

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 2ND CONFERENCE COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 HOUSE BILL NO. 2295

By: Armes and Jordan of the
House

and

Schulz and Ivester of the
Senate

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11 2ND CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to agriculture; amending Sections 2,
13 4, 5 and 8, Chapter 138, O.S.L. 2006 (2 O.S. Supp.
14 2009, Sections 6-502, 6-504, 6-505 and 6-508), which
15 relate to the Oklahoma Farmed Cervidae Act; adding
16 definitions; setting license application
17 requirements; prohibiting issuing licenses in certain
18 cases; creating license renewal procedures; setting
19 licensing fees; explaining procedures for
20 transferring licenses; setting recordkeeping
21 requirements; explaining importation requirements;
22 setting fencing requirements; limiting size of
23 licensed facilities; allowing export of certain
24 cervidae; allowing slaughter under certain
conditions; explaining disposal in certain cases;
describing carcass removal procedures; providing for
inspection process; requiring facility inspection;
explaining complaint and investigation procedures;
outlining when a license may be revoked; setting time
limit on closing facility; prohibiting release into
the wild; amending 29 O.S. 2001, Section 5-411, as
amended by Section 17, Chapter 138, O.S.L. 2006 (29
O.S. Supp. 2009, Section 5-411), which relates to
game; permitting certain persons to sell or trade
antlers or horns under certain conditions; allowing

1 Director of Wildlife Conservation discretion to grant
2 exception; providing for codification; providing an
3 effective date; and declaring an emergency.

4
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY Section 2, Chapter 138, O.S.L.
7 2006 (2 O.S. Supp. 2009, Section 6-502), is amended to read as
8 follows:

9 Section 6-502. As used in the Oklahoma Farmed Cervidae Act:

- 10 1. "Cervid", "cervidae", and "deer" mean any member of the
11 cervidae family;
- 12 2. "Commercial" means to manage on a business basis or engage in
13 any transaction or exchange for consideration including barter, the
14 offer to sell, or possession with intent to sell for profit or
15 monetary gain;
- 16 3. "Department" means the Oklahoma Department of Agriculture,
17 Food, and Forestry;
- 18 4. "Farmed cervidae" means all species of the cervid family and
19 hybrids including white-tailed deer, elk, mule deer, red deer, or any
20 other member of the family cervidae specified in rule by the State
21 Board of Agriculture with written concurrence of the Department of
22 Wildlife Conservation that are raised or maintained within a
23 perimeter fence or confined space for the production of meat and
24 other agricultural products, sport, exhibition, personal use, or any

1 other purpose. Farmed cervidae shall not include cervidae in a
2 commercially licensed hunting facility;

3 ~~4.~~ 5. "Farmed cervidae facility" means any private or public
4 premises that contain one or more privately owned cervidae and the
5 privately owned cervidae are not removed from the premises through
6 hunting;

7 ~~5.~~ 6. "Native cervidae" means any and all cervidae that are
8 indigenous to Oklahoma or are living in a state of nature;

9 ~~6.~~ 7. "Noncommercial" means to manage for personal enjoyment
10 and personal use;

11 ~~7.~~ 8. "Operator" means the person who performs the daily farmed
12 cervidae management functions;

13 ~~8.~~ 9. "Owner" means a person with legal title to a farmed cervid
14 or herd of farmed cervidae; ~~and~~

15 ~~9.~~ 10. "Premises" means the ground, area, buildings, water
16 source and equipment commonly shared by a herd of cervidae; and

17 11. "Proof of ownership" means an inspection certificate of
18 sale from a licensed public livestock market showing individual
19 identification, a bill of sale, a certificate of sale, court orders,
20 a statement that the cervidae was born from animals owned by the
21 seller, or any other document the Department deems acceptable.

22 SECTION 2. AMENDATORY Section 4, Chapter 138, O.S.L.
23 2006 (2 O.S. Supp. 2009, Section 6-504), is amended to read as
24 follows:

1 Section 6-504. A. No person ~~may~~ shall breed, possess, or raise
2 cervidae for commercial or noncommercial purposes without first
3 obtaining a farmed cervidae facility license from the Oklahoma
4 Department of Agriculture, Food, and Forestry.

