

# PROPOSED RULEMAKING

## STATE BOARD OF OSTEOPATHIC MEDICINE

[ 49 PA. CODE CH. 25 ]

### Fees

The State Board of Osteopathic Medicine (Board) proposes to amend § 25.231 (relating to schedule of fees) and delete § 25.503 (relating to fees) to read as set forth in Annex A.

This proposed rulemaking would increase application fees to reflect updated costs of processing applications and increase all the Board's biennial renewal fees to ensure its revenue meets or exceeds the Board's current and projected expenses. The Board proposes graduated fee increases for the following applications: osteopathic physicians, short-term camp osteopathic physicians, temporary training licenses or graduate training certificates, physician assistants, supervising osteopathic physicians, acupuncturists and physician acupuncturist, respiratory therapists, athletic trainers, perfusionists, reactivation of perfusionist licenses, temporary graduate perfusionist licenses, temporary provisional perfusionist licenses, genetic counselors, genetic counselor reactivations and temporary provisional genetic counselors. Approximately 2,603 applicants will be impacted annually by the increased application fees.

The Board also proposes graduated biennial renewal fee increases for the following licenses, certificates and registrations: osteopathic physicians, physician assistants, acupuncturists, respiratory therapists, athletic trainers, perfusionists and genetic counselors. There are approximately 12,032 individuals who possess current licenses, certificates and registrations issued by the Board who will be required to pay more to renew their licenses, certifications or registrations.

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The initial increase for application fees will be implemented immediately upon publication. Thereafter, the subsequent graduated increases for application fees will be implemented on a 2-fiscal-year basis on July 1, 2022, and July 1, 2024.

The increased biennial renewal fees will be implemented beginning with the November 1, 2020–October 31, 2022, biennial renewal period for osteopathic physicians, physician assistants and acupuncturists. Thereafter, the subsequent graduated increases for osteopathic physicians, physician assistants and acupuncturists will be implemented with the biennial renewal for November 1, 2022–October 31, 2024, and for November 1, 2024–October 31, 2026.

For respiratory therapists, athletic trainers, perfusionists and genetic counselors, the increased biennial renewal fees will be implemented beginning with the January 1, 2021–December 31, 2022, biennial renewal. Thereafter, the subsequent graduated increases for respiratory therapists, athletic trainers, perfusionists and genetic counselors will be implemented with the biennial renewal for January 1, 2023–December 31, 2024, and for January 1, 2025–December 31, 2026.

#### *Statutory Authority*

Section 13.1(a) of the Osteopathic Medical Practice Act (act) (63 P.S. § 271.13a(a)) provides that “[i]f the revenues raised by fees, fines and civil penalties imposed under this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Under the act, all “fees, fines and penalties imposed. . . shall be for the exclusive use by the board in carrying out the provisions of this act and shall be annually appropriated for that purpose.” 63 P.S. § 271.13a(c). Thus, unlike most other professional licensure boards that can rely upon revenue from the Professional Licensure Augmentation Account (see 63 P.S. § 1401-301), the Board is fiscally independent.

#### *Background and Purpose*

Under section 13.1(a) of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties.

The Board last increased its biennial renewal fees in July of 2002 when it increased the biennial fee for osteopathic physicians from \$140 to \$440. In March of 2010, after reassessing the impact of the mandates under the Medical Care Availability and Reduction of Error Act (MCARE Act) (40 P.S. §§ 1303.101–1303.910), the Board decreased the biennial renewal fee for osteopathic physicians to the current fee of \$220. Other amendments to the biennial fee schedule include the addition of a \$50 biennial fee for perfusionists in Fiscal Year (FY) 2012-2013 and a \$75 biennial fee for genetic counselors in FY 2014-2015.

During the Board's August 2016 Board meeting, the Department of State's Bureau of Finance and Operations (BFO) presented its annual report of the Board's income and expenses. Based upon data presented, the BFO recommended that the Board consider an increase in biennial renewal fees.

In determining appropriate fee increases, the Board considered the breakdown of sources for revenue. For example, during the FY 2016-2017 and 2017-2018 biennial period, 86.2% of revenue was received from renewals, 9.7% of revenue was received from applications and 4.1% was received from miscellaneous charges such as letters of good standing and civil penalties. While application fees only make up less than 10% of the Board's revenue, the Board, with the encouragement and support of the Bureau of Professional and Occupational Affairs (Bureau), determined that a re-evaluation of all application fees was appropriate, especially given that the Board has not updated its application fees since January of 2000.

The Board reviewed the fees charged for applications and determined that the current application fees did not accurately reflect the actual cost of processing applications. Accordingly, the Board decided to increase application fees to more accurately reflect the cost of processing applications. Increasing application fees, however, does not produce sufficient revenue to meet or exceed the Board's projected expenditures.

On May 8, 2018, the Board released an exposure draft of a proposed annex reflecting proposed increases for application and biennial renewal fees and invited stakeholders to submit comments. As a result of the Board's exposure draft, two comments were received from stakeholders. Both stakeholders asked about the underlying rationale for the increases. As previously discussed, the Board is required to increase fees if projected revenues do not meet or exceed projected expenditures. Of concern to one stakeholder was the increased fee for physician graduate training certificates. Training certificate fees, like all other application fees, have been established and proposed by the Board to cover the cost of processing applications and not to raise revenue to support Board operations generally. Additionally, the Board's proposed training certificate fee is comparable to other states in the Northeast Region. The proposed fee in 2020 (\$115) is in line with current fees charged by West Virginia (\$100), Massachusetts (\$100), New York (\$105) and Ohio (\$130). Maine (\$200) and Maryland (\$300) are significantly higher while Delaware (\$65), Rhode Island (\$65) and Vermont (\$65) charge less than \$100. One of the stakeholders also suggested staggering the fee schedule over several years. As discussed as follows, the Board has adopted such an approach with the graduated fee increases for both application and biennial renewal fees.

In February and August of 2019, representatives from the BFO presented updated summaries of the Board's revenue and expenses for FYs 2016-2017 and 2017-2018 and the projected revenue and expenses through FY 2027-2028. During FYs 2016-2017 through 2017-2018 the Board received biennial revenue of \$2,128,270.14 and incurred expenses of \$3,221,243.36 and ended with a remaining balance of \$1,712,593.53. For FYs 2018-2019 and 2019-2020, the Board projects receiving biennial revenue of \$2,228,122.60 and projects incurring expenses of \$3.95 million. At the end of FY 2019-2020, the BFO projects a deficit balance of \$4,238.87. The BFO's data demonstrates that the Board will not be able to meet expenditures over a 2-year period in FY 2019-2020 and thereafter. Therefore, in addition to increased application fees, the BFO recommended an increase in biennial renewal fees beginning in FY 2020-2021.

As a part of the BFO's fee increase recommendations, the BFO recommended graduated application and biennial renewal fee increases so that the application fee increases are reflective of actual costs to process applications in each biennium and biennial renewal fees coincide more closely with the projected expenses for each biennium. Based upon the financial information presented to the Board on August 14, 2019, and December 11, 2019, the Board adopted graduated fee increases for applications and biennial renewals.

*Description of Proposed Amendments*

The Board proposes to amend § 25.231 to set forth graduated fee schedules for application fees and biennial renewal fees. In doing so, the Board is deleting the existing fee schedule and adding a new schedule, organized by profession. New subsection (a) lists the graduated schedule of fees for applications for licensure, certification, registration and services, with corresponding fees and effective dates. Fees not associated with a profession are set forth under a miscellaneous fee category. In this proposed rulemaking, to clarify that the acupuncture fee applies to both non-physician and physician applicants, the Board includes a physician acupuncturist fee in the acupuncturist category. For genetic counselors, the Board did not include in the proposed fee schedule the applica-

tion fee for a noncertified person because applicants were required to submit this type of application by February 20, 2015, in accordance with § 25.904(b)(1) (relating to application for genetic counselor license by noncertified persons). The Board also proposes to add subsection (b), which lists the schedule of fees and corresponding effective dates for biennial renewal. For consistency and clarity, the Board proposes to include the respiratory therapist fees in the fee schedule at § 25.231(a) and (b) and proposes to delete § 25.503.

Under § 25.231(a), application fees would increase on a graduated level for the licenses, registrations and certifications for osteopathic physicians, short-term camp osteopathic physicians, temporary training licenses or graduate training certificates, physician assistants, supervising osteopathic physicians, acupuncturists and physician acupuncturist, respiratory therapists, athletic trainers, perfusionists, reactivation of perfusionist licenses, temporary graduate perfusionist licenses, temporary provisional perfusionist licenses, genetic counselors, genetic counselor reactivation and temporary provisional genetic counselors.

The proposed application fees increase on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \qquad \qquad \qquad \times \\ & \text{pay rate for the classification of the personnel} \\ & \qquad \qquad \qquad \text{performing the function} \\ & \qquad \qquad \qquad + \\ & \text{a proportionate share of administrative overhead} \end{aligned}$$

Application fees for FY 2020-2021 are based on time study reports created within the Bureau giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for one year (times two since the increases are biennial). Increases which will be effective July 1, 2022, and July 1, 2024, are calculated at a 9.5% increase as pay increases for staff that process applications are 2.5% in July and 2.25% in January or 4.75% annually (9.5% biennially) and the fee is almost entirely dependent upon personnel-related costs.

