-0103 of this article, shall not be sold, offered for sale or possessed for sale, for food purposes.

f. The plumage, skin or body of any wild bird shall not be sold, possessed for sale or offered for sale.

g. No live wolf, coyote, coydog, fox, skunk, venomous reptile or raccoon shall be possessed or transported, except under a license or permit issued by the department. Every such license or permit shall contain a prominent notice thereon warning the licensee or permittee of his or her duty to exercise due care in safeguarding the public from attack by such wild animal or venomous reptile and that failure to do so is a crime under section three hundred seventy of the agriculture and markets law. The provisions of the opening paragraph of section three hundred seventy of the agriculture and markets law except the last sentence thereof shall be set forth on such license or permit immediately following such warning notice.

10. No wildlife shall be possessed, transported or sold contrary to the terms of any statute, or regulation, permit or license of the department, pursuant to which it was taken or acquired.