5 B. ~~A~~ The Department may issue a farmed cervidae facility
6 license ~~may be issued~~ to any person that lawfully obtains cervidae,
7 acts in good faith, and adheres to the laws and rules of the ~~State~~
8 ~~of Oklahoma~~ state, including the provisions of the Oklahoma Farmed
9 Cervidae Act. Nothing in this section shall prevent the Department
10 from issuing a license to persons the Department deems have obtained
11 cervidae from a legal source, acted in good faith, and failed to
12 recognize a license was required.

13 C. All persons issued a farmed cervidae license shall abide by
14 all provisions of the Oklahoma Farmed Cervidae Act. An initial
15 application for a farmed cervidae facility license shall contain the
16 following:

- 17 1. Name, address, and telephone number of the owner;
- 18 2. Name, address, and telephone number of the operator, if
19 different from the owner;
- 20 3. Name, address, and telephone number of the primary contact;
- 21 4. Farm name, facility address, and facility telephone number;
- 22 5. Name, address and telephone number of the location where
23 records are kept;

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1 6. Specific legal description of the facility to the nearest
2 quarter section;

3 7. A map showing topography of the area with a diagram of the
4 facility structures, fencing plan, and perimeter clearly marked;

5 8. Whether the applicant has been convicted of a felony,
6 misdemeanor, administrative, or civil violation of any natural
7 resources requirements, including but not limited to wildlife,
8 forestry, fisheries, environment, or animal health within the past
9 three (3) years in the state or any other jurisdiction;

10 9. Whether the property where the farmed cervidae facility is
11 located is owned or leased;

12 10. An initial inventory of the farmed cervidae, including
13 their ages, breed and species, and a minimum of one form of official
14 individual identification approved by the Department;

15 11. Method of carcass disposal for the facility;

16 12. Driving directions from the nearest town;

17 13. A list of each name the farmed cervidae facility operates
18 under; and

19 14. Signature under oath: "I certify under penalty of law this
20 document, all attachments, and information submitted are to the best
21 of my knowledge and belief, true, accurate, and complete. I am
22 aware there are significant penalties for knowingly submitting
23 false, inaccurate, or incomplete information, including the
24 possibility of fines for each violation."

1 D. Using information from the application and from the state's
2 files, the Department shall determine:

3 1. The accuracy of all materials in the application; and

4 2. Whether the applicant can reasonably be expected to comply
5 with all legal requirements of the license.

6 E. The Department shall not issue a farmed cervidae facility
7 license if the facility is not inspected by the Department.

8 SECTION 3. AMENDATORY Section 5, Chapter 138, O.S.L.
9 2006 (2 O.S. Supp. 2009, Section 6-505), is amended to read as
10 follows:

11 Section 6-505. A. ~~The State Board of Agriculture~~ Department of
12 Agriculture, Food, and Forestry shall promulgate rules regarding the
13 application and licensing process, including but not limited to:

14 1. The expiration date of a farmed cervidae facility license:

15 a. the license shall expire on June 30 of each calendar
16 year, and the renewal application shall be submitted
17 no later than February 15 of each calendar year,

18 b. any renewal application received or postmarked after
19 the renewal date shall be subject to a ten-percent
20 penalty in addition to the renewal fee,

21 c. in addition to the renewal application containing all
22 information from the initial license application other
23 than the information requirements of paragraphs 6, 7
24 and 8 of subsection C of Section 6-504 of this title,

1 the licensee shall submit a signed, complete,
2 accurate, and legible form with the following
3 information:

4 (1) the annual report containing all inventory
5 information for all cervidae one (1) year of age
6 or older, unless the facility is a Chronic
7 Wasting Disease monitored herd with a current
8 Chronic Wasting Disease inventory on file with
9 the Department,

10 (2) any changes to the facility or change in status
11 of convictions as required by paragraph 8 of
12 subsection C of Section 6-504 of this title since
13 the last renewal or original license application,
14 including, but not limited to:

15 (a) changes in contact information, and

16 (b) changes in perimeter fences, including
17 attaching an updated facility map indicating
18 any expansion, change in facility perimeter,
19 or any additional fencing, and

20 d. failure to renew a license by the expiration date
21 shall result in the facility being quarantined until
22 an administrative hearing can be conducted. The
23 failure may result in revocation of the license, loss
24

1 of the facility number, closure of the facility, and
2 removal of the cervidae from the premises;

3 2. Fees for farmed cervidae facility licenses and all renewals;

4 3. Procedures for the transfer of ownership:

5 a. the new owner or operator shall submit to the
6 Department a transfer application, attaching any
7 change of conditions resulting from the transfer of
8 ownership or operation,

9 b. after receipt of the information required, the
10 Department shall review the information, and within
11 thirty (30) days, issue approval or denial of the
12 transfer. Transfer of a license shall be denied
13 only if the new owner or operator cannot comply with
14 the requirements of transfer, and

15 c. if a transfer is denied, written notification of the
16 denial and an opportunity for an administrative
17 hearing on the denial shall be given to the
18 applicant for a transfer license by the Department.
19 The notification shall set forth the reasons for the
20 denial, steps necessary to meet the requirements for
21 a transfer license and the opportunity for the
22 applicant to request an administrative hearing;

23 4. Recordkeeping requirements:
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1 a. all required records shall be kept by the owner or
2 operator for a maximum of three (3) years, and

3 b. the following records shall be maintained at the
4 facility:

5 (1) records of all cervidae sold, killed, given away,
6 transported, or shipped from a farmed cervidae
7 facility,

8 (2) proof that the cervidae are from a legal source
9 and records kept and animals marked to identify
10 individual animals,

11 (3) the Chronic Wasting Disease inventory or an
12 inventory of cervidae one (1) year of age or
13 older containing the following information:

14 (a) name and address of the farmed cervidae
15 facility, the owner, and the operator,

16 (b) a listing of any and all identification
17 numbers assigned to the cervidae by the
18 owner or operator and any other official
19 entity using either any official
20 identification approved by the Department or
21 United States Department of Agriculture
22 alphanumeric test tag number or official
23 Canadian alphanumeric test tag number, if
24 applicable,

- 1 (c) age,
2 (d) sex,
3 (e) date of purchase,
4 (f) date of death or date of change of
5 ownership,
6 (g) any cervidae born at the facility that are
7 one (1) year of age or older shall be shown
8 on the inventory record, or upon sale or
9 transfer of ownership or upon leaving the
10 facility, whichever comes first, and
11 (h) date the inventory was completed, and
12 (4) herd and individual animal health documents,
13 including, but not limited to, the Certificate of
14 Veterinary Inspection and test results;

15 5. Importation requirements:

- 16 a. import of cervidae originating in any county or
17 Canadian province where Chronic Wasting Disease exists
18 in free-ranging native herds shall be prohibited,
19 b. all other cervidae imports shall only be from a source
20 herd that is in a Chronic Wasting Disease surveillance
21 and certification program for a minimum of five (5)
22 years monitored and the program meets the standards of
23 cervidae importation into Oklahoma,
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1 c. import of cervidae shall be accompanied by a
2 Certificate of Veterinary Inspection and an approved
3 Cervidae Import Permit, and

4 d. import of cervidae shall follow all other disease
5 testing required by the Oklahoma Statutes or rules
6 promulgated by the Department;

7 6. Animal identification requirements;

8 7. Fencing requirements and limits on the size of licensed
9 facilities, including:

10 a. the owner or operator shall ensure that farmed
11 cervidae are confined to the lands described in the
12 application,

13 b. the perimeter of each farmed cervidae facility shall
14 be an eight-foot game or high tensile fence designed
15 in a manner to prevent ingress and egress of cervidae,

16 c. damage caused to a farmed cervidae facility perimeter
17 fence by a natural disaster shall not constitute a
18 violation so long as the owner or operator begins any
19 necessary repairs immediately upon discovery, acts
20 expeditiously in the opinion of the Department to
21 complete any necessary repairs, and reports the extent
22 and cause of any damage to the Department within two
23 (2) working days of discovery,

1 d. the owner or operator shall notify the Department
2 within two (2) working days of discovery of any wild
3 cervidae within the farmed cervidae facility,

4 e. the owner or operator shall provide each farmed
5 cervidae with adequate water, adequate feed,
6 appropriate natural or manmade shelter, and reasonable
7 protection from predators, and

8 f. facility size shall be limited to the largest
9 practicable area to ensure no native or wild cervidae
10 are within the confines of the facility. Limitations
11 on facility size may include but not be limited to
12 geography and topography of the property; and

13 8. Flushing procedures prepared with the input from the
14 Department of Wildlife Conservation to ensure no native cervidae
15 remain in a newly established licensed enclosure.

16 B. Any application for a farmed cervidae license shall be on a
17 form prescribed by the Oklahoma Department of Agriculture, Food, and
18 Forestry.

