

1 ENGROSSED HOUSE  
2 BILL NO. 3206

By: Armes of the House

and

Schulz of the Senate

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4  
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6  
7 ( agriculture - amending 2 O.S., Sections 6-502,  
8 6-504, 6-505 and 6-508 - Oklahoma Farmed  
9 Cervidae Act - license application -  
10 recordkeeping - codification -  
11 effective date )

12  
13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY Section 2, Chapter 138, O.S.L.  
16 2006 (2 O.S. Supp. 2009, Section 6-502), is amended to read as  
17 follows:

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

19 1. "Cervid", "cervidae", and "deer" mean any member of the  
20 cervidae family;

21 2. "Commercial" means to manage on a business basis or engage in  
22 any transaction or exchange for consideration including barter, the  
23 offer to sell, or possession with intent to sell for profit or  
24 monetary gain;

1           3. "Department" means the Oklahoma Department of Agriculture,  
2 Food, and Forestry;

3           4. "Farmed cervidae" means all species of the cervid family and  
4 hybrids including white-tailed deer, elk, mule deer, red deer, or any  
5 other member of the family cervidae specified in rule by the State  
6 Board of Agriculture with written concurrence of the Department of  
7 Wildlife Conservation that are raised or maintained within a  
8 perimeter fence or confined space for the production of meat and  
9 other agricultural products, sport, exhibition, personal use, or any  
10 other purpose. Farmed cervidae shall not include cervidae in a  
11 commercially licensed hunting facility;

12           ~~4.~~ 5. "Farmed cervidae facility" means any private or public  
13 premises that contain one or more privately owned cervidae and the  
14 privately owned cervidae are not removed from the premises through  
15 hunting;

16           ~~5.~~ 6. "Native cervidae" means any and all cervidae that are  
17 indigenous to Oklahoma or are living in a state of nature;

18           ~~6.~~ 7. "Noncommercial" means to manage for personal enjoyment  
19 and personal use;

20           ~~7.~~ 8. "Operator" means the person who performs the daily farmed  
21 cervidae management functions;

22           ~~8.~~ 9. "Owner" means a person with legal title to a farmed cervid  
23 or herd of farmed cervidae; ~~and~~

24

1        ~~9.~~ 10. "Premises" means the ground, area, buildings, water  
2 source and equipment commonly shared by a herd of cervidae; and

3        11. "Proof of ownership" means an inspection certificate, a  
4 purchase invoice from a licensed public livestock market showing  
5 individual identification, a duly executed bill of sale, court  
6 orders, certification that the cervidae was born from animals owned  
7 by the seller, or any other document the Department deems  
8 acceptable.

9        SECTION 2.        AMENDATORY        Section 4, Chapter 138, O.S.L.  
10 2006 (2 O.S. Supp. 2009, Section 6-504), is amended to read as  
11 follows:

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

16        B. ~~A~~ The Department shall issue a farmed cervidae facility  
17 license ~~may be issued~~ to any person that lawfully obtains cervidae,  
18 acts in good faith, and adheres to the laws and rules of the ~~State~~  
19 ~~of Oklahoma~~ state, including the provisions of the Oklahoma Farmed  
20 Cervidae Act.

21        C. ~~All persons issued a farmed cervidae license shall abide by~~  
22 ~~all provisions of the Oklahoma Farmed Cervidae Act~~ An application  
23 for a farmed cervidae facility license shall contain the following:

24        1. Name, address, and telephone number of owner;