The proposed biennial renewal fees would also increase on a graduated basis for osteopathic physicians, physician assistants, acupuncturists, respiratory therapists, athletic trainers, perfusionists and genetic counselors. The graduated biennial renewal fee schedule is set forth under § 25.231(b), which lists all renewal fees and corresponding effective dates.

The new fee structure is projected to produce biennial revenues of: \$3.997 million in FYs 2020-2021 through 2021-2022, which will allow the Board to meet or exceed its projected expenditures of \$3.934 million; \$4.749 million in FYs 2022-2023 through 2023-2024, which will allow the Board to meet or exceed its projected expenditures of \$4.024 million; and \$5.355 million in FYs 2024-2025 through 2025-2026, which will allow the Board to meet or exceed its projected expenditures of \$4.102 million.

*Proposed Application Fees*

As set forth in § 25.231(a), the proposed graduated increases will impact applicants as follows:

*Osteopathic Physicians*

The Board receives approximately 1,200 osteopathic physician applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$45 to \$170) will generate an additional \$150,000 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$150,000 in application fees.
- FY 22-23: The fee increase (\$170 to \$185) will generate an additional \$18,000 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$18,000 in application fees.
- FY 24-25: The fee increase (\$185 to \$205) will generate an additional \$24,000 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$24,000 in application fees.

*Short-term Camp Physicians*

The Board receives approximately 60 short-term camp physician applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$100) will generate an additional \$4,200 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$4,200 in application fees.
- FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$600 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$600 in application fees.
- FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$600 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$600 in application fees.

*Temporary Training License or Graduate Training Certificate*

The Board receives approximately 600 temporary training license or graduate training certificates per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$115) will generate an additional \$51,000 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$51,000 in application fees.
- FY 22-23: The fee increase (\$115 to \$125) will generate an additional \$6,000 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$6,000 in application fees.
- FY 24-25: The fee increase (\$125 to \$140) will generate an additional \$9,000 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$9,000 in application fees.

*Physician Assistants*

The Board receives approximately 500 physician assistant applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$115) will generate an additional \$42,500 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$42,500 in application fees.
- FY 22-23: The fee increase (\$115 to \$125) will generate an additional \$5,000 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$5,000 in application fees.

FY 24-25: The fee increase (\$125 to \$140) will generate an additional \$7,500 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$7,500 in application fees.

*Supervising Physicians*

The Board receives approximately 51 supervising physician applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$95 to \$145) will generate an additional \$2,550 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$2,550 in application fees.
- FY 22-23: The fee increase (\$145 to \$160) will generate an additional \$765 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$765 in application fees.
- FY 24-25: The fee increase (\$160 to \$175) will generate an additional \$765 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$765 in application fees.

*Acupuncturists and Physician Acupuncturists*

The Board receives approximately 13 acupuncturists and physician acupuncturist applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$100) will generate an additional \$910 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$910 in application fees.
- FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$130 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$130 in application fees.
- FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$130 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$130 in application fees.

*Respiratory Therapists*

The Board receives approximately 50 respiratory therapist applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$30 to \$100) will generate an additional \$3,500 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$3,500 in application fees.
- FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$500 in application fees.
- FY 23-24: The fee increase will continue to generate an additional \$500 in application fees.
- FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$500 in application fees.
- FY 25-26: The fee increase will continue to generate an additional \$500 in application fees.

*Athletic Trainers*

The Board receives approximately 80 athletic trainer applications per year. The graduated application fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$20 to \$100) will generate an additional \$6,400 in application fees.
- FY 21-22: The fee increase will continue to generate an additional \$6,400 in application fees.

FY 22-23: The fee increase (\$100 to \$110) will generate an additional \$800 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$800 in application fees.

FY 24-25: The fee increase (\$110 to \$120) will generate an additional \$800 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$800 in application fees.

*Perfusionists*

The Board receives approximately ten perfusionist applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$120) will generate an additional \$700 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$700 in application fees.

FY 22-23: The fee increase (\$120 to \$130) will generate an additional \$100 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$100 in application fees.

FY 24-25: The fee increase (\$130 to \$145) will generate an additional \$150 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$150 in application fees.

The Board receives approximately five perfusionist reactivation applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$105) will generate an additional \$275 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$275 in application fees.

FY 22-23: The fee increase (\$105 to \$115) will generate an additional \$50 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$50 in application fees.

FY 24-25: The fee increase (\$115 to \$125) will generate an additional \$50 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$50 in application fees.

The Board receives approximately one temporary graduate perfusionist application per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$120) will generate an additional \$70 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$70 in application fees.

FY 22-23: The fee increase (\$120 to \$130) will generate an additional \$10 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$10 in application fees.

FY 24-25: The fee increase (\$130 to \$145) will generate an additional \$15 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$15 in application fees.

The Board receives approximately three temporary provisional perfusionist applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$40 to \$80) will generate an additional \$120 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$120 in application fees.

FY 22-23: The fee increase (\$80 to \$88) will generate an additional \$24 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$24 in application fees.

FY 24-25: The fee increase (\$88 to \$95) will generate an additional \$21 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$21 in application fees.

*Genetic Counselors*

The Board receives approximately ten genetic counselor applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$120) will generate an additional \$700 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$700 in application fees.

FY 22-23: The fee increase (\$120 to \$130) will generate an additional \$100 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$100 in application fees.

FY 24-25: The fee increase (\$130 to \$145) will generate an additional \$150 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$150 in application fees.

The Board receives approximately five genetic counselor reactivation applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$105) will generate an additional \$275 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$275 in application fees.

FY 22-23: The fee increase (\$105 to \$115) will generate an additional \$50 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$50 in application fees.

FY 24-25: The fee increase (\$115 to \$125) will generate an additional \$50 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$50 in application fees.

The Board receives approximately 15 temporary provisional genetic counselor applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 20-21: The fee increase (\$50 to \$90) will generate an additional \$600 in application fees.

FY 21-22: The fee increase will continue to generate an additional \$600 in application fees.

FY 22-23: The fee increase (\$90 to \$100) will generate an additional \$150 in application fees.

FY 23-24: The fee increase will continue to generate an additional \$150 in application fees.

FY 24-25: The fee increase (\$100 to \$105) will generate an additional \$75 in application fees.

FY 25-26: The fee increase will continue to generate an additional \$75 in application fees.

*Total Economic Impact to Applicants*

Based upon the previously listed application fee increases, the total economic impact per fiscal year would be as follows:

FY 20-21:	\$263,800
FY 21-22:	\$263,800
FY 22-23:	\$32,279
FY 23-24:	\$32,279
FY 24-25:	\$43,806
FY 25-26:	\$43,806
Total:	\$679,770

*Proposed Biennial Renewal Fees*

As set forth as follows and in § 25.231(b), the proposed graduated increases will impact licensees, registrants and certificate holders as follows:

*Osteopathic Physicians*

There are approximately 8,694 osteopathic physicians who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$220 to \$350) will generate an additional \$1,130,220 in revenue.  
 FY 22-23: The fee increase (\$350 to \$425) will generate an additional \$652,050 in revenue.  
 FY 24-25: The fee increase (\$425 to \$475) will generate an additional \$434,700 in revenue.

*Physician Assistants*

There are approximately 2,286 physician assistants who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$10 to \$40) will generate an additional \$68,580 in revenue.  
 FY 22-23: The fee increase (\$40 to \$75) will generate an additional \$80,010 in revenue.  
 FY 24-25: The fee increase (\$75 to \$80) will generate an additional \$11,430 in revenue.

*Acupuncturists and Physician Acupuncturists*

There are approximately 154 acupuncturists and physician acupuncturists who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$25 to \$40) will generate an additional \$2,310 in revenue.  
 FY 22-23: The fee increase (\$40 to \$75) will generate an additional \$5,390 in revenue.  
 FY 24-25: The fee increase (\$75 to \$80) will generate an additional \$770 in revenue.

*Respiratory Therapists*

There are approximately 549 respiratory therapists who will be impacted by the proposed biennial renewal fee increase. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$25 to \$40) will generate an additional \$8,235 in revenue.  
 FY 22-23: The fee increase (\$40 to \$55) will generate an additional \$8,235 in revenue.  
 FY 24-25: The fee increase (\$55 to \$60) will generate an additional \$2,745 in revenue.

*Athletic Trainers*

There are approximately 296 athletic trainers who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$37 to \$50) will generate an additional \$3,848 in revenue.  
 FY 22-23: The fee increase (\$50 to \$70) will generate an additional \$5,920 in revenue.  
 FY 24-25: The fee increase (\$70 to \$75) will generate an additional \$1,480 in revenue.

*Perfusionists*

There are approximately 34 perfusionists who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$50 to \$75) will generate an additional \$850 in revenue.  
 FY 22-23: The fee increase (\$75 to \$80) will generate an additional \$170 in revenue.  
 FY 24-25: The fee increase (\$80 to \$85) will generate an additional \$170 in revenue.

