



## CAPTIVE WHITE-TAILED DEER PROPAGATION

The laws governing this license may change periodically. License holders are required to maintain a knowledge and understanding of all laws pertaining to this license and to comply with all requirements contained in the laws. The most up to date version of the law can be found at [codes.ohio.gov/](http://codes.ohio.gov/).

“Captive white-tailed deer” means legally acquired deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section 1533.71 or 1533.721 of the Revised Code.

### Steps to obtain the proper licenses (New applicants):

1. License application - Contact the Ohio Division of Wildlife and inform them of your interest in propagating captive white-tailed deer and obtain a license application.
2. License application - Contact the Ohio Department of Agriculture and inform them of your interest in propagating captive white-tailed deer and obtain a license application.
3. Enclosure construction - Construct an enclosure that meets current standards for height and fence material. The fence must be strong enough to prevent the escape of captive white-tailed deer or the entry of wild white-tailed deer. Do not release any deer into the enclosure at this time
4. Submit application – Following the enclosure construction, submit your application and payment to the Ohio Division of Wildlife.
5. Enclosure inspection - The Ohio Division of Wildlife will contact you and schedule an inspection of your enclosure. The enclosure must be inspected and approved before any deer may be released into the enclosure.
6. License approval - Approved Captive White-tailed Deer Propagation License received, make arrangements to complete step 7.
7. Initial stocking of captive white-tailed deer - Contact the Ohio Division of Wildlife and provide proof that the captive white-tailed deer that you intend to release were legally acquired. No captive white-tailed deer may be released into the enclosure on the initial stocking until they have been approved for release by the Ohio Division of Wildlife.

### All persons who possess one or more white-tailed deer shall:

- Obtain a “Captive White-tailed Deer Propagation License” at a one-time cost of \$40.00 from the Division of Wildlife.
  - There is no annual renewal fee for this license;
  - The license expires when you no longer have any deer in captivity;
  - The license allows you to hold legally acquired deer in captivity and sell the deer and carcasses;
  - This license is not required of persons who possess a Wild Animal Hunting Preserve license (see requirements below)
- Maintain all captive white-tailed deer in an enclosure that is eight feet in height constructed using woven wire mesh fencing. The enclosure must be strong enough to prevent the escape of captive white-deer or the entry of wild white-tailed deer;
- Report to the Division of Wildlife any escaped deer within 24 hours of discovery and immediately make repairs to the enclosure to prevent additional escapes;
- Dispose of dead white-tailed deer in a manner approved by the Ohio Department of Agriculture;

### Wild Animal Hunting Preserves Licensees shall:

- Obtain a Wild Animal Hunting Preserve License from the Division of Wildlife at an initial cost of \$1,000.
  - Wild Animal Hunting Preserves that possess captive white-tailed deer only will pay the \$1000 application and license fee one time
    - This license does not expire unless revoked by the chief of the Division of Wildlife
  - Wild Animal Hunting Preserves that possess other game and nonnative wildlife will pay the \$1000 application and license fee the first year and will pay a \$200 annual license renewal fee every year thereafter
    - This license expires on April 30th

- Be exempt from all licenses required under ORC 1533.71 (Wild animal propagation licenses)
- Tag all animals in the accordance with ORC 1533.731 (C) except captive white-tailed deer ;
- Maintain the enclosure with a fence eight feet in height constructed using woven wire mesh fencing that will prevent the escape of captive animals into the wild;
- Report to the Division of Wildlife any escaped animal within 24 hours of discovery and immediately make repairs to the enclosure to prevent additional escapes;
- Maintain accurate daily records and retain them for two years;
- Clearly mark the boundaries of the wild animal hunting preserve with appropriate signage; and
- Not move any live game, captive white-tailed deer or nonnative wildlife from the hunting preserve unless authorized by the Ohio Department of Agriculture.

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## LAW REFERENCES:

### 1533.71 License to raise or keep game birds and animals.

(A) Unless otherwise provided in this section or by division rule, any person desiring to engage in the business of raising and selling game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in a wholly enclosed preserve of which the person is the owner or lessee, or to have game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in captivity, shall submit an application to the division of wildlife for a license to do so. This section does not apply to a person who possesses wild animals under the authority of a license for a wild animal hunting preserve or a commercial bird shooting preserve.