19 C. All farmed cervidae shall be confined to the lands described
20 in the application for a specific facility and in a manner to
21 prohibit:

22 1. Native cervidae from becoming part of a licensed farmed
23 cervidae facility; and

24 2. Farmed cervidae from commingling with native cervidae.

1 D. When practicable the initial or annual inspection shall be
2 coordinated with the owner or operator. In no case shall access by
3 the Department be restricted in the event coordination does not
4 occur.

5 E. The Department and the Department of Wildlife Conservation
6 may coordinate and conduct inspections or investigations jointly.

7 F. Export of cervidae originating in any Oklahoma county where
8 Chronic Wasting Disease exists in free-ranging native herds shall be
9 allowed if exported from a monitored, double-fenced facility that is
10 not quarantined.

11 SECTION 4. AMENDATORY Section 8, Chapter 138, O.S.L.
12 2006 (2 O.S. Supp. 2009, Section 6-508), is amended to read as
13 follows:

14 Section 6-508. A. Owners and operators of licensed farmed
15 cervidae facilities may slaughter farmed cervidae at any time
16 throughout the year ~~provided they comply with all requirements in~~
17 ~~rules promulgated by the State Board of Agriculture with input from~~
18 ~~the Department of Wildlife Conservation~~ pursuant to the Exotic
19 Livestock and Exotic Livestock Products Inspection Act.

20 B. An owner or operator may slaughter their own farmed cervidae
21 for personal or noncommercial consumption.

22 C. Owners and operators of licensed farmed or commercial
23 cervidae facilities may sell, use, or dispose of hides or antlers
24 from slaughtered farmed cervidae, provided they comply with all

1 requirements in rules promulgated by the State Board of Agriculture
2 with input from the Department of Wildlife Conservation.

3 D. An owner or operator shall only sell or dispose of antlers
4 with attached skull plates in the following circumstances:

5 1. Each set of antlers shall be individually identified with
6 sufficient documentation linking it to the farmed or commercial
7 cervidae facility, including, but not limited to, photographs, lock-
8 on identification tags, DNA testing, or other proof of ownership;

9 2. In no case shall an owner or operator sell or dispose of
10 antlers without appropriate documentation; and

11 3. The owner or operator shall provide a copy of all appropriate
12 documentation to the purchaser or recipient at the time of sale or
13 disposal.

14 E. The sale or disposal of antler sheds or antlers that are
15 attached to the skull plate shall not be restricted.

16 F. Facilities shall comply with all carcass disposal
17 requirements. The following methods may be used for disposal of
18 carcasses from a farmed cervidae facility:

19 1. Rendering;

20 2. Landfill;

21 3. Burial;

22 4. Incineration; or

23 5. Composting.

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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-512 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. After the initial prelicensing inspection, each premise
5 shall be inspected at least once every other year unless there is a
6 change in ownership or change in facilities.

7 B. The following prelicensing inspections shall occur:

8 1. Upon submission of a complete application, the Department of
9 Agriculture, Food, and Forestry shall schedule an on-site meeting
10 and inspection to review the facility;

11 2. The Department shall review the location of the facility,
12 including breeding-pen fencing, gates, feed bunkers, shelter,
13 carcass disposal areas, and any other facilities for the location;

14 3. The Department may request appropriate changes to the
15 facility design;

16 4. In no case shall a license for a farmed cervidae facility be
17 granted unless the Department has conducted a prelicensing
18 inspection and the Department has approved the facility based on
19 that inspection; and

20 5. The license shall be revoked for any facility that does not
21 construct or operate the facility in accordance with the approved
22 prelicensing inspection.

23 C. All new facilities shall be inspected within ninety (90)
24 calendar days prior to issuing a new license.

1 D. It is the responsibility of the owner or operator to arrange
2 the appropriate inspection and the Department shall be given
3 adequate time to respond to the request for the initial inspection.

4 E. Authorized agents of the Oklahoma Department of Wildlife
5 Conservation shall have the authority to enter and inspect any
6 premises pursuant to Section 3-201 of Title 29 of the Oklahoma
7 Statutes for the purpose of implementing and enforcing the Oklahoma
8 Wildlife Conservation Code.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-513 of Title 2, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Upon receipt of a written complaint, the Department of
13 Agriculture, Food, and Forestry shall notify the person filing the
14 complaint in writing of its receipt and status within five (5)
15 working days. The party whom the complaint is filed against, if
16 known, shall be notified within five (5) working days. The
17 resolution of a complaint is the completion of the appropriate
18 administrative, jurisdictional, and legal remedies to the extent
19 possible by the Department. The complainant and owner shall be
20 notified in writing within seven (7) working days after resolution
21 of the complaint.

