

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 551

By: Murdock

COMMITTEE SUBSTITUTE

An Act relating to cervidae; amending 2 O.S. 2011, Section 6-505, as amended by Section 1, Chapter 63, O.S.L. 2018 (2 O.S. Supp. 2018, Section 6-505), which relates to confinement or export of cervidae; authorizing the State Veterinarian to allow import of certain cervidae upon notification to the Department of Wildlife Conservation; requiring any laws or regulations pertaining to the import of nonnative cervidae to be consistent with federal regulation; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-505, as amended by Section 1, Chapter 63, O.S.L. 2018 (2 O.S. Supp. 2018, 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:

- 1           a.    the license shall expire on June 30 of each calendar  
2                   year, and the renewal application shall be submitted  
3                   no later than April 1 of each calendar year,
- 4           b.    any renewal application received or postmarked after  
5                   the renewal date shall be subject to a ten-percent  
6                   penalty in addition to the renewal fee,
- 7           c.    in addition to the renewal application containing all  
8                   information from the initial license application other  
9                   than the information requirements of paragraphs 6, 7  
10                  and 8 of subsection C of Section 6-504 of this title,  
11                  the licensee shall submit a signed, complete,  
12                  accurate, and legible form with the following  
13                  information:
- 14                  (1)   the annual report containing all inventory  
15                          information for all cervidae one (1) year of age  
16                          or older, unless the facility is a Chronic  
17                          Wasting Disease monitored herd with a current  
18                          Chronic Wasting Disease inventory on file with  
19                          the Department,
- 20                  (2)   any changes to the facility or change in status  
21                          of convictions as required by paragraph 8 of  
22                          subsection C of Section 6-504 of this title since  
23                          the last renewal or original license application,  
24                          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

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

9       4.   Recordkeeping requirements:

10       a.   all required records shall be kept by the owner or  
11             operator for a maximum of three (3) years, and

12       b.   the following records shall be maintained at the  
13             facility:

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

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

20           (3)  the Chronic Wasting Disease inventory or an  
21                inventory of cervidae one (1) year of age or  
22                older containing the following information:

23               (a)  name and address of the farmed cervidae  
24                    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:

- 1           a.   import of cervidae originating in any county or  
2           Canadian province where Chronic Wasting Disease exists  
3           in free-ranging native herds shall be prohibited,  
4           except the State Veterinarian may allow an import from  
5           a Canadian province with Chronic Wasting Disease ~~upon~~  
6           ~~approval of~~ after notification to the Oklahoma  
7           Department of Wildlife Conservation and based on a  
8           review of the following factors:
- 9           (1)   distance of the farmed cervidae facility from the  
10           Chronic Wasting Disease area,  
11           (2)   the existence of double fencing between the  
12           farmed cervidae facility and free-ranging native  
13           herds,  
14           (3)   farmed cervidae facility biosecurity measures,  
15           (4)   participation of the farmed cervidae facility in  
16           any Canadian Chronic Wasting Disease herd  
17           certification programs, and  
18           (5)   any other relevant factors,
- 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,  
24

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,  
24

- 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
- 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.

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 facility that is not  
10 quarantined.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 6-516 of Title 2, unless there  
13 is created a duplication in numbering, reads as follows:

14 Any regulation relating to the import of nonnative cervidae  
15 adopted by a local government, authority, or state agency or office  
16 shall be consistent with corresponding federal regulations.

17 SECTION 3. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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22 57-1-1845 QD 9/30/2019 9:31:40 AM  
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