The division, when it appears that the application is made in good faith and the applicant is in compliance with division (B) of this section, if applicable, and upon the payment of the fee for each license, may issue to the applicant any of the following licenses that may be applied for:

(1) "Commercial propagating license" permitting the licensee to propagate game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve the location of which is stated in the license and the application therefor, and to sell the propagated game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, or fur-bearing animals and ship them from the state alive at any time, and permitting the licensee and the licensee's employees to kill the propagated game birds, game quadrupeds except captive white-tailed deer, or fur-bearing animals and sell the carcasses for food subject to sections 1533.71 to 1533.79 of the Revised Code. The fee for such a license is forty dollars per annum.

(2) "Noncommercial propagating license" permitting the licensee to propagate game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds except captive white-tailed deer, reptiles, amphibians, and fur-bearing animals propagated or held in captivity by authority of a noncommercial propagating license are for the licensee's own use and shall not be sold. The fee for such a license is twenty-five dollars per annum.

(3) "Captive white-tailed deer propagation license" permitting the licensee to propagate captive white-tailed deer, hold the animals in captivity, and sell the animals and carcasses. The fee for such a license is forty dollars. The license is valid until a licensee ceases to hold captive white-tailed deer or the license is revoked, whichever occurs earlier.

(B)(1) A person who wishes to obtain a captive white-tailed deer propagation license, prior to applying for the license, shall construct an authorized enclosure that is surrounded by a fence that is eight feet in height with a minimal deviation not to exceed four per cent, is constructed in a manner that prevents ingress and egress of deer, and is constructed of materials that are approved by the chief of the division of wildlife in consultation with the animal and plant health inspection service in the United States department of agriculture, the department of agriculture, and representatives of the cervid industry in this state.

(2) After constructing an authorized enclosure in accordance with division (B)(1) of this section and division rules, the person may submit an application for a captive white-tailed deer propagation license.

(3) Not later than thirty days after the submission of the application, a representative from the division shall inspect the authorized enclosure to ensure compliance with division (B)(1) of this section and division rules. If the applicant's authorized enclosure is not in compliance with all of the applicable requirements, the representative shall inform the applicant in writing of the deficiencies not later than ten business days after the inspection. If the applicant corrects the deficiencies, the applicant shall request a reinspection. The reinspection shall be conducted in accordance with this division not later than thirty days after the request for reinspection.

If the applicant's authorized enclosure complies with all of the applicable requirements, the chief shall review the application and shall issue or deny the license. If the chief denies the license, the chief shall return the application to the applicant with an explanation of the reasons for denial. The applicant may correct the deficiencies in the application and submit a revised application. If the applicant corrects the deficiencies, the chief shall issue the license as provided in this section.

(4) Upon receipt of a captive white-tailed deer propagation license, receipt of a license under section 943.03 or 943.031 of the Revised Code, and a demonstration to the chief or the chief's designee that each captive white-tailed deer held by the licensee was legally acquired, the licensee may place all of the licensee's deer in the authorized enclosure. The licensee thereafter shall comply with this chapter and Chapter 1531. of the Revised Code, division rules, sections 943.20 to 943.26 of the Revised Code, and rules adopted under section 943.24 of the Revised Code.

(C) The division may inspect a facility to which a captive white-tailed deer propagation license has been issued only at reasonable times and when the inspection is in connection with a criminal investigation.

(D) The chief, with the approval of the director of agriculture, may suspend or revoke a captive white-tailed deer propagation license issued to a person who also has been issued a valid license under section 943.03 or 943.031 of the Revised Code for the same facility if the person fails to comply with this chapter and Chapter 1531. of the Revised Code, division rules, sections 943.20 to 943.26 of the Revised Code, and rules adopted under section 943.24 of the Revised Code.

(E) [Added by 129th General Assembly File No. 89, HB 389, § 1] Except as provided by law, no person shall possess game birds, game quadrupeds, or fur-bearing animals in closed season, provided that municipal or governmental zoological parks are not required to obtain the licenses provided for in this section.