- 1        2. Name, address, and telephone number of the operator, if  
2 different from the owner;
- 3        3. Name, address, and telephone number of the primary contact;
- 4        4. Farm name, facility address, and facility telephone number;
- 5        5. Name, address and telephone number of the location where  
6 records are kept;
- 7        6. Specific legal description of the facility to the nearest  
8 quarter section;
- 9        7. A map showing topography of the area with a diagram of the  
10 facility structures, fencing plan, and perimeter clearly marked;
- 11        8. A description of the experience and education of the owner  
12 and operator to successfully maintain and operate the facility;
- 13        9. Whether the applicant has been convicted of a felony,  
14 misdemeanor, administrative, or civil violation of any natural  
15 resources requirements, including but not limited to wildlife,  
16 forestry, fisheries, environment, or animal health within the past  
17 three (3) years in the state or any other jurisdiction;
- 18        10. Whether the property where the farmed cervidae facility is  
19 located is owned or leased;
- 20        11. An initial inventory of the farmed cervidae, including  
21 their ages, breed and species, and a minimum of one form of official  
22 individual identification approved by the Department;
- 23        12. Method of carcass disposal for the facility;
- 24        13. Driving directions from the nearest town;

1        14. A list of each name the farmed cervidae facility operates  
2 under; and

3        15. Signature under oath: "I certify under penalty of law this  
4 document, all attachments, and information submitted are to the best  
5 of my knowledge and belief, true, accurate, and complete. I am  
6 aware there are significant penalties for knowingly submitting  
7 false, inaccurate, or incomplete information, including the  
8 possibility of fines for each violation."

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

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

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

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

16        SECTION 3.        AMENDATORY        Section 5, Chapter 138, O.S.L.  
17 2006 (2 O.S. Supp. 2009, Section 6-505), is amended to read as  
18 follows:

19        Section 6-505. A. ~~The State Board of Agriculture~~ Department  
20 shall ~~promulgate~~ oversee rules regarding the application and  
21 licensing process, including but not limited to:

22        1. The expiration date of a farmed cervidae facility license:  
23  
24



1 operator until the facility has been updated to meet  
2 all requirements, and

3 e. failure to renew a license shall result in the  
4 facility being quarantined until an administrative  
5 hearing can be conducted. The failure may result in  
6 revocation of the license, loss of the facility  
7 number, closure of the facility, and removal of the  
8 cervidae from the premises;

9 2. Fees for farmed cervidae facility licenses and all renewals:

10 a. the application fee for a new farmed cervidae facility  
11 license shall be One Hundred Twenty-five Dollars  
12 (\$125.00) per facility, and

13 b. the annual license renewal fee shall be Seventy-five  
14 Dollars (\$75.00) per facility;

15 3. Procedures for the transfer of ownership:

16 a. the new owner or operator shall submit to the  
17 Department a transfer application, attaching any  
18 change of conditions resulting from the transfer of  
19 ownership or operation,

20 b. after receipt of the information required, the  
21 Department shall review the information, and within  
22 thirty (30) days, issue approval or denial of the  
23 transfer. Transfer of a license shall be denied  
24

1           only if the new owner or operator cannot comply with  
2           the requirements of transfer, and

3           c. if a transfer is denied, written notification of the  
4           denial and an opportunity for an administrative  
5           hearing on the denial shall be given to the  
6           applicant for a transfer license by the Department.  
7           The notification shall set forth the reasons for the  
8           denial, steps necessary to meet the requirements for  
9           a transfer license and the opportunity for the  
10           applicant to request an administrative hearing;

11           4. Record-keeping requirements:

12           a. all required records shall be kept by the owner or  
13           operator for a maximum of three (3) years, and  
14           b. the following records shall be maintained at the  
15           facility:

16           (1) records of all cervidae sold, killed, given away,  
17           transported, or shipped from a farmed cervidae  
18           facility,

19           (2) proof that the cervidae are from a legal source  
20           and records kept and animals marked to identify  
21           individual animals,

22           (3) the Conservation Wildlife District inventory or  
23           an inventory of cervidae containing the following  
24           information:

- 1            i. name and address of the farmed cervidae  
2            facility, the owner, and the operator,  
3            ii. a listing of any and all identification  
4            numbers assigned to the cervidae by the  
5            owner or operator and any other  
6            official entity using either any  
7            official identification approved by the  
8            Department or United States Department  
9            of Agriculture alphanumeric test tag  
10           number or official Canadian  
11           alphanumeric test tag number, if  
12           applicable,  
13           iii. age,  
14           iv. sex,  
15           v. date of purchase,  
16           vi. date of death or date of change of  
17           ownership,  
18           vii. any cervidae born at the facility shall  
19           be shown on the inventory record on or  
20           before December 31 of the year of  
21           birth, or upon sale or transfer of  
22           ownership or upon leaving the facility,  
23           whichever comes first, and  
24           viii. date the inventory was completed, and

1           (4) herd and individual animal health documents,  
2           including, but not limited to, the Certificate of  
3           Veterinary Inspection and test results;

4       5. Importation requirements:

- 5           a. import of cervidae originating in any state or  
6           Canadian province where CWD exists in free-ranging  
7           native herds shall be prohibited, unless it originates  
8           from a CWD-monitored herd with a five-year status  
9           within a county where no CWD exists in free-ranging  
10           native herds,
- 11           b. all other cervidae imports shall only be from a source  
12           herd that is in a CWD surveillance and certification  
13           program that meets the standards of cervidae  
14           importation into Oklahoma, and
- 15           c. import of cervidae shall be accompanied by a  
16           Certificate of Veterinary Inspection and an approved  
17           Cervidae Import Permit;

18       6. Animal identification requirements;

19       7. Fencing requirements and limits on the size of licensed  
20 facilities, including:

- 21           a. the owner or operator shall ensure that farmed  
22           cervidae are confined to the lands described in the  
23           application,

- 1        b. the perimeter of each new farmed cervidae facility  
2        shall be an eight-foot game or high tensile fence  
3        designed in a manner to prevent ingress and egress of  
4        cervidae,
- 5        c. damage caused to a farmed cervidae facility perimeter  
6        fence by a natural disaster shall not constitute a  
7        violation so long as the owner or operator begins any  
8        necessary repairs immediately upon discovery, acts  
9        expeditiously in the opinion of the Department to  
10       complete any necessary repairs, and reports the extent  
11       and cause of any damage to the Department within two  
12       (2) working days of discovery,
- 13       d. the owner or operator shall notify the Department  
14       within two (2) working days of discovery of any wild  
15       cervidae within the farmed cervidae facility,
- 16       e. the owner or operator shall provide each farmed  
17       cervidae with adequate water, adequate feed,  
18       appropriate natural or manmade shelter, and reasonable  
19       protection from predators, and
- 20       f. facility size shall be limited to the largest  
21       practicable area to ensure no native or wild cervidae  
22       are within the confines of the facility. Limitations  
23       on facility size may include but not be limited to  
24       geography and topography of the property; and

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

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

7 C. All farmed cervidae shall be confined to the lands described  
8 in the application for a specific facility and in a manner to  
9 prohibit:

10 1. Native cervidae from becoming part of a licensed farmed  
11 cervidae facility; and

12 2. Farmed cervidae from commingling with native cervidae.

13 D. When practicable the initial or annual inspection shall be  
14 coordinated with the owner or operator. In no case shall access by  
15 the Department be restricted in the event coordination does not  
16 occur.

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

19 SECTION 4. AMENDATORY Section 8, Chapter 138, O.S.L.  
20 2006 (2 O.S. Supp. 2009, Section 6-508), is amended to read as  
21 follows:

22 Section 6-508. A. Owners and operators of licensed farmed  
23 cervidae facilities may slaughter farmed cervidae at any time  
24 throughout the year ~~provided they comply with all requirements in~~

1 ~~rules promulgated by the State Board of Agriculture with input from~~  
2 ~~the Department of Wildlife Conservation pursuant to the Exotic~~  
3 ~~Livestock and Exotic Livestock Products Inspection Act.~~

4 B. An owner or operator or a person designated by an owner or  
5 operator may slaughter their own farmed cervidae for personal or  
6 noncommercial consumption.