*Genetic Counselors*

There are approximately 19 genetic counselors who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

- FY 20-21: The fee increase (\$75 to \$125) will generate an additional \$950 in revenue.  
 FY 22-23: The fee increase (\$125 to \$155) will generate an additional \$570 in revenue.  
 FY 24-25: The fee increase (\$155 to \$160) will generate an additional \$190 in revenue.

*Total Economic Impact to Licensees*

Based upon the previously listed biennial renewal fee increases, the economic impact would be as follows:

FY 20-21:	\$1,214,993
FY 22-23:	\$752,345
FY 24-25:	\$451,485
Total:	\$2,418,823

*Fiscal Impact and Paperwork Requirements*

The proposed amendments would increase application and biennial renewal fees. All applicants, licensees, registrants and certificate holders will be required to comply with the regulation. The fees may be paid by applicants, licensees, registrants or certificate holders or may be paid by their employers, should their employers choose to pay these fees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 2,603 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 1,200 osteopathic physicians; 600 temporary or graduate trainees; 60 short-term camp physicians; 500 physician assistants; 51 supervising physicians; 13 acupuncturists and physician acupuncturists; 10 perfusionists; 5 perfusionists seeking reactivation; 1 temporary graduate perfusionist; 3 temporary provisional perfusionist; 80 athletic trainers; 50 respiratory therapists; 10 genetic counselors; 5 genetic counselors seeking reactivation; and 15 temporary provisional genetic counselors.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 20-21:	\$263,800
FY 21-22:	\$263,800
FY 22-23:	\$32,279
FY 23-24:	\$32,279
FY 24-25:	\$43,806
FY 25-26:	\$43,806
Total:	\$679,770

There are approximately 12,032 individuals who possess current licenses, registrations and certificates issued by the Board who will be required to pay more to renew their licenses, registrations and certificates. Specifically, the number individuals affected are as follows: 8,694 osteopathic physicians, 2,286 physician assistants, 154 acupuncturists, 34 perfusionists, 296 athletic trainers, 549 respiratory therapists and 19 genetic counselors.

Based upon the previously listed biennial renewal fee increases, the economic impact is as follows:

FY 20-21:	\$1,214,993
FY 22-23:	\$752,345
FY 24-25:	\$451,485
<u>Total:</u>	<u>\$2,418,823</u>

Thus, the total economic impact to applicants, licensees, registrants, certificate holders or employers, if employers choose to pay application or licensing fees, is \$3,098,593. This amount reflects the economic impact that will occur between FYs 2020-2021 and 2025-2026. This proposed rulemaking will require the Board to revise its printed and online application forms. The proposed amendments will not create additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board’s financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days from the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations and objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Regulatory Counsel for the Department of State, State Board of Osteopathic Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference (16A-5334) Fees when submitting comments.

RANDY G. LITMAN, DO,  
*Chairperson*

**Fiscal Note:** 16A-5334. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**  
**Subchapter F. FEES**

§ 25.231. Schedule of fees.

[ An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

Application for unrestricted license to practice as osteopathic physician—original, reciprocal, boundary or by endorsement.....	\$45
Application for short-term camp license as osteopathic physician.....	\$30
Temporary training license or graduate training certificate.....	\$30
Annual renewal of temporary training license or graduate training certificate .....	\$25
Application for physician assistant license.....	\$30
Application for supervising physician.....	\$95
Uncertified verification of any license, certification or permit .....	\$15
Certification of any licenses, certifications, examination grades or hours.....	\$25
Application for athletic trainer license.....	\$20
Biennial renewal—athletic trainer .....	\$37
Biennial renewal—physicians .....	\$220
Biennial renewal—physician assistants .....	\$10
Penalty for late biennial renewal—per month or part of month .....	\$5

Duplicate license or certificate .....	\$5
Application for radiology examinations .....	\$25
Application for acupuncturist registration .....	\$30
Biennial renewal—acupuncturists .....	\$25
Application for acupuncturist supervisor registration .....	\$30
Application for perfusionist license .....	\$50
Biennial renewal of perfusionist license.....	\$50
Application for reactivation of perfusionist license .....	\$50
Application for temporary graduate perfusionist license .....	\$50
Application for temporary provisional perfusionist license .....	\$40
Application for genetic counselor license .....	\$50
Application for noncertified genetic counselor license.....	\$100
Application for reactivation of genetic counselor license .....	\$50
Application for temporary provisional genetic counselor license .....	\$50
Biennial renewal—genetic counselors .....	\$75 ]

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application: (*Editor’s Note: The blank in the first column of effective dates refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin.*)

	<u>Effective</u>	<u>Effective</u> <u>July 1, 2022</u>	<u>Effective</u> <u>July 1, 2024</u>
<b><u>(1) Osteopathic Physician</u></b>			
<b><u>Application for unrestricted license to practice as an osteopathic physician—original, reciprocal, boundary or by endorsement</u></b>	<b><u>\$170</u></b>	<b><u>\$185</u></b>	<b><u>\$205</u></b>
<b><u>Application for short-term camp license as an osteopathic physician</u></b>	<b><u>\$100</u></b>	<b><u>\$110</u></b>	<b><u>\$120</u></b>
<b><u>Temporary training license or graduate training certificate</u></b>	<b><u>\$115</u></b>	<b><u>\$125</u></b>	<b><u>\$140</u></b>
<b><u>Annual renewal of temporary training license or graduate training certificate</u></b>	<b><u>\$25</u></b>	<b><u>\$25</u></b>	<b><u>\$25</u></b>
<b><u>(2) Physician Assistant</u></b>			
<b><u>Application for physician assistant license</u></b>	<b><u>\$115</u></b>	<b><u>\$125</u></b>	<b><u>\$140</u></b>
<b><u>Application for supervising physician</u></b>	<b><u>\$145</u></b>	<b><u>\$160</u></b>	<b><u>\$175</u></b>
<b><u>(3) Acupuncturist</u></b>			
<b><u>Application for acupuncturist registration</u></b>	<b><u>\$100</u></b>	<b><u>\$110</u></b>	<b><u>\$120</u></b>
<b><u>Application for physician acupuncturist</u></b>	<b><u>\$100</u></b>	<b><u>\$110</u></b>	<b><u>\$120</u></b>
<b><u>Application for supervisor acupuncturist registration</u></b>	<b><u>\$30</u></b>	<b><u>\$30</u></b>	<b><u>\$30</u></b>
<b><u>(4) Respiratory Therapist</u></b>			
<b><u>Temporary permit</u></b>	<b><u>\$30</u></b>	<b><u>\$30</u></b>	<b><u>\$30</u></b>
<b><u>Initial license application</u></b>	<b><u>\$100</u></b>	<b><u>\$110</u></b>	<b><u>\$120</u></b>
<b><u>Licensure examination</u></b>	<b><u>\$100</u></b>	<b><u>\$100</u></b>	<b><u>\$100</u></b>

	<u>Effective</u>	<u>Effective July 1, 2022</u>	<u>Effective July 1, 2024</u>
<u>(5) Athletic Trainer</u>	<u>Reexamination</u>	<u>\$60</u>	<u>\$60</u>
	<u>Application for license</u>	<u>\$100</u>	<u>\$120</u>
<u>(6) Perfusionist</u>	<u>Application for perfusionist license</u>	<u>\$120</u>	<u>\$145</u>
	<u>Application for reactivation of license</u>	<u>\$105</u>	<u>\$125</u>
	<u>Application for temporary graduate license</u>	<u>\$120</u>	<u>\$145</u>
	<u>Application for temporary provisional license</u>	<u>\$80</u>	<u>\$95</u>
<u>(7) Genetic Counselor</u>	<u>Application for license</u>	<u>\$120</u>	<u>\$145</u>
	<u>Application for reactivation of license</u>	<u>\$105</u>	<u>\$125</u>
	<u>Application for temporary provisional license</u>	<u>\$90</u>	<u>\$105</u>
<u>(8) Miscellaneous</u>	<u>Penalty for late biennial renewal—per month or part of month</u>	<u>\$5</u>	<u>\$5</u>
	<u>Uncertified verification of any license, certification or permit</u>	<u>\$15</u>	<u>\$15</u>
	<u>Certification of any licenses, certifications, examination grades or hours</u>	<u>\$25</u>	<u>\$25</u>
	<u>Duplicate license or certificate</u>	<u>\$5</u>	<u>\$5</u>
	<u>Application for radiology examinations</u>	<u>\$25</u>	<u>\$25</u>

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

	<u>November 1, 2020—October 31, 2022 Biennial Renewal Fee</u>	<u>November 1, 2022—October 31, 2024 Biennial Renewal Fee</u>	<u>November 1, 2024—October 31, 2026 Biennial Renewal Fee and thereafter</u>
<u>(1) Osteopathic Physician</u>	<u>Biennial renewal</u>	<u>\$350</u>	<u>\$475</u>
<u>(2) Physician Assistant</u>	<u>Biennial renewal</u>	<u>\$40</u>	<u>\$80</u>
<u>(3) Acupuncturist</u>	<u>Biennial renewal</u>	<u>\$40</u>	<u>\$80</u>
	<u>Biennial renewal— physician acupuncturist</u>	<u>\$40</u>	<u>\$80</u>

	<u>January 1, 2021—December 31, 2022 Biennial Renewal Fee</u>	<u>January 1, 2023—December 31, 2024 Biennial Renewal Fee</u>	<u>January 1, 2025—December 31, 2026 Biennial Renewal Fee and thereafter</u>
<u>(4) Respiratory Therapist</u>	<u>\$40</u>	<u>\$55</u>	<u>\$60</u>
<u>(5) Athletic Trainer</u>	<u>\$50</u>	<u>\$70</u>	<u>\$75</u>
<u>(6) Perfusionist</u>	<u>\$75</u>	<u>\$80</u>	<u>\$85</u>
<u>(7) Genetic Counselor</u>	<u>\$125</u>	<u>\$155</u>	<u>\$160</u>

**Subchapter K. RESPIRATORY THERAPISTS**

§ 25.503. [ Fees ] (Reserved).

