

THE HOUSE OF REPRESENTATIVES  
Monday, March 1, 2010

Committee Substitute for  
House Bill No. 3206

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3206 - By: ARMES of the House.

An Act relating to agriculture; amending Sections 2, 4, 5 and 8, Chapter 138, O.S.L. 2006 (2 O.S. Supp. 2009, Sections 6-502, 6-504, 6-505 and 6-508), which relate to the Oklahoma Farmed Cervidae Act; adding definitions; setting license application requirements; prohibiting issuing licenses in certain cases; creating license renewal procedures; setting licensing fees; explaining procedures for transferring licenses; setting recordkeeping requirements; explaining importation requirements; setting fencing requirements; limiting size of licensed facilities; 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; providing for codification; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY Section 2, Chapter 138, O.S.L. 2006 (2 O.S.  
2 Supp. 2009, Section 6-502), is amended to read as follows:  
3 Section 6-502. As used in the Oklahoma Farmed Cervidae Act:  
4 1. "Cervid", "cervidae", and "deer" mean any member of the cervidae family;  
5 2. "Commercial" means to manage on a business basis or engage in any transaction  
6 or exchange for consideration including barter, the offer to sell, or possession with intent  
7 to sell for profit or monetary gain;

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

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

10          ~~4.~~ 5. “Farmed cervidae facility” means any private or public premises that contain  
11 one or more privately owned cervidae and the privately owned cervidae are not removed  
12 from the premises through hunting;

13          ~~5.~~ 6. “Native cervidae” means any and all cervidae that are indigenous to  
14 Oklahoma or are living in a state of nature;

15          ~~6.~~ 7. “Noncommercial” means to manage for personal enjoyment and personal use;

16          ~~7.~~ 8. “Operator” means the person who performs the daily farmed cervidae  
17 management functions;

18          ~~8.~~ 9. “Owner” means a person with legal title to a farmed cervid or herd of farmed  
19 cervidae; ~~and~~

20          ~~9.~~ 10. “Premises” means the ground, area, buildings, water source and equipment  
21 commonly shared by a herd of cervidae; and

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

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

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

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

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

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

18        2. Name, address, and telephone number of the operator, if different from the  
19 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 records are kept;

- 1           6. Specific legal description of the facility to the nearest quarter section;
- 2           7. A map showing topography of the area with a diagram of the facility structures,
- 3 fencing plan, and perimeter clearly marked;
- 4           8. A description of the experience and education of the owner and operator to
- 5 successfully maintain and operate the facility;
- 6           9. Whether the applicant has been convicted of a felony, misdemeanor,
- 7 administrative, or civil violation of any natural resources requirements, including but not
- 8 limited to wildlife, forestry, fisheries, environment, or animal health within the past
- 9 three (3) years in the state or any other jurisdiction;
- 10          10. Whether the property where the farmed cervidae facility is located is owned or
- 11 leased;
- 12          11. An initial inventory of the farmed cervidae, including their ages, breed and
- 13 species, and a minimum of one form of official individual identification approved by the
- 14 Department;
- 15          12. Method of carcass disposal for the facility;
- 16          13. Driving directions from the nearest town;
- 17          14. A list of each name the farmed cervidae facility operates under; and
- 18          15. Signature under oath: "I certify under penalty of law this document, all
- 19 attachments, and information submitted are to the best of my knowledge and belief, true,
- 20 accurate, and complete. I am aware there are significant penalties for knowingly
- 21 submitting false, inaccurate, or incomplete information, including the possibility of fines
- 22 for each violation."

1 D. Using information from the application and from the state's files, the  
2 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 with all legal  
5 requirements of the license.

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

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

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

- 13 1. The expiration date of a farmed cervidae facility license:
- 14 a. the license shall expire on June 30 of each calendar year, and the  
15 renewal application shall be submitted no later than April 1 of each  
16 calendar year.
  - 17 b. any renewal application received or postmarked after the renewal date  
18 shall be subject to a ten-percent penalty in addition to the renewal fee,  
19 and shall be deemed a violation of the Oklahoma Farmed Cervidae Act.
  - 20 c. in addition to the renewal application, the licensee must submit a  
21 signed, complete, accurate, and legible form with the following  
22 information:

- 1                   (1)    the annual report containing all inventory information, and  
2                   (2)    any changes to the facility since the last renewal or original  
3                         license application, including, but not limited to:  
4                         (a)    changes in contact information, and  
5                         (b)    changes in perimeter fences, including attaching an  
6                                 updated facility map indicating any expansion, change in  
7                                 facility perimeter, or any additional fencing,  
8                   d.    no renewals shall be issued for a license that is allowed to lapse due to  
9                         the negligence of the owner or operator until the facility has been  
10                         updated to meet all requirements, and  
11                   e.    failure to renew a license shall result in the facility being quarantined  
12                         until an administrative hearing can be conducted. The failure may  
13                         result in revocation of the license, loss of the facility number, closure of  
14                         the facility, and removal of the cervidae from the premises;  
15                   2. Fees for farmed cervidae facility licenses and all renewals:  
16                         a.    the application fee for a new farmed cervidae facility license shall be  
17                                 One Hundred Twenty-five Dollars (\$125.00) per facility, and  
18                         b.    the annual license renewal fee shall be Seventy-five Dollars (\$75.00)  
19                                 per facility;  
20                   3. Procedures for the transfer of ownership:

- 1 a. the new owner or operator shall submit to the Department a  
2 transfer application, attaching any change of conditions resulting  
3 from the transfer of ownership or operation.
- 4 b. after receipt of the information required, the Department shall  
5 review the information, and within thirty (30) days, issue approval  
6 or denial of the transfer. Transfer of a license shall be denied only if  
7 the new owner or operator cannot comply with the requirements of  
8 transfer, and
- 9 c. if a transfer is denied, written notification of the denial and an  
10 opportunity for an administrative hearing on the denial shall be  
11 given to the applicant for a transfer license by the Department. The  
12 notification shall set forth the reasons for the denial, steps  
13 necessary to meet the requirements for a transfer license and the  
14 opportunity for the applicant to request an administrative hearing;

15 4. Record-keeping requirements:

- 16 a. all required records shall be kept by the owner or operator for a  
17 maximum of three (3) years, and
- 18 b. the following records shall be maintained at the facility:
- 19 (1) records of all cervidae sold, killed, given away, transported, or  
20 shipped from a farmed cervidae facility,
- 21 (2) proof that the cervidae are from a legal source and records kept  
22 and animals marked to identify individual animals,

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

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

4           5. Importation requirements:

5                   a. import of cervidae originating in any state or Canadian province where  
6                                   CWD exists in free-ranging native herds shall be prohibited, unless it  
7                                   originates from a CWD-monitored herd with a five-year status within a  
8                                   county where no CWD exists in free-ranging native herds,

9                   b. all other cervidae imports shall only be from a source herd that is in a  
10                                   CWD surveillance and certification program that meets the standards  
11                                   of cervidae importation into Oklahoma, and

12                   c. import of cervidae shall be accompanied by a Certificate of Veterinary  
13                                   Inspection and an approved Cervidae Import Permit;

14           6. Animal identification requirements;

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

16                   a. the owner or operator shall ensure that farmed cervidae are confined  
17                                   to the lands described in the application,

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

21                   c. damage caused to a farmed cervidae facility perimeter fence by a  
22                                   natural disaster shall not constitute a violation so long as the owner or

1                   operator begins any necessary repairs immediately upon discovery,  
2                   acts expeditiously in the opinion of the Department to complete any  
3                   necessary repairs, and reports the extent and cause of any damage to  
4                   the Department within two (2) working days of discovery,  
5           d.       the owner or operator shall notify the Department within two (2)  
6                   working days of discovery of any wild cervidae within the farmed  
7                   cervidae facility.  
8           e.       the owner or operator shall provide each farmed cervidae with  
9                   adequate water, adequate feed, appropriate natural or manmade  
10                  shelter, and reasonable protection from predators, and  
11           f.       facility size shall be limited to the largest practicable area to ensure no  
12                  native or wild cervidae are within the confines of the facility.  
13                  Limitations on facility size may include but not be limited to geography  
14                  and topography of the property; and

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

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

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

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

1 2. Farmed cervidae from commingling with native cervidae.

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

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

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

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

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

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

20 D. Any person holding meat or antlers with attached skull plates from a farmed  
21 cervidae facility that obtained it through noncommercial methods shall hold a receipt from

1 the owner or operator of the farmed cervidae facility for so long as they have the meat or  
2 antlers with attached skull plates.

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

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

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

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

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

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

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

19 1. Rendering;

20 2. Landfill;

21 3. Burial;

22 4. Incineration; or

1        5. Composting.

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

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

7        B. The following precicensing inspections shall occur:

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

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

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

14       4. In no case shall a license for a farmed cervidae facility be granted unless the  
15 Department has conducted a precicensing inspection and the Department has approved  
16 the facility based on that inspection; and

17       5. The license shall be revoked for any facility that does not construct or operate  
18 the facility in accordance with the approved precicensing inspection.

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

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

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

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

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

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

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

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

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

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

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

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

12          C. Cleaning and disinfection of the premises shall be completed immediately upon  
13 closure of the facility if required by the Department.

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

15 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
16 DEVELOPMENT, dated 02-25-10 - DO PASS, As Amended.