7 C. Owners and operators of licensed farmed cervidae facilities  
8 may sell, use, or dispose of hides or antlers from slaughtered farmed  
9 cervidae, provided they comply with all requirements in rules  
10 promulgated by the State Board of Agriculture with input from the  
11 Department of Wildlife Conservation.

12 D. Any person holding meat or antlers with attached skull plates  
13 from a farmed cervidae facility that obtained it through  
14 noncommercial methods shall hold a receipt from the owner or operator  
15 of the farmed cervidae facility for so long as they have the meat or  
16 antlers with attached skull plates.

17 E. An owner or operator shall only sell or dispose of antlers  
18 with attached skull plates in the following circumstances:

19 1. Each set of antlers shall be individually identified with  
20 sufficient documentation linking it to the farmed cervidae,  
21 including, but not limited to, photographs, lock-on identification  
22 tags, DNA testing, or other proof of ownership;

23 2. In no case shall an owner or operator sell or dispose of  
24 antlers without appropriate documentation;

1       3. The owner or operator shall notify the Department within two  
2 (2) working days of any sale or disposal of antlers pursuant to this  
3 section and provide a copy of all appropriate documentation to the  
4 Department; and

5       4. The owner or operator shall provide a copy of all appropriate  
6 documentation to the purchaser or recipient at the time of sale or  
7 disposal.

8       F. The sale or disposal of antler sheds or antlers that are not  
9 attached to the skull plate shall not be restricted.

10       G. Facilities shall comply with all carcass disposal  
11 requirements. The following methods may be used for disposal of  
12 carcasses from a farmed cervidae facility:

13       1. Rendering;

14       2. Landfill;

15       3. Burial;

16       4. Incineration; or

17       5. Composting.

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

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

24       B. The following prelicensing inspections shall occur:

1           1. Upon submission of a complete application, the Department  
2 shall schedule an on-site meeting and inspection to review the  
3 facility;

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

7           3. The Department may request appropriate changes to the  
8 facility design;

9           4. In no case shall a license for a farmed cervidae facility be  
10 granted unless the Department has conducted a prelicensing  
11 inspection and the Department has approved the facility based on  
12 that inspection; and

13           5. The license shall be revoked for any facility that does not  
14 construct or operate the facility in accordance with the approved  
15 prelicensing inspection.

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

18           D. It is the responsibility of the owner or operator to arrange  
19 the appropriate inspection and the Department shall be given an  
20 adequate time to respond to the request for the initial inspection.

21           E. Authorized agents of the Oklahoma Department of Wildlife  
22 Conservation shall have the authority to enter and inspect any  
23 premises pursuant to Section 3-201 of Title 29 of the Oklahoma  
24

1 Statutes for the purpose of implementing and enforcing the Oklahoma  
2 Wildlife Conservation Code.

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

6 A. Upon receipt of a written complaint, the Department shall  
7 notify the person filing the complaint in writing of its receipt and  
8 status within five (5) working days. The party whom the complaint  
9 is filed against, if known, shall be notified within five (5)  
10 working days. The resolution of a complaint is the completion of  
11 the appropriate administrative, jurisdictional, and legal remedies  
12 to the extent possible by the Department. The complainant and owner  
13 shall be notified in writing within seven (7) working days after  
14 resolution of the complaint.

15 B. The Department may initiate an investigation at any time.

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 6-514 of Title 2, unless there  
18 is created a duplication in numbering, reads as follows:

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

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

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

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

7 B. In no case shall the farmed cervidae be released into the  
8 wild.

9 C. Cleaning and disinfection of the premises shall be completed  
10 immediately upon closure of the facility if required by the  
11 Department.

12 SECTION 9. This act shall become effective November 1, 2010.

13 Passed the House of Representatives the 9th day of March, 2010.

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16 \_\_\_\_\_  
17 Presiding Officer of the House of  
Representatives

18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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22 Presiding Officer of the Senate

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