[ The following is the schedule of fees charged by the Board:

- (1) Temporary permit..... \$30
- (2) Initial license application ..... \$30
- (3) Licensure examination ..... \$100
- (4) Reexamination ..... \$60
- (5) Biennial renewal of licensure .....\$25 ]

[Pa.B. Doc. No. 20-322. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 135 ]**

**Lands and Buildings; State Game Lands**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 135.53 (relating to operation of mobility devices and motor vehicles on designated routes) to expand all-terrain vehicle (ATV) eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

This authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

Current regulations require that any ATV used as a mobility device must be registered with the Department of Conservation and Natural Resources. The Commission has learned that certain ATVs that are additionally defined as “neighborhood electric vehicles” and registered with the Department of Transportation cannot be dual registered with the Department of Conservation and

Natural Resources. This restriction has the unfortunate effect of excluding otherwise eligible ATVs from being utilized as mobility devices by the mere fact that the device is properly registered with another Commonwealth agency. The Commission is proposing to amend § 135.53 to expand ATV eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the Commission shall promulgate regulations...for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.53 are proposed under this authority.

*2. Regulatory Requirements*

This proposed rulemaking will amend § 135.53 to expand ATV eligibility for use as mobility devices by including ATVs registered with the Department of Transportation as neighborhood electric vehicles that properly display the valid registration plate and the required “25 MPH Vehicle” decal.

*3. Persons Affected*

Persons wishing to operate an ATV registered with the Department of Transportation as neighborhood electric vehicle and properly displaying a valid registration plate and the required “25 MPH Vehicle” decal on lands designated as State game lands may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-453. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter C. STATE GAME LANDS**

**§ 135.53. Operation of mobility devices and motor vehicles on designated routes.**

Persons with a valid disabled person access permit issued under Chapter 147, Subchapter AA (relating to disabled person access permit) may operate mobility devices and motor vehicles on designated routes subject to all of the following conditions:

\* \* \* \* \*

(3) *ATVs and snowmobiles as mobility devices.* An ATV or snowmobile used as a mobility device on a designated route must be registered with [ the ] either:

(i) **The Department of Conservation and Natural Resources and display the valid registration plate or registration decal as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV)[ . ]; or**

(ii) **The Department of Transportation as a neighborhood electric vehicle and display the valid registration plate and "25 MPH Vehicle" decal as required under 75 Pa.C.S. §§ 3592 and 3594 (relating to required equipment; and same treatment as passenger cars). Vehicles registered with the Department of Transportation as neighborhood electric vehicles or NEVs.**

(4) *Spark arrestors required.* Mobility devices powered by an internal combustion engine must be equipped with a fully functional spark arrestor while operating on a designated route.

\* \* \* \* \*

[Pa.B. Doc. No. 20-323. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 139 ]**

**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to

provide updated seasons and bag limits for the 2020-2021 hunting/furtaking license year.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2020-2021 license year. The 2020-2021 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

For small game, earlier opening dates are proposed for youth and regular squirrel seasons to increase opportunity on this underutilized species at a time when most other hunting seasons are closed. Also, Wildlife Management Units (WMU) 4E and 5A are proposed to be opened to either-sex pheasant hunting (except within Wild Pheasant Recovery Areas) to maximize hunting opportunity for stocked pheasants.

A 1-week decrease in the fall turkey season is recommended for WMUs 4D and 4E in response to declining turkey population trends in these units. Also, for those WMUs where turkey populations can support a Thanksgiving season, this season is proposed to be increased from 2 to 3 days, in a Wednesday through Friday format.

For deer, a 14-day concurrent antlered and antlerless firearms season is recommended to provide increased opportunity, especially for younger hunters. As now authorized by statute, Sunday hunting for deer is proposed for one Sunday (November 15) during the Statewide archery season and one Sunday (November 29) during the Statewide firearms season.

Overall black bear season recommendations are similar to those in 2019, but with two expansions. First, the 3-week Statewide archery season is proposed to be expanded to include the prior week to include the overlap with muzzleloader and special firearms seasons to simplify regulations. Second, the Statewide firearms season is proposed to include the newly authorized third Sunday (November 22), but to close on Tuesday rather than Wednesday to accommodate a 1-day expansion in the Thanksgiving segment of the fall turkey season.

Expansions of bobcat hunting and trapping opportunity to WMU 2B, and of river otter trapping opportunity to WMUs 1A, 1B and 2F, are recommended in light of population indices in these units that are comparable to those in other WMUs where harvest is occurring sustainably. For beaver, an increase in the season bag limit from 40 to 60 is recommended for WMUs 1A and 1B in response to increasing nuisance complaints in these units.

No elk have ever been harvested in the extended elk season during the 9 years in which it has been in existence. To simplify regulations, elimination of this season is recommended for 2020.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking . . .” The amendments to § 139.4 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2020-2021 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2020-2021 hunting/

furtaking license year will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The effective dates of this proposed rulemaking are July 1, 2020, to June 30, 2021.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-446. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

*(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-13, serial pages (396521)—(396531), with the following table.)*

**§ 139.4. Seasons and bag limits for the license year.**

**2020-2021 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species) <sup>1</sup> Eligible Junior Hunters only, with or without the required junior license	Sept. 12		Sept. 26	6	18
Squirrel—(Combined species) <sup>1</sup>	Sept. 12 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	6	18
Ruffed Grouse <sup>1</sup>	Oct. 17 Dec. 14	and	Nov. 27 Dec. 24	2	6
Rabbit, Cottontail— <sup>1</sup> Eligible Junior Hunters only, with or without the required junior license	Oct. 3		Oct. 17	4	12
Rabbit, Cottontail <sup>1</sup>	Oct. 17 Dec. 14 Dec. 26	and and	Nov. 27 Dec. 24 Feb. 27, 2021	4	12
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					

PROPOSED RULEMAKING

1375

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Ring-necked Pheasant—Male or Female <sup>1</sup> Eligible Junior Hunters only, with or without the required junior license	Oct. 10		Oct. 17	2	6
Central Susquehanna Wild Pheasant Recovery Area—Male only <sup>1</sup>	As authorized by the Executive Order				
Ring-necked Pheasant—Male or Female <sup>1</sup>	Oct. 24 Dec. 14 Dec. 26	and  and	Nov. 27 Dec. 24 Feb. 27, 2021	2	6
Bobwhite Quail <sup>1</sup>	Oct. 17 Dec. 14 Dec. 26	and  and	Nov. 27 Dec. 24 Feb. 27, 2021	8	24
Hare (Snowshoe Rabbits) or Varying Hare <sup>1</sup>	Dec. 26		Jan. 1, 2021	1	3
Woodchuck (Groundhog) <sup>1</sup>	No closed season except during the regular firearms deer season(s).			Unlimited	

**TURKEY**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female <sup>1</sup> WMU 2B (Shotgun, Bow and Arrow only)	Oct. 31	and	Nov. 20	1	1
WMU 1B	Nov. 25		Nov. 27		
WMUs 1A, 2A, 4A, 4B, 4D and 4E	Oct. 31	and	Nov. 7		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C	Oct. 31	and	Nov. 7		
WMU 2C	Nov. 25		Nov. 27		
WMU 5A	Oct. 31	and	Nov. 14		
WMU 5B	Nov. 25		Nov. 27		
WMUs 5C and 5D	Oct. 31	and	Nov. 20		
	Nov. 25		Nov. 27		
	Nov. 5		Nov. 7		
	Nov. 3		Nov. 5		
	Closed to fall turkey hunting				
Turkey, Spring <sup>2</sup> Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 24, 2021		Apr. 24, 2021	1	1
Turkey, Spring <sup>1,2</sup> Bearded Bird only	May 1, 2021	and	May 15, 2021	1	2
	May 17, 2021		May 31, 2021	May be hunted 1/2 hour before sunrise to 12 noon	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset

## MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).  
 (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.  
 (c) Hunting on Sunday not authorized.<sup>1</sup>

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Crow <sup>3</sup> (Hunting permitted on Friday, Saturday and Sunday only)	July 3		Apr. 11, 2021	Unlimited	
Starling and English Sparrow <sup>3</sup>	No closed season except during the regular firearms deer seasons.			Unlimited	

## FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species) <sup>1</sup>	Sept. 1		Mar. 31, 2021	6	18
Quail <sup>1</sup>	Sept. 1		Mar. 31, 2021	8	24
Ruffed Grouse <sup>1</sup>	Sept. 1		Mar. 31, 2021	2	6
Cottontail Rabbits <sup>1</sup>	Sept. 1		Mar. 31, 2021	4	12
Snowshoe or Varying Hare <sup>1</sup>	Sept. 1		Mar. 31, 2021	1	3
Ring-necked Pheasant—Male <sup>1</sup> and Female—(Combined)	Sept. 1		Mar. 31, 2021	2	6
Migratory Game Bird <sup>1</sup> —Seasons and bag limits shall be in accordance with Federal regulations.					

## WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered & Antlerless) <sup>1,4,5</sup> With the required archery license WMUs 2B, 5C and 5D	Sept. 19 Sun. <sup>3</sup> , Nov. 15 Nov. 16 Dec. 26	and and and	Nov. 14 Sun. <sup>3</sup> , Nov. 15 Nov. 27 Jan. 23, 2021	One antlered deer and an antlerless deer with each required and antlerless license.
Deer, Archery (Antlered & Antlerless) <sup>1,4,5</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 3 Sun. <sup>3</sup> , Nov. 15 Dec. 26	and	Nov. 14 Sun. <sup>3</sup> , Nov. 15 Jan. 18, 2021	One antlered deer and an antlerless deer with each required and antlerless license.
Deer, Muzzleloading (Antlerless only) <sup>1</sup> With the required muzzleloading license (Statewide)	Oct. 17		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, <sup>6</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or United States Coast Guard (Statewide)	Oct. 22		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Regular Firearms (Antlered and Antlerless) <sup>1,4,5</sup> (Statewide)	Nov. 28 Sun. <sup>3</sup> , Nov. 29 Nov. 30	and and	Nov. 28 Sun. <sup>3</sup> , Nov. 29 Dec. 12	One antlered deer and an antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) <sup>1,4</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 18, 2021	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>1,4</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 23, 2021	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) <sup>1</sup> Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26		Jan. 23, 2021	An antlerless deer with each required antlerless license.
Deer, Antlerless <sup>1</sup> (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Bear, Archery <sup>1,7</sup> WMUs 2B, 5C and 5D	Sept. 19		Nov. 27		1
Bear, Archery <sup>1,7</sup> WMU 5B	Oct. 3		Nov. 14		1
Bear, Archery <sup>1,7</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 17		Nov. 7		1
Bear, Muzzleloader <sup>1,7</sup> (Statewide)	Oct. 17		Oct. 24		1
Bear, Special firearms <sup>7</sup> Only Junior and Senior License Holders <sup>6</sup> , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard (Statewide)	Oct. 22		Oct. 24		1
Bear, Regular Firearms <sup>1,5,7</sup> (Statewide)	Nov. 21 Sun. <sup>3</sup> , Nov. 22 Nov. 23	and and	Nov. 21 Sun. <sup>3</sup> , Nov. 22 Nov. 24		1
Bear, Extended firearms <sup>1,7</sup> WMUs 2B, 5B, 5C and 5D	Nov. 28		Dec. 12		1
Bear, Extended firearms <sup>1,7</sup> WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 28		Dec. 5		1

**ELK**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Elk, Special Conservation Tag <sup>1,8</sup> and Special-License Tag <sup>5,6</sup> (Antlered and Antlerless)	Sept. 1		Nov. 7		1
Elk, Archery <sup>1,8</sup>	Sept. 12		Sept. 26		1
Elk, Regular <sup>8</sup> (Antlered and Antlerless)	Nov. 2		Nov. 7		1
Elk, Late <sup>1,8</sup> (Antlerless only)	Jan. 2, 2021		Jan. 9, 2021		1

## FUR TAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 21		Jan. 10, 2021	Unlimited	
Beaver	Dec. 19		Mar. 31, 2021		
WMUs 1A and 1B (Combined)				20	60
WMUs 2A, 2B and 3C (Combined)				20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 25		Feb. 21, 2021	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 21, 2021	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 19		Jan. 10, 2021	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 19		Jan. 3, 2021	1	1
River Otter, with required otter permit WMUs 1A, 1B, 2F, 3C and 3D	Feb. 13, 2021		Feb. 20, 2021	1	1

## FUR TAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season) <sup>3</sup>	May be taken with a hunting license or a furtaker's license.			Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
Opossum, Striped Skunk, Weasel <sup>1</sup>	No closed season.				
Fox <sup>3</sup>	Oct. 24		Feb. 20, 2021	Unlimited	
Raccoon <sup>1</sup>	Oct. 24		Feb. 20, 2021	Unlimited	
Bobcat, with required bobcat permit <sup>1</sup> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 9, 2021		Feb. 3, 2021	1	1
Porcupine <sup>1</sup>	Oct. 10		Jan. 30, 2021	3	10

No open seasons on other wild birds or wild mammals.

<sup>1</sup> No hunting on Sunday authorized. *See* 34 Pa.C.S. § 2303 (relating to hunting on Sunday prohibited).

<sup>2</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>3</sup> Hunting on Sunday is authorized. *See* 34 Pa.C.S. § 2303.

<sup>4</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>5</sup> Hunting on Sunday authorized on separately delineated Sunday date only. *See* 34 Pa.C.S. § 2303.

<sup>6</sup> Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>7</sup> Only one bear may be taken during the hunting license year with the required bear license.

<sup>8</sup> Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 20-324. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Small Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 141.29 (relating to hunting mourning doves over managed fields) to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

It is currently unlawful to hunt mourning doves on or over lands or areas where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed after September 15 each license year. This restriction was intended to minimize baiting conflicts for hunters pursuing species other than doves, which remains unlawful to hunt in lands or areas affected by such manipulation. For example, hunting waterfowl over a manipulated crop field remains prohibited by both State and Federal law notwithstanding the authorization for the hunting of mourning doves. However, the Commission has also observed that the September 15 cutoff date disallows a significant degree of flexibility for weather and planting related delays in the maturation and proper drying of the vegetation planting in the crop fields. This has resulted in instances of lost hunting opportunities and wasted investments in these areas prepared and intended for mourning dove hunting. The Commission is proposing to amend § 141.29 to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.29 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.29 to eliminate the September 15 cutoff date for the manipulation of an agricultural crop or other feed.

3. *Persons Affected*

Persons wishing to hunt or take mourning dove or other game or wildlife in the vicinity of a managed dove field may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-449. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.29. Hunting mourning doves over managed fields.**

(a) *Limited hunting authorized.* In accordance with the authorization in 50 CFR 20.21 (relating to what hunting methods are illegal), it is lawful to hunt mourning doves on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation. **[ This authorization does not apply to any other species of wildlife or to the hunting of mourning doves where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed after September 15 each license year. ]**

(b) *Nonapplication.* **This section shall not be construed to authorize the hunting of any other species of wildlife in an area where grain or other feed has been distributed or scattered as the result of manipulation of an agricultural crop or other feed.**

(c) *Definition.* For the purposes of this section, “manipulation” means the alteration of natural vegetation or agricultural crops by activities that include mowing, shredding, discing, rolling, chopping, trampling, flattening, burning or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed or other feed after removal from or storage on the field where grown.

[Pa.B. Doc. No. 20-325. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) pro-

posed at its January 25, 2020, meeting to amend § 141.41 (relating to general) to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. *Purpose and Authority*

Outside of special regulations areas, current regulations prohibit hunters from harvesting a subsequent deer before they have lawfully tagged each successive deer they have harvested. This restriction is intended to prevent waste of this Commonwealth's wildlife resources by causing hunters to follow up on shots and promote recovery of mortally wounded deer before an attempt to harvest subsequent animals. However, this restriction has also been observed to force hunters to pass up additional harvest opportunities that occur contemporaneous to the first as they are fleeting and certainly diminish with the noise and movement associated with tagging activities for the previous harvest. Special regulations areas are currently exempt from this requirement and the Commission is not aware that any significant problems have resulted from its absence. The Commission is proposing to amend § 141.41 to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.41 are proposed under this authority.

#### 2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.41 to eliminate the requirement that hunters lawfully tag each successive deer that they have harvested before lawfully harvesting a subsequent deer within their season limits.

#### 3. *Persons Affected*

Persons wishing to hunt or take white-tailed deer within this Commonwealth may be affected by this proposed rulemaking.

#### 4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-450. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter C. BIG GAME

#### § 141.41. General.

It is unlawful to:

(1) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.

(2) Receive a DMAP permit without reporting in the manner prescribed on the permit.

(3) [ **Harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized, except as otherwise provided in § 141.1 (relating to special regulations areas).**

(4) ] Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while engaged in hunting or trapping activities.

[Pa.B. Doc. No. 20-326. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend §§ 141.43, 141.44 and 141.47 (relating to deer seasons; bear; and elk) to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The Commission is also proposing to amend § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2 (relating to elk hunting licenses).