22 B. The Department may initiate an investigation at any time.
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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-514 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The license of any owner or operator may be revoked if it is
5 determined at an administrative hearing that the owner or operator
6 has violated any provision of the Oklahoma Farmed Cervidae Act.

7 B. In the event a license is denied, revoked, cancelled, or
8 suspended, the owner or operator is not eligible to reapply until
9 after the date the license would have expired.

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6-515 of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Upon expiration of a license, the owner or operator may take
14 up to one hundred twenty (120) days to dispose of all cervidae at
15 the facility.

16 B. In no case shall the farmed cervidae be released into the
17 wild.

18 C. Cleaning and disinfection of the premises shall be completed
19 immediately upon closure of the facility in circumstances of disease
20 if required by the Department of Agriculture, Food, and Forestry.

21 SECTION 9. AMENDATORY 29 O.S. 2001, Section 5-411, as
22 amended by Section 17, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2009,
23 Section 5-411), is amended to read as follows:

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1 Section 5-411. A. 1. Except for owners and operators of
2 farmed or commercial cervidae facilities licensed pursuant to the
3 Oklahoma Farmed Cervidae Act, no person, including but not limited
4 to persons licensed for commercial hunting or wildlife breeders, may
5 hunt, chase, capture, shoot, shoot at, wound, attempt to take or
6 take, attempt to kill or kill, or slaughter an antelope, moose,
7 whitetail or mule deer, bear, elk, mountain lion, Rocky Mountain
8 bighorn sheep, wild turkey, or any subspecies except in open season
9 under Section 5-401 of this title.

10 2. ~~No~~ Unless legally harvested from a commercial hunting area,
11 no person shall sell, offer for sale or buy or offer to buy an
12 antelope, moose, whitetail or mule deer, bear, elk, mountain lion,
13 rocky mountain bighorn sheep, wild turkey, or any subspecies or any
14 parts thereof, except as provided by:

15 a. rules prescribed by the Wildlife Conservation
16 Commission,

17 b. any federal laws or regulations, or

18 c. the Oklahoma Farmed Cervidae Act.

19 3. The provisions of this subsection shall not be construed to
20 prevent a hide, antlers or horns from a legally taken whitetail or
21 mule deer, elk, moose, antelope or Rocky Mountain bighorn sheep from
22 being sold or traded by a person who legally harvested or who
23 legally possesses the hide, antlers or horns, including a person who
24 has obtained legal possession of the hide, antlers, or horns after

1 being given to the person for taxidermic preparation. ~~Any~~ Except as
2 otherwise provided, any antlers or horns sold or traded pursuant to
3 this subsection shall have been removed from the skull of the animal
4 in such a way as to leave no portion of the skull attached. The
5 owner or operator of a farmed or commercial cervidae facility may
6 sell or trade the antlers or horns of a farmed or commercial
7 cervidae with the skull attached as provided for in the Oklahoma
8 Farmed Cervidae Act. Upon request, the Director of Wildlife
9 Conservation may grant an exemption from the restrictions of this
10 paragraph to allow a person who has legally harvested or who is in
11 legal possession of the antlers or horns from a legally taken animal
12 to sell or trade the antler or horns with the skull attached.

13 B. 1. It shall be unlawful for any person to have in their
14 possession any meat, head, hide or any part of the carcass of any
15 wildlife not legally taken.

16 2. Any meat, head, hide or any part of the carcass of any
17 wildlife not legally taken shall be subject to immediate seizure by
18 a game warden.

19 3. The provisions of this subsection shall not apply to
20 privately owned domesticated animals designated by the Wildlife
21 Conservation Commission or farmed cervidae facilities licensed
22 pursuant to the Oklahoma Farmed Cervidae Act.

23 C. Persons excepted from the provisions of this section are:
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1 1. Department employees when in the performance of their
2 duties; and

3 2. Authorized agents when appointed under Section 3-202 of this
4 title.

5 SECTION 10. This act shall become effective July 1, 2010.

6 SECTION 11. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 52-2-10918 EK 05/21/10

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