[As amended by 129th General Assembly File No. 113, SB 310, § 1] A license shall not be issued under this section to raise or sell a dangerous wild animal or restricted snake as defined in section 935.01 of the Revised Code.

(F) Except for a captive white-tailed deer propagation license, all licenses issued under this section shall expire on the fifteenth day of March of each year.

(G) The chief shall pay all moneys received as fees for the issuance of licenses under this section into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code for the use of the division in the purchase, preservation, and protection of wild animals and for the necessary clerical help and forms required by sections 1533.71 to 1533.79 of the Revised Code.

(H) This section does not authorize the taking or the release for taking of the following:

(1) Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code;

(2) Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code.

### **1533.721 Wild animal hunting preserve license - conditions.**

(A) Except as otherwise provided by division rule, no person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve. No person shall operate a wild animal hunting preserve without first obtaining a wild animal hunting preserve license issued by the chief of the division of wildlife under this section.

(B) Application for a wild animal hunting preserve license shall be made on a form prescribed by the chief and shall be accompanied by a license application fee of one thousand dollars. The application shall contain a list of which species of game and nonnative wildlife are to be released for hunting in the preserve and any other information required by the chief.

(C) The chief, upon payment of the application fee, shall issue to the applicant a wild animal hunting preserve license if all of the following conditions are met:

(1) The operation of the wild animal hunting preserve does not conflict with a prior reasonable public interest.

(2) The proposed wild animal hunting preserve meets the requirements established in division (A) of section 1533.731 of the Revised Code.

(3) The applicant is the owner or lessee of the land described in the application and maintains that status as the owner or lessee of the land until the license expires.

(4) The proposed wild animal hunting preserve has been inspected by a representative of the division of wildlife to ensure that all wild deer have been removed from the proposed wild animal hunting preserve before any game or nonnative wildlife are released into the preserve.

(D) Prior to an inspection of a proposed wild animal hunting preserve for purposes of division (C)(4) of this section, an applicant for a wild animal hunting preserve license shall remove all wild deer from the proposed preserve using a method that is approved by the chief. All wild deer that cannot be removed from the proposed wild animal hunting preserve shall be killed, and the applicant shall submit a restitution fee in accordance with section 1531.201 of the Revised Code.

(E) Inspection of a proposed wild animal hunting preserve shall be conducted and approval or disapproval of an initial license for such a preserve shall be made between the first day of January through the last day of March of the year in which the applicant first intends to operate the preserve.

(F) Upon receipt of the initial license for a wild animal hunting preserve, receipt of a license under section 943.03 or 943.031 of the Revised Code, and a demonstration to the chief or the chief's designee that each captive white-tailed deer held by the licensee was legally acquired, the licensee may place all of the licensee's deer in the wild animal hunting preserve. A wild animal hunting preserve licensee holding captive white-tailed deer in the preserve shall comply with this chapter and Chapter 1531. of the Revised Code, division rules, sections 943.20 to 943.26 of the Revised Code, and rules adopted under section 943.24 of the Revised Code.

(G)(1) Except as otherwise provided in division (G)(2) of this section, all licenses issued under this section shall expire on the thirtieth day of April of each year. Any license holder wishing to own or operate a wild animal hunting preserve in the year following the expiration of the license shall submit a license renewal form prescribed by the chief and include an annual renewal fee of two hundred dollars.

(2) A license issued under this section for a wild animal hunting preserve in which only captive white-tailed deer are kept does not expire unless the license is revoked by the chief under division (H)(2) of this section.

(H)(1) Except as otherwise provided in division (H)(2) of this section, and in accordance with Chapter 119. of the Revised Code, the chief may suspend or revoke a wild animal hunting preserve license if the chief finds that the license holder has violated or is violating this chapter or Chapter 1531. of the Revised Code or any division rule.

(2) The chief, with the approval of the director of agriculture, may suspend or revoke a wild animal hunting preserve license issued to a person who also has been issued a valid license for that preserve under section 943.03 or 943.031 of the Revised Code if the person fails to comply with this chapter and Chapter 1531. of the Revised Code, division rules, sections 943.20 to 943.26 of the Revised Code, and rules adopted under section 943.24 of the Revised Code.