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Informa-

tion and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

During the 2019 fall hunting seasons, the Commission received a significant number of inquiries from the public concerning what arms and ammunition were lawful for users during the overlap of the archery deer season and its overlap with the muzzleloader bear season. Current regulations generally prohibit the possession of firearms during the deer archery season and archery tackle is not listed as a lawful device for muzzleloader bear seasons. In an effort to clarify these issues and provide greater opportunity during these overlap seasons, the Commission is proposing to amend §§ 141.43, 141.44 and 141.47 to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The proposal also amends § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 141.43, 141.44 and 141.47 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend §§ 141.43, 141.44 and 141.47 to expand the list of lawful devices authorized for applicable deer, bear and elk seasons during periods of overlap. The proposal will also amend § 141.47 to provide specific arms and ammunition listings for the archery elk season and the elk seasons established for the Special Conservation License and the Special License established under 34 Pa.C.S. § 2706.2.

3. *Persons Affected*

Persons wishing to hunt or take white-tailed deer, bear or elk within the Commonwealth may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-454. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer seasons.

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

**(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery deer season and muzzleloader bear season if that person is in possession of both a valid archery deer license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.**

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with [ a ] **any of the following devices:**

(i) **A** flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm’s ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

**(ii) A bow and arrow as permitted under subsection (a)(1)(i).**

**(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).**

(2) *Prohibitions.* While hunting deer during the flint-lock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with [ a ] **any of the following devices:**

(i) **A muzzleloading firearm.** The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

**(ii) A bow and arrow as permitted under subsection (a)(1)(i).**

**(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).**

(2) *Prohibitions.* While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

\* \* \* \* \*

§ 141.44. Bear **seasons.**

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm [ or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others) ]. **Exceptions:**

**(A) A person may possess certain firearms during the archery bear season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).**

**(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery and muzzleloader bear seasons if that person is in possession of a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.**

**(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery bear season and muzzleloader deer season if that person is in possession of both a valid bear license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.**

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with [ a ] **any of the following devices:**

(i) **A muzzleloading firearm.** The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

**(ii) A bow and arrow as permitted under subsection (a)(1)(i).**

**(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).**

(2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

\* \* \* \* \*

§ 141.47. Elk **seasons.**

**[(a) Permitted devices.** It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated, centerfire rifle or handgun. The firearm must be a .26 caliber or larger firearm that propels single-projectile ammunition 120 grains or larger.

(2) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555. ]

(a) *Archery elk season.*

(1) *Permitted devices.* It is lawful to hunt elk during the archery elk season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting elk during the archery elk season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery elk season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader deer season if that person is in possession of both a valid elk license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(C) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the archery elk season and muzzleloader bear season if that person is in possession of both a valid elk license and a valid bear license and meets the greater protective material requirements for the muzzleloader bear season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(iv) Drive or herd elk.

(v) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555.

(b) Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License with any of the following devices:

(i) A manually operated, centerfire rifle or handgun. The firearm must be a .26 caliber or larger firearm that propels single-projectile ammunition 120 grains or larger.

(ii) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

(iii) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(iv) A bow and arrow as permitted under subsection (a)(1)(i).

(v) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(iii) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(iv) Drive or herd elk.

**(v) Hunt within the Hick's Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within 0.3 mile of Route 555.**

[Pa.B. Doc. No. 20-327. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Furbearers**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 141.62 (relating to beaver and otter trapping) to increase the number of authorized body gripping traps from 10 to 20 in any Wildlife Management Unit (WMU) where beaver bag limits are 60 per season.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

The Commission has recently observed a notable increase in beaver populations and beaver-related complaints in WMUs 1A and 1B. As a result, the Commission is seeking to increase harvest success rates in these WMUs in an effort to better control the beaver population and resulting beaver-human conflicts. The Commission has previously proposed an amendment to § 139.4 (relating to seasons and bag limits for the license year) to increase the beaver bag limit in these WMUs from 40 to 60. The Commission is also proposing to amend § 141.62 to increase the number of authorized body gripping traps to 20 in any WMU where beaver bag limits are 60 per season. Beaver trappers will still be limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any WMU with an open otter trapping season during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.62 are proposed under this authority.

*2. Regulatory Requirements*

This proposed rulemaking will amend § 141.62 to increase the number of authorized body gripping traps from 10 to 20 in any WMU where beaver bag limits are 60 per season.

*3. Persons Affected*

Persons wishing to trap or take beavers in any WMU where beaver bag limits are 60 per season may be affected by this proposed rulemaking.

*4. Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

*5. Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*6. Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-447. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter D. FURBEARERS**

**§ 141.62. Beaver and otter trapping.**

\* \* \* \* \*

(b) *Unlawful acts.* It is unlawful to:

\* \* \* \* \*

(4) Set, tend or operate any number of traps or snares for beaver trapping in excess of the limits established by this paragraph.

(i) Beaver trappers are generally limited to a combined Statewide total of 20 traps or snares, no more than 10 of which may be traps. No more than 2 of the 10 traps may be body gripping traps, except [ **in** ]:

**(A) In** Wildlife Management Units where beaver bag limits are 40 [ **or more** ] per season, [ **where** ] all 10 traps may be body gripping traps.

**(B) In Wildlife Management Units where beaver bag limits are 60 per season, all 20 traps or snares may be body gripping traps.**

(ii) Beaver trappers are limited to using no more than five traps or snares, no more than two of which may be body-gripping traps, in any Wildlife Management Unit with an open otter trapping season. This limitation is inclusive of any otter traps or snares set under paragraph (7). This limitation is applicable during periods when the open beaver trapping season overlaps by calendar date with the open otter trapping season and shall extend for 5 additional consecutive days after the close of the otter season.

\* \* \* \* \*

[Pa.B. Doc. No. 20-328. Filed for public inspection March 6, 2020, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 141.4, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2020-2021 hunting/furtaking license year.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is proposing to amend § 141.4, Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2020-2021 hunting/furtaking license year.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.4, Appendix G are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2020-2021 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2020-2021 hunting/furtaking license year will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The effective dates of this proposed rulemaking are July 1, 2020, to June 30, 2021.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-448. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.4. Hunting hours.**

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

\* \* \* \* \*

**Appendix G. HUNTING HOURS**

*(Editor’s Note:* As part of this proposed rulemaking, the Commission is proposing to replace the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-39, serial pages (396539)—(396541), with the following tables.)

**HUNTING HOURS TABLE**

**FOR JUNE 28, 2020, THROUGH JULY 3, 2021**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:08	9:03
July 5—11	5:12	9:00
July 12—18	5:17	8:56
July 19—25	5:23	8:50
July 26—Aug. 1	5:30	8:44
Aug. 2—8	5:38	8:36
Aug. 9—15	5:43	8:26
Aug. 16—22	5:49	8:16
Aug. 23—29	5:56	8:06
Aug. 30—Sept. 5	6:03	7:55
Sept. 6—12	6:09	7:43
Sept. 13—19	6:16	7:32
Sept. 20—26	6:23	7:20
Sept. 27—Oct. 3	6:29	7:09
Oct. 4—10	6:36	6:58
Oct. 11—17	6:44	6:47
Oct. 18—24	6:51	6:38
Oct. 25—31	6:59	6:29
Nov. 1—7 **Ends	6:07	5:21
Nov. 8—14	6:15	5:15
Nov. 15—21	6:23	5:10
Nov. 22—28	6:31	5:07
Nov. 29—Dec. 5	6:37	5:05
Dec. 6—12	6:43	5:06

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Dec. 13—19	6:48	5:08
Dec. 20—26	6:51	5:09
Dec. 27—Jan. 2	6:52	5:17
Jan. 3—9	6:53	5:24
Jan. 10—16	6:52	5:25
Jan. 17—23	6:49	5:33
Jan. 24—30	6:45	5:41
Jan. 31—Feb. 6	6:40	5:49
Feb. 7—13	6:33	5:57
Feb. 14—20	6:24	6:06
Feb. 21—27	6:15	6:14
Feb. 28—March 6	6:06	6:22
March 7—13	5:54	7:29
March 14—20 *Begins	6:43	7:37
March 21—27	6:32	7:44
March 28—Apr. 3	6:21	7:51
April 4—10	6:09	7:58
April 11—17	5:58	8:05
April 18—24	5:48	8:12
April 25—May 1	5:38	8:19
May 2—May 8	5:29	8:27
May 9—15	5:21	8:33
May 16—22	5:14	8:40
May 23—29	5:09	8:46
May 30—June 5	5:05	8:52
June 6—12	5:02	8:57
June 13—19	5:02	9:00
June 20—26	5:04	9:03
June 27—July 3	5:07	9:03

\*Daylight Saving Time Begins

\*\*Ends

**MIGRATORY GAME BIRD HUNTING HOURS  
TABLE 2020—2021**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 28—July 4	5:08	8:33
July 5—11	5:12	8:30
July 12—18	5:17	8:26
July 19—25	5:23	8:20
July 26—Aug. 1	5:30	8:14
Aug. 2—8	5:38	8:06
Aug. 9—15	5:43	7:56
Aug. 16—22	5:49	7:46
Aug. 23—29	5:56	7:36
Aug. 30—Sept. 5	6:03	7:25
Sept. 6—12	6:09	7:13

