

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 551

By: Murdock of the Senate

and

Pfeiffer, **Wallace** and
Kannady of the House

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

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

22 SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-505, as
23 amended by Section 1, Chapter 63, O.S.L. 2018 (2 O.S. Supp. 2018,
24 Section 6-505), is amended to read as follows:

25 Section 6-505. A. The Oklahoma Department of Agriculture,
26 Food, and Forestry shall promulgate rules regarding the application
27 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 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

1 the last renewal or original license application,
2 including, but not limited to:

3 (a) changes in contact information, and

4 (b) changes in perimeter fences, including
5 attaching an updated facility map indicating
6 any expansion, change in facility perimeter,
7 or any additional fencing, and

8 d. failure to renew a license by the expiration date
9 shall result in the facility being quarantined until
10 an administrative hearing can be conducted. The
11 failure may result in revocation of the license, loss
12 of the facility number, closure of the facility, and
13 removal of the cervidae from the premises;

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

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
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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. Recordkeeping 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 Chronic Wasting Disease inventory or an
23 inventory of cervidae one (1) year of age or
24 older containing the following information:

- 1 (a) name and address of the farmed cervidae
2 facility, the owner, and the operator,
3 (b) a listing of any and all identification
4 numbers assigned to the cervidae by the
5 owner or operator and any other official
6 entity using either any official
7 identification approved by the Department or
8 United States Department of Agriculture
9 alphanumeric test tag number or official
10 Canadian alphanumeric test tag number, if
11 applicable,
12 (c) age,
13 (d) sex,
14 (e) date of purchase,
15 (f) date of death or date of change of
16 ownership,
17 (g) any cervidae born at the facility that are
18 one (1) year of age or older shall be shown
19 on the inventory record, or upon sale or
20 transfer of ownership or upon leaving the
21 facility, whichever comes first, and
22 (h) date the inventory was completed, and
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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 county or
6 Canadian province where Chronic Wasting Disease exists
7 in free-ranging native herds shall be prohibited,
8 except the State Veterinarian may allow an import from
9 a Canadian province with Chronic Wasting Disease ~~upon~~
10 ~~approval of~~ after notification to the Oklahoma
11 Department of Wildlife Conservation and based on a
12 review of the following factors:

- 13 (1) distance of the farmed cervidae facility from the
14 Chronic Wasting Disease area,
15 (2) the existence of double fencing between the
16 farmed cervidae facility and free-ranging native
17 herds,
18 (3) farmed cervidae facility biosecurity measures,
19 (4) participation of the farmed cervidae facility in
20 any Canadian Chronic Wasting Disease herd
21 certification programs, and
22 (5) any other relevant factors,

23 b. all other cervidae imports shall only be from a source
24 herd that is in a Chronic Wasting Disease surveillance

1 and certification program for a minimum of five (5)
2 years monitored and the program meets the standards of
3 cervidae importation into Oklahoma,

4 c. import of cervidae shall be accompanied by a
5 Certificate of Veterinary Inspection and an approved
6 Cervidae Import Permit, and

7 d. import of cervidae shall follow all other disease
8 testing required by the Oklahoma Statutes or rules
9 promulgated by the Department;

10 6. Animal identification requirements;

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

13 a. the owner or operator shall ensure that farmed
14 cervidae are confined to the lands described in the
15 application,

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

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

1 and cause of any damage to the Department within two
2 (2) working days of discovery,

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

6 e. the owner or operator shall provide each farmed
7 cervidae with adequate water, adequate feed, and
8 appropriate natural or manmade shelter, and

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

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

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

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

23 1. Native cervidae from becoming part of a licensed farmed
24 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 facility that is not quarantined.

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS, As Coauthored.