(I) This section does not authorize the hunting of game birds in a licensed wild animal hunting preserve unless the licensee also possesses a valid commercial bird shooting preserve license issued under section 1533.72 of the Revised Code for the same land for which the wild animal hunting preserve license was issued.

#### **1533.74. Tag or seal required for animals sold for food**

No game birds, game quadrupeds, or fur-bearing animals held under the authority of a license issued under section 1533.71, 1533.72, or 1533.721 of the Revised Code shall be sold for food unless the carcass of each game bird, game quadruped, or fur-bearing animal is tagged with a suitable tag or seal approved by the division of wildlife. Game birds, game quadrupeds, and fur-bearing animals so killed and tagged may be possessed, bought, or sold at any time. Common carriers shall receive and transport

game birds, game quadrupeds, and fur-bearing animals so tagged, but to every package containing them shall be affixed a tag or label upon which shall be plainly printed or written the name of the person to whom the license was issued, the name of the person to whom they are to be transported, the number of game birds, game quadrupeds, or fur-bearing animals contained in the package, and a statement to the effect that they were killed and tagged in accordance with sections 1533.71 to 1533.79 of the Revised Code.

The chief of the division of wildlife may adopt rules under section 1531.10 of the Revised Code necessary to administer this section.

This section and rules adopted pursuant to it do not apply to meat that has been inspected by the department of agriculture under Chapter 918. of the Revised Code and rules adopted under it and that has been marked with an official inspection mark, stamp, or brand pursuant to that inspection.

#### **1533.77. Records of holder of propagating license - inspection of records**

(A) Each holder of a noncommercial or commercial propagating license issued under section 1533.71 of the Revised Code shall keep the license prominently displayed at the place of business specified in the license, and shall keep accurate written records that shall include the total number of game birds, game quadrupeds, or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, the number that escaped, the number that were released, the number that died, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds or fur-bearing animals were received as a gift or given as a gift or purchased or sold alive or sold for food, and the date of each transaction. These records shall be kept permanently on the premises stated in the license, and shall be open for inspection by any authorized representative of the division of wildlife at all reasonable times.

(B) Each holder of a captive white-tailed deer propagation license issued under section 1533.71 of the Revised Code shall maintain all records that are required in rules adopted under section 943.24 of the Revised Code. The records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the department of agriculture at all reasonable times and of the division of wildlife at all reasonable times in conjunction with an active criminal investigation.

(C) The holder of a captive white-tailed deer propagation license shall not knowingly falsify any record or tag that is required in rules adopted under section 943.24 of the Revised Code or in rules adopted under section 1531.10 of the Revised Code.

### **1533.79. Control or eradication of parasites and diseases; authority of the director of agriculture**

(A) The chief of the division of wildlife may adopt, amend, and rescind such rules as the chief considers necessary to control or eradicate parasites and diseases of game birds, game quadrupeds other than captive white-tailed deer, fur-bearing animals, or nonnative wildlife on the lands subject to sections 1533.71 to 1533.79 of the Revised Code.

(B) This chapter and Chapter 1531. of the Revised Code and division rules do not supersede the authority of the director of agriculture under Chapter 941. of the Revised Code to prevent the spread of dangerously contagious or infectious diseases and to provide for the control and eradication of such diseases.

### **1501:31-9-07. Wild animal hunting preserves**

(A) It shall be unlawful to take any wild animal from a wild animal hunting preserve by any method other than hunting with a gun, with a gun and a dog, with a bow and arrow, or with a bow and arrow and dog. Provided further, no gun larger than a ten gauge shall be used in taking any wild animal.

(B) It shall be unlawful to place any type of wild animal in a wild animal hunting preserve which would not contain the animal and allow the animal to escape into the wild.

(C) It shall be unlawful to release any wild animal from a cage or holding pen and immediately shoot or attempt to take said wild animal.

(D) It shall be unlawful to release any wild animal on a wild animal hunting preserve which is untagged or improperly tagged.

(E) It shall be unlawful to transport or possess a wild animal taken from a wild animal hunting preserve without a tag as described in division (C) of section 1533.731 of the Revised Code.