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 13—19	6:16	7:02
Sept. 20—26	6:23	6:50
Sept. 27—Oct. 3	6:29	6:39
Oct. 4—10	6:36	6:28
Oct. 11—17	6:44	6:17
Oct. 18—24	6:51	6:08
Oct. 25—31	6:59	5:59
Nov. 1—7 **Ends	6:07	4:51
Nov. 8—14	6:15	4:45
Nov. 15—21	6:23	4:40
Nov. 22—28	6:31	4:37
Nov. 29—Dec. 5	6:37	4:35
Dec. 6—12	6:43	4:36
Dec. 13—19	6:48	4:38
Dec. 20—26	6:51	4:39
Dec. 27—Jan. 2	6:52	4:47
Jan. 3—9	6:53	4:54
Jan. 10—16	6:52	4:55
Jan. 17—23	6:49	5:03
Jan. 24—30	6:45	5:11
Jan. 31—Feb. 6	6:40	5:19
Feb. 7—13	6:33	5:27
Feb. 14—20	6:24	5:36
Feb. 21—27	6:15	5:44
Feb. 28—March 6	6:06	5:52
March 7—13	6:54	6:59
March 14—20 *Begins	6:43	7:07
March 21—27	6:32	7:14
March 28—April 3	6:21	7:21
April 4—10	6:09	7:28
April 11—17	5:58	7:35
April 18—24	5:48	7:42
April 25—May 1	5:38	7:49
May 2—8	5:29	7:57
May 9—15	5:21	8:03
May 16—22	5:14	8:10
May 23—29	5:09	8:16
May 30—June 5	5:05	8:22
June 6—12	5:02	8:27
June 13—19	5:02	8:30
June 20—26	5:04	8:33
June 27—July 3	5:07	8:33

\*Daylight Saving Time Begins

\*\*Ends

[Pa.B. Doc. No. 20-329. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend § 147.674 (relating to issuance of DMAP harvest permits) to increase the number of Deer Management Assistance Program (DMAP) harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

A longstanding provision of the DMAP regulations has limited individual hunters to receiving no more than two DMAP permits for each unit or area enrolled in the program. The Commission has reviewed this limitation and determined that it may be unreasonably limiting private landowners from effectively using the program to harvest enough deer on their lands to meet their deer management goals. This issue has been raised by both DMAP users and Commission staff as part of an ongoing broad review of the DMAP and Red Tag programs. However, the Commission is also equally cautious against moving too far towards privatizing access to antlerless deer harvest under the DMAP program and outside of the standard antlerless deer license allocations. Both external users and Commission staff agree that an increase in the number of DMAP permits per unit is warranted, except in certain areas designated by the Commission. The Commission is proposing to amend § 147.674 to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.674 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend § 147.674 to increase the number of DMAP harvest permits that a person may receive for each DMAP unit or area from two to four, except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.

#### 3. Persons Affected

Persons wishing to hunt or take white-tailed deer within this Commonwealth may be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-451. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter R. DEER CONTROL

#### § 147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission's PALS.

(b) [ **Two** ] **Four** harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license, **except for those DMAP areas designated by the Commission that will remain at a maximum of two harvest permits per person.**

(c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$10 for residents and \$35 for nonresidents. A fee of \$6 will be assessed for the replacement of any DMAP harvest permit.

(d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

[Pa.B. Doc. No. 20-330. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend

§ 147.804 (relating to general) to: 1) combine the species eligibility list for mentored youth and mentored adults to one list; 2) issue all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license; 3) expand the ability to make direct application for antlerless deer licenses and Deer Management Assistance Program (DMAP) harvest permits for mentored adults and mentored youth 7 years of age or older; and 4) expand the eligibility of all mentored hunters to make direct application for migratory bird licenses and pheasant permits.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Since the mentored hunting program's initial inception in 2006, the program has gradually grown and expanded to allow the hunting of many additional species of game and wildlife. The program has also incrementally expanded eligibility standards to now allow participation by all age groups. However, with this progressive linear expansion, the mentored hunting program has built up a complex and inconsistent web of eligibility standards and limitations for each of the three program age groups. Couple this complexity with its differences to the traditional hunting license structures and this Commonwealth's sporting men and women have understandably been challenged in fully understanding and consistently operating within the program's multifaceted standards. Furthermore, the Commission recognizes that the current complexity if these regulations themselves may in fact be undermining the recruitment and retention of the participants the program was intended to improve. With this in mind, the Commission has determined that the mentored hunting program is due for a significant streamlining of its standards.

The first improvement involves combining the species eligibility list for mentored youth and mentored adults to one list. This change alone will expand species eligibility for all age groups.

The second change involves issuing all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license. This change primarily affects mentored adults and does not change standards for mentored youth who are under 7 years of age at the time of application. This change eliminates the transfer of any harvest tags to mentored adults and mentored youth 7 years of age or older.

The third change builds off of the second by expanding the ability to make direct application for antlerless deer licenses and DMAP harvest permits for mentored adults and mentored youth 7 years of age or older. The fourth change allows all mentored hunter age classes to make direct application for migratory bird licenses and pheasant permits within the eligibility standards and limitations of these programs. Each of these improvements brings a greater degree of simplicity to the mentored

hunting program and also brings it into closer alignment to the Commission's traditional hunting license structures.

Section 2701(a) of the code (relating to license requirements) states that "Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.804 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend § 147.804 to: 1) combine the species eligibility list for mentored youth and mentored adults to one list; 2) issue all applicable harvest tags to mentored adults and mentored youth 7 years of age or older in a manner consistent with the purchase of a hunting license; 3) expand the ability to make direct application for antlerless deer licenses and DMAP harvest permits for mentored adults and mentored youth 7 years of age or older; and 4) expand the eligibility of all mentored hunters to make direct application for migratory bird licenses and pheasant permits.

#### 3. Persons Affected

Persons who wish to participate in the mentored hunting program will be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-452. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter X. MENTORED HUNTING PROGRAM PERMIT

#### § 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

(c) *Species limitation.* **A mentored youth's or mentored adult's hunting eligibility is restricted to the following species: rabbit, hare, ruffed grouse, mourning dove, bobwhite quail, pheasant, crow, squirrel, porcupine, woodchuck, coyote, deer and wild turkey.**

[ (1) A mentored youth's hunting eligibility is restricted to the following species: cottontail rabbit, mourning dove, squirrel, woodchuck, coyote, deer and wild turkey. Except as provided in this paragraph, mentored youth hunting permits will be issued with an antlered deer harvest tag and a spring turkey harvest tag. Harvest tags will not be issued to mentored youth applicants who are under 7 years of age at the time of application.

(2) A mentored adult's hunting eligibility is restricted to the following species: squirrel, ruffed grouse, rabbit, pheasant, bobwhite quail, hares, porcupine, woodchuck, crow, coyote, antlerless deer and wild turkey. Mentored adult hunting permits will be issued with a spring turkey harvest tag.]

(d) *Seasons and bag limits.* A mentored youth's and mentored adult's hunting eligibility is further constrained by applicable hunting seasons, daily limits, field possession limits and season limits provided in § 139.4 (relating to seasons and bag limits for the license year).

(e) *Applicability of junior seasons and antler restrictions.* A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c) and are subject to the same antler restrictions that apply to junior license holders in § 131.2 (relating to definitions).

(f) *Tagging requirements.* Mentored youth and mentored adults shall tag and report all big game harvested in the manner provided in section 2323 of the act (relating to tagging and reporting big game kills).

(g) *Transfer of an antlerless license.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act (relating to unlawful acts concerning licenses), mentors are authorized to transfer antlerless licenses issued to them to an eligible mentored youth [ **or mentored adult** ] **who was under 7 years of age at the time of application.** The antlerless license shall be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the antlerless license may not occur until after the mentored youth [ **or mentored adult** ] has harvested the antlerless deer, but before tagging the carcass. A mentored youth [ **or mentored adult** ] may receive by transfer no more than one antlerless deer license each license year. Mentored youth [ **and mentored adults** ] **who are under 7 years of age at the time of application** are ineligible to make direct application for an antlerless license.

