

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State

**Cole Jester**

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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## Summary

**Proposal:** Allow natural deer urine and other biofluids to be used as attractants.

**Justification:** Since the initial detection of CWD in 2017, AGFC has restricted the use of natural deer urine and other biofluids for the purpose of hunting and scouting white-tailed deer. Science has demonstrated that urine is a low-risk fluid for transmitting CWD. The risk is not zero but considered low compared to other bodily fluids and organs within the deer's body. This proposal would completely strikethrough code 5.40 and allow Arkansas hunters to use lures containing natural deer urine.

**Code:** 5.40

## FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

**DEPARTMENT:** Arkansas Game and Fish Commission

**DIVISION:** Research

**PERSON COMPLETING THIS STATEMENT:** Cory Gray

**TELEPHONE #:** 870-723-4885

**FAX #:**

**EMAIL:** Cory.Gray@agfc.ar.gov

**SHORT TITLE OF THIS RULE:** 05.40 - Use Of Natural Deer Urine Or Other Bio Fluids Prohibited

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: No: **X**
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If "Yes", please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

### Current Fiscal Year

General Revenue	\$ 0.00
Federal Funds	\$ 0.00
Cash Funds	\$ 0.00
Special Revenue	\$ 0.00
Other (Identify)	\$ 0.00
Total	\$ 0.00

### Next Fiscal Year

General Revenue	\$ 0.00
Federal Funds	\$ 0.00
Cash Funds	\$ 0.00
Special Revenue	\$ 0.00
Other (Identify)	\$ 0.00
Total	\$ 0.00

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

**Current Fiscal Year:** \$ 0.00

**Next Fiscal Year:** \$ 0.00

Party Subject to Rule: 0.00

Effect on Party Subject to Rule: 0.00

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

**Current Fiscal Year:** \$0.00

**Next Fiscal Year:** \$0.00

Financial Benefit to Agency: 0.00

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: **X**

Why were such alternatives not proposed:

7. Compare this rule with federal and state counterparts: No

#### **~~05.40 USE OF NATURAL DEER URINE OR OTHER BIO FLUIDS PROHIBITED~~**

~~Effective January 1, 2017, it is unlawful, while hunting, taking or attempting to take, attracting or scouting any wildlife in Arkansas, to possess or use any substance or material that contains or purports to contain biofluid from a deer or other cervid, including feces, urine, blood, gland oil, or bodily fluid.~~

~~PENALTY: Class 1~~

## LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, March 20, 2025, at the AGFC Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the AGFC and other fiscal and administrative matters will be considered and acted upon. Additionally, Committee meetings attended by Commissioners and agency staff members will be held throughout the day on Wednesday, March 19, 2025, beginning at 9:00 a.m. at the AGFC Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on March 20<sup>th</sup> will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the AGFC website at <https://www.agfc.com> for additional up-to-date details as the meeting dates draw closer.

Items on the agenda for the March 20, 2025 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the February 19-20, 2025 Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the AGFC, including but not limited to:

- Remove the prohibition on the use of natural deer urine and other biofluids while hunting (Code 05.40).
- Add language to the prohibition on hunting wild turkey over bait to indicate that an area is considered baited for 10 days following removal of the bait. This change is a correction of the previous inadvertent removal of such language (Code 18.01).
- Replace the term “legal buck” with “antlered buck” and “doe” with “antlerless deer” in the harvest definitions for Ed Gordon Point Remove WMA, Cove Creek Natural Area WMA, Lake Overcup WMA, and Norfork Lake WMA. Remove the requirement that an antlerless deer be harvested and checked prior to harvesting an antlered buck on Ed Gordon Point Remove WMA (Addendum C1.01).
- Remove the antler size restrictions on harvesting buck deer from Ed Gordon Point Remove WMA (Addendum C1.14).
- Add Conway County to the Chronic Wasting Disease (CWD) Management Zone as a Tier 2 County (Addendum E1.12).

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the March 20, 2025 meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before March 10, 2025. Copies of any proposed rules or regulations may be obtained at the AGFC main office and at [www.agfc.com](http://www.agfc.com), or through a written request mailed to the address below.

If you need assistance to participate in this public meeting due to a disability as defined under the Americans with Disabilities Act, please contact AGFC's ADA Coordinator in Human Resources at 501-382-3813 at least three (3) business days prior to the scheduled meeting to request an accommodation. Every reasonable effort will be made to meet your request.

CHRIS RACEY, INTERIM DIRECTOR  
Arkansas Game & Fish Commission  
Game & Fish Commission Building  
2 Natural Resources Drive  
Little Rock, Arkansas 72205