(F) All holders of a wild animal hunting preserve license shall keep a record of the animals which are purchased or raised. Records shall also be maintained of persons taking any wild animal from the preserve. All information shall be recorded on forms supplied by the division of wildlife. Records shall be maintained for a period of two years and shall be open for inspection by division of wildlife employees during regular business hours.

(G) All definition set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.

### **1501:31-19-04 Cervidae regulations.**

(A) It shall be unlawful for holders of a captive white-tailed deer propagation license in possession of white-tailed deer (*Odocoileus virginianus*) or their hybrids to:

(1) Maintain or keep white-tailed deer or their hybrids in an enclosure that does not meet the following standards:

(a) The enclosure must prevent the ingress of white-tailed deer or egress of any captive white-tailed deer or their hybrids.

(b) Enclosures must be a minimum of eight feet in height with a minimum deviation not to exceed four per cent.

(c) Enclosures must be constructed of materials approved by the division of wildlife in consultation with the U.S. department of agriculture animal and plant health inspection service, the Ohio department of agriculture and representatives of the Ohio cervid industry. The current minimum enclosure standards are:

(1) Woven wire mesh fencing

(2) Take white-tailed deer from the wild in to captivity.

(B) It shall be unlawful to release or fail to prevent escape of any member of the family cervidae or their hybrids outside of a pen, fence or other enclosure.

(C) It shall be unlawful to dispose of, in a manner not approved by the Ohio department of agriculture under 941.14 of the Ohio Revised Code or at an Ohio environmental protection agency approved facility, any carcasses or parts of captive cervidae which are killed or die.

(D) Escaped captive white-tailed deer

(1) It shall be unlawful for the holder of a captive white-tailed deer propagation license to fail to notify the chief of the division of wildlife or his agent of the escaped of any captive white-tailed deer within twenty-four hours of becoming aware of the escape.

(2) It shall be unlawful for the holder of a captive white-tailed deer propagation license to fail to immediately, upon becoming aware on an escape of any captive white-tailed deer, make repairs to the enclosure to prevent additional escapes of any captive white-tailed deer.

(E) Permanent establishments accredited by the American zoo and aquarium association, or scientific or research institutions with approval from the chief of the division of wildlife are exempt from this rule, however it shall be unlawful for such establishments or institutions to:

(1) Fail to report by March fifteenth of each year the sex, quantity and disposition of all white-tailed deer or their hybrids in possession during the previous twelve months. Such report shall be on a division of wildlife approved form.

(2) To release any member of the family cervidae or their hybrids outside of a pen, fence or other enclosure.

(3) Fail to notify by telephone the chief of the division of wildlife or his agent of any escaped or missing white-tailed deer or their hybrids within twenty-four hours of knowledge of their absence.

Persons desiring to propagate captive white-tailed deer are encouraged to review all applicable laws at <http://codes.ohio.gov/>. Ohio wildlife law can be found in Chapters 1531 and 1533 of the Ohio Revised Code and Chapter 1501:31 of the Ohio Administrative Code. The Ohio Department of Agriculture also has rules concerning the propagation of captive white-tailed deer. Their laws can be found in Chapters 901, 918, and 943 of the Ohio Revised Code and Chapter 901:1 of the Ohio Administrative Code.

Additional information about the Ohio Division of Wildlife can be found at **wildohio.com**

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**The licenses for captive white-tailed deer required by the Ohio Department of Agriculture can be obtained by calling (614) 728-6220.**

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## WILDLIFE DISTRICT OFFICES

### Wildlife District One

1500 Dublin Road  
Columbus 43215  
Phone: (614) 644-3925

### Wildlife District Two

952 Lima Avenue  
Findlay 45840  
Phone: (419) 424-5000

### Wildlife District Three

912 Portage Lakes Drive  
Akron 44319  
Phone: (330) 644-2293

### Wildlife District Four

360 E. State Street  
Athens 45701  
Phone: (740) 589-9930

### Wildlife District Five

1076 Old Springfield Pike  
Xenia 45385  
Phone: (937) 372-9261



**CONTACT YOUR WILDLIFE OFFICER OR DISTRICT OFFICE FOR APPLICATIONS**

**MAKE ALL CHECKS PAYABLE TO THE OHIO DIVISION OF WILDLIFE**



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