(h) *Transfer of a fall turkey tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer fall turkey tags issued to them to an eligible mentored youth [ **or mentored**

**adult** ] **who was under 7 years of age at the time of application.** The fall turkey tag shall be valid and in the possession of the mentor at all times while hunting fall turkey. The transfer of the fall turkey tag may not occur until after the mentored youth [ **or mentored adult** ] has harvested the fall turkey, but before tagging the carcass. A mentored youth [ **or mentored adult** ] may not receive by transfer more than one fall turkey tag each license year. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.**

(i) *Transfer of a Deer Management Assistance Program harvest permit.* Notwithstanding the prohibitions in § 147.676(2) and (3) (relating to unlawful acts), mentors are authorized to transfer Deer Management Assistance Program (DMAP) harvest permits issued to them to an eligible mentored youth [ **or mentored adult** ] **who was under 7 years of age at the time of application.** The DMAP harvest permit must be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the DMAP harvest permit may not occur until after the mentored youth [ **or mentored adult** ] has harvested the antlerless deer, but before tagging the carcass. A mentored youth [ **or mentored adult** ] may not receive by transfer more than one DMAP harvest permit each license year. Mentored youth [ **and mentored adults** ] **who are under 7 years of age at the time of application** are ineligible to make direct application for a DMAP harvest permit. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.**

(j) *Transfer of an antlered deer harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer antlered deer harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The antlered deer harvest tag shall be valid and in the possession of the mentor at all times while hunting antlered deer. The transfer of the antlered deer harvest tag may not occur until after the mentored youth has harvested the antlered deer, but before tagging the carcass. A mentored youth may not receive by transfer more than one antlered deer harvest tag each license year. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.**

(k) *Transfer of a spring turkey harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer spring turkey harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The spring turkey harvest tag shall be valid and in the possession of the mentor at all times while hunting spring turkey. The transfer of the spring turkey harvest tag may not occur until after the mentored youth has harvested the spring turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one spring turkey harvest tag each license year. **This provision shall not be construed to authorize the transfer of a harvest tag to a mentored**

adult or a mentored youth that was 7 years of age or older at the time of application for the mentored permit.

(l) Application for and issuance of big game harvest tags. Except as provided below, mentored youth and mentored adult hunting permits will be issued with an antlered deer, fall turkey and spring turkey harvest tag. No harvest tags will be issued with a mentored youth permit where the applicant is under 7 years of age at the time of application. Mentored youth over 7 years of age at the time of application and mentored adults are additionally eligible to make application for one antlerless deer license and as many DMAP harvest permits that are within the eligibility standards and limitations of these programs.

(m) Application for and issuance of add-on licenses and permits. Mentored youth and mentored adults are exempt from requirements to obtain archery and muzzleloader add-on licenses or stamps applicable to hunting archery or muzzleloader seasons for any species listed in subsection (c). Unless otherwise exempted by existing program standards, all mentored youth and mentored adults are required to obtain migratory bird licenses and pheasant permits to participate in hunting during applicable seasons for any associated species listed in subsection (c).

[Pa.B. Doc. No. 20-331. Filed for public inspection March 6, 2020, 9:00 a.m.]

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Guiding Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend §§ 147.901—147.905 and add § 147.904.1 (relating to records and reports of commercial guides) to: 1) restructure the application requirements for commercial and noncommercial guiding permits; 2) add a noncommercial elk guiding permit; 3) add new guide permit fee structures for commercial and noncommercial elk guiding permits; 4) add recordkeeping and reporting requirements for commercial guides; and 5) address other minor housekeeping items.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission has determined that an update and restructuring of its guiding permit regulations is needed, especially as it relates to elk guiding. The Commission is proposing to amend §§ 147.901—147.905 and add § 147.904.1 to restructure the application requirements for commercial and noncommercial guiding permits, cre-

ate a noncommercial elk guiding permit, create new guide permit fee structures for commercial and noncommercial elk guiding permits, create recordkeeping and reporting requirements for commercial guides and address other minor housekeeping items.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.901—147.905 and addition of § 147.904.1 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend §§ 147.901—147.905 and add § 147.904.1 to: 1) restructure the application requirements for commercial and noncommercial guiding permits; 2) add a noncommercial elk guiding permit; 3) add new guide permit fee structures for commercial and noncommercial elk guiding permits; 4) add recordkeeping and reporting requirements for commercial guides; and 5) address other minor housekeeping items.

#### 3. Persons Affected

Persons wishing to guide other persons engaged in hunting or trapping of certain wildlife within this Commonwealth may be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-456. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter Y. GUIDING PERMIT

#### § 147.901. Purpose and scope.

The purpose of this subchapter is to provide for the issuance of guiding permits to authorize eligible applicants to serve as guides for persons hunting, trapping or otherwise taking certain designated species of **game or** wildlife.

#### § 147.902. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Commercial guiding activity*—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

*Guide*—A person who assists another person in any manner to hunt, trap or otherwise take certain designated species of **game or** wildlife.

*Guiding activity*—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of **game or** wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize [ **the** ] **any** assistance taking the form of any overt act directly connected with harvesting **game or** wildlife by **the guide** discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

**Noncommercial guiding activity—Any guiding activity provided by any person to another person for the species Elk, where there is no fee, remuneration or economic gain to the guide including bartered goods or services.**

**§ 147.903. Application for commercial and noncommercial guiding permits.**

(a) Applications for **commercial and noncommercial** guiding permits issued under this subchapter shall be made through the [ **applicants' local district wildlife conservation officers** ] **applicable Commission regional office local to the applicant** on the appropriate form provided by the Commission.

(b) [ **Each application must** ] **Applications for commercial and noncommercial guiding permits shall** include the name, address, telephone number, **customer identification number** and date of birth of the **primary applicant and each subpermittee, if applicable**, as well as the specific eligible species of wildlife sought to be covered by the permit.

(c) Applications for **commercial and noncommercial** guiding permits will only be accepted [ **from persons who possess** ] **if the applicant and each listed subpermittee possesses** a valid hunting or furtaking license [ **or qualify for license and fee exemptions under section 2706 of the act (relating to license and fee exemptions) and have no prior record of violations of the act or this title or related license revocations within the previous 10 years** ], **whichever is applicable to the single species or multiple species designated on the permit application. Applicants for a noncommercial elk guiding permit must also possess a valid elk license.**

(d) **Applications for commercial and noncommercial guiding permits will only be accepted if the applicant and each listed subpermittee have no documented prior record of game or wildlife violations of the act or this title or related license revocations within the previous 10 years. This subsection shall not be construed to apply to the permittee listed on the application for a noncommercial elk guiding permit, but this provision remains effective for each subpermittee listed the permittee's application.**

(e) The fee for a **commercial or noncommercial** guiding permit will be:

**(1) Except as provided in paragraphs (2) and (3) for elk guiding permits, \$25 for residents and \$50 for nonresidents for each respective eligible species of wildlife to be covered by the permit.**

**(2) \$500 for residents and nonresidents for commercial elk guiding permits. This fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$50 per additional subpermittee.**

**(3) No cost for a noncommercial elk guiding permits. This no cost fee also covers up to four subpermittees at no additional cost. Additional subpermittees beyond the first four may be added for an additional \$25 per additional subpermittee.**

**§ 147.904. Permit.**

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any commercial or noncommercial guiding activity **anywhere within this Commonwealth** for the following designated species of wildlife: elk and bobcat. A guiding permit is **also** required for any person to engage in any commercial guiding activity for coyotes on **any lands designated as** State game lands.

(b) *Additional permits.* Possession of a **commercial or noncommercial** guiding permit issued under this subchapter does not diminish an individual's obligation to obtain any other applicable Federal, State or local permits concerning the guiding activities.

(c) *Guiding on State game lands.* Notwithstanding the general prohibitions of § 135.41 (relating to state game lands), a **commercial** guiding permit issued [ **pursuant to** ] **under** this subchapter [ **shall authorize** ] **authorizes** its holder to engage in commercial guiding activities on **lands designated as** State game lands for [ **an eligible** ] **each** species of **game** wildlife **designated on the commercial guiding permit. This subsection shall not be construed to require a commercial or noncommercial guiding permit for noncommercial guiding activities occurring on lands designated as State game lands.**

(d) [ *Orientation.* In any year the Commission establishes an orientation program for an eligible species of wildlife, the continuing validity of any guiding permit issued under this subchapter covering the eligible species, is premised upon the permit holder's completion of the orientation program prior to engaging in any guiding activities for the eligible species of wildlife. ] **Licenses, permits and stamps required.** A **commercial or noncommercial guide shall maintain valid licenses, permits and stamps applicable to each species for which they are conducting commercial or noncommercial guiding activities, excepting only elk licenses, if applicable. A guide shall carry these licenses, permits and stamps required by this subsection on their person while engaged any commercial or noncommercial guiding activities and shall produce same, upon demand, to any officer whose duty it is to enforce the title.**

(*Editor's Note:* The following section is proposed to be added and printed in regular type to enhance readability.)

**§ 147.904.1. Records and reports of commercial guides.**

(a) *Records.* A commercial guide shall maintain legible, accurate and complete field records of all commercial guiding activities conducted under the authority of a commercial guiding permit on a form supplied by the Commission. These field records shall be maintained and made available for inspection in accordance with section 2906 of the act (relating to records). A commercial guide shall complete the field records form according to the instructions on the form and must contain the following information for each commercial guiding activity:

(1) Name, address and customer identification number for each client.

(2) Date of guided activity.

(3) Quantity and species of game or wildlife harvested by each client.

(4) Name and guide permit number of any accompanying guide permit holder for each guided activity.

(b) *Reports.* All field records shall be submitted to the Commission annually in accordance with section 2907 of the act (relating to reports).

**§ 147.905. Violations.**

**Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations).** The Director may deny, revoke or suspend any permit for any violation of **the act or this subchapter by the permittee or any subpermittee,** upon written notice to the permittee.

[Pa.B. Doc. No. 20-332. Filed for public inspection March 6, 2020, 9:00 a.m.]

\_\_\_\_\_