**41:07:01:07.03.  Temporary possession of fish allowed for charitable and non-profit organizations -- Permit requirements.** Legally possessed fish by licensed anglers may be gifted to a charitable or nonprofit organization under the following conditions:

 (1)  Only a South Dakota charitable or nonprofit organization registered in good standing with the Secretary of State may be permitted;

 (2)  Fish, including processed fish, may be transported only by a person authorized under the permit;

 (3)  Fish may be held in temporary possession at a specific location identified in the permit application if the fish is tagged in accordance with SDCL 41-14-4;

 (4)  Any fish held in temporary possession shall be accounted for in records maintained by the applicant,and the records shall conform with the provisions of § 41:06:03:11;

 (5)  No charitable or nonprofit organization may distribute fish in a manner that would place the recipient in violation of § 41:07:01:07, or any season, daily, or possession limit established for the species of fish being gifted;

 (6)  The charitable or nonprofit organization may distribute fish through a food pantry or charitable food distribution program or directly to any person in need. In each case, the charitable or nonprofit organization shall provide a written receipt on forms provided by the department;

 (7)  If specified in the permit, a charitable or nonprofit organization may be authorized to cook and serve fish held in temporary possession at a charitable event if the fish are not sold or offered for sale;

 (8)  No fish may remain in temporary possession of a charitable or nonprofit organization for a period exceeding one year; and

 (9)  Any fish transported or possessed under a permit is subject to inspection by any law enforcement officer during normal business hours.

 **Source:** 38 SDR 116, effective January 10, 2012; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(1)(2).