

An Act

ENROLLED HOUSE
BILL NO. 1473

By: Armes and Roberts (Dustin)
of the House

and

Fields of the Senate

An Act relating to agriculture; amending Sections 2 and 5, Chapter 138, O.S.L. 2006, as amended by Sections 1 and 3, Chapter 360, O.S.L. 2010 (2 O.S. Supp. 2010, Sections 6-502 and 6-505) which relate to the Oklahoma Farmed Cervidae Act; modifying definition; modifying deadline to submit license renewal application; deleting requirement of providing reasonable protection from predators; removing double-fencing requirement for export of certain cervidae; and providing an effective date.

SUBJECT: Oklahoma Farmed Cervidae Act

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

SECTION 1. AMENDATORY Section 2, Chapter 138, O.S.L. 2006, as amended by Section 1, Chapter 360, O.S.L. 2010 (2 O.S. Supp. 2010, Section 6-502), is amended to read as follows:

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

1. "Cervid", "cervidae", and "deer" mean any member of the cervidae family;
2. "Commercial" means to manage on a business basis or engage in any transaction or exchange for consideration including barter, the offer to sell, or possession with intent to sell for profit or monetary gain;

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

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

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

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

7. "Noncommercial" means to manage for personal enjoyment and personal use;

8. "Operator" means the person who performs the daily farmed cervidae management functions;

9. "Owner" means a person with legal title to a farmed cervid or herd of farmed cervidae;

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

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

SECTION 2. AMENDATORY Section 5, Chapter 138, O.S.L. 2006, as amended by Section 3, Chapter 360, O.S.L. 2010 (2 O.S. Supp. 2010, Section 6-505), is amended to read as follows:

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

1. The expiration date of a farmed cervidae facility license:
 - a. the license shall expire on June 30 of each calendar year, and the renewal application shall be submitted no later than ~~February 15~~ April 1 of each calendar year,
 - b. any renewal application received or postmarked after the renewal date shall be subject to a ten-percent penalty in addition to the renewal fee,
 - c. in addition to the renewal application containing all information from the initial license application other than the information requirements of paragraphs 6, 7 and 8 of subsection C of Section 6-504 of this title, the licensee shall submit a signed, complete, accurate, and legible form with the following information:
 - (1) the annual report containing all inventory information for all cervidae one (1) year of age or older, unless the facility is a Chronic Wasting Disease monitored herd with a current Chronic Wasting Disease inventory on file with the Department,
 - (2) any changes to the facility or change in status of convictions as required by paragraph 8 of subsection C of Section 6-504 of this title since the last renewal or original license application, including, but not limited to:
 - (a) changes in contact information, and
 - (b) changes in perimeter fences, including attaching an updated facility map indicating any expansion, change in facility perimeter, or any additional fencing, and
 - d. failure to renew a license by the expiration date shall result in the facility being quarantined until

an administrative hearing can be conducted. The failure may result in revocation of the license, loss of the facility number, closure of the facility, and removal of the cervidae from the premises;

2. Fees for farmed cervidae facility licenses and all renewals;
3. Procedures for the transfer of ownership:
 - a. the new owner or operator shall submit to the Department a transfer application, attaching any change of conditions resulting from the transfer of ownership or operation,
 - b. after receipt of the information required, the Department shall review the information, and within thirty (30) days, issue approval or denial of the transfer. Transfer of a license shall be denied only if the new owner or operator cannot comply with the requirements of transfer, and
 - c. if a transfer is denied, written notification of the denial and an opportunity for an administrative hearing on the denial shall be given to the applicant for a transfer license by the Department. The notification shall set forth the reasons for the denial, steps necessary to meet the requirements for a transfer license and the opportunity for the applicant to request an administrative hearing;
4. Recordkeeping requirements:
 - a. all required records shall be kept by the owner or operator for a maximum of three (3) years, and
 - b. the following records shall be maintained at the facility:
 - (1) records of all cervidae sold, killed, given away, transported, or shipped from a farmed cervidae facility,
 - (2) proof that the cervidae are from a legal source and records kept and animals marked to identify individual animals,

- (3) the Chronic Wasting Disease inventory or an inventory of cervidae one (1) year of age or older containing the following information:
 - (a) name and address of the farmed cervidae facility, the owner, and the operator,
 - (b) a listing of any and all identification numbers assigned to the cervidae by the owner or operator and any other official entity using either any official identification approved by the Department or United States Department of Agriculture alphanumeric test tag number or official Canadian alphanumeric test tag number, if applicable,
 - (c) age,
 - (d) sex,
 - (e) date of purchase,
 - (f) date of death or date of change of ownership,
 - (g) any cervidae born at the facility that are one (1) year of age or older shall be shown on the inventory record, or upon sale or transfer of ownership or upon leaving the facility, whichever comes first, and
 - (h) date the inventory was completed, and
- (4) herd and individual animal health documents, including, but not limited to, the Certificate of Veterinary Inspection and test results;

5. Importation requirements:

- a. import of cervidae originating in any county or Canadian province where Chronic Wasting Disease exists in free-ranging native herds shall be prohibited,

- b. all other cervidae imports shall only be from a source herd that is in a Chronic Wasting Disease surveillance and certification program for a minimum of five (5) years monitored and the program meets the standards of cervidae importation into Oklahoma,
- c. import of cervidae shall be accompanied by a Certificate of Veterinary Inspection and an approved Cervidae Import Permit, and
- d. import of cervidae shall follow all other disease testing required by the Oklahoma Statutes or rules promulgated by the Department;

6. Animal identification requirements;

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

- a. the owner or operator shall ensure that farmed cervidae are confined to the lands described in the application,
- b. the perimeter of each farmed cervidae facility shall be an eight-foot game or high tensile fence designed in a manner to prevent ingress and egress of cervidae,
- c. damage caused to a farmed cervidae facility perimeter fence by a natural disaster shall not constitute a violation so long as the owner or operator begins any necessary repairs immediately upon discovery, acts expeditiously in the opinion of the Department to complete any necessary repairs, and reports the extent and cause of any damage to the Department within two (2) working days of discovery,
- d. the owner or operator shall notify the Department within two (2) working days of discovery of any wild cervidae within the farmed cervidae facility,
- e. the owner or operator shall provide each farmed cervidae with adequate water, adequate feed, and appropriate natural or manmade shelter, ~~and reasonable protection from predators,~~ and

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

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

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

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

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

2. Farmed cervidae from commingling with native cervidae.

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

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

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

SECTION 3. This act shall become effective November 1, 2011.

Passed the House of Representatives the 16th day of May, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the 17th day of May, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____