

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 551

By: Murdock of the Senate

and

Pfeiffer of the House

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8
9 [cervidae - confinement or export of cervidae -
10 State Veterinarian - laws or regulations pertaining
11 to the import of nonnative cervidae to be consistent
12 with federal regulation - codification -
13 ~~emergency~~]

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

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

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

21 1. The expiration date of a farmed cervidae facility license:

22 a. the license shall expire on June 30 of each calendar
23 year, and the renewal application shall be submitted
24 no later than April 1 of each calendar year,

- 1 b. any renewal application received or postmarked after
2 the renewal date shall be subject to a ten-percent
3 penalty in addition to the renewal fee,
- 4 c. in addition to the renewal application containing all
5 information from the initial license application other
6 than the information requirements of paragraphs 6, 7
7 and 8 of subsection C of Section 6-504 of this title,
8 the licensee shall submit a signed, complete,
9 accurate, and legible form with the following
10 information:
- 11 (1) the annual report containing all inventory
12 information for all cervidae one (1) year of age
13 or older, unless the facility is a Chronic
14 Wasting Disease monitored herd with a current
15 Chronic Wasting Disease inventory on file with
16 the Department,
- 17 (2) any changes to the facility or change in status
18 of convictions as required by paragraph 8 of
19 subsection C of Section 6-504 of this title since
20 the last renewal or original license application,
21 including, but not limited to:
- 22 (a) changes in contact information, and
23 (b) changes in perimeter fences, including
24 attaching an updated facility map indicating

- 1 any expansion, change in facility perimeter,
2 or any additional fencing, and
- 3 d. failure to renew a license by the expiration date
4 shall result in the facility being quarantined until
5 an administrative hearing can be conducted. The
6 failure may result in revocation of the license, loss
7 of the facility number, closure of the facility, and
8 removal of the cervidae from the premises;
- 9 2. Fees for farmed cervidae facility licenses and all renewals;
- 10 3. Procedures for the transfer of ownership:
- 11 a. the new owner or operator shall submit to the
12 Department a transfer application, attaching any
13 change of conditions resulting from the transfer of
14 ownership or operation,
- 15 b. after receipt of the information required, the
16 Department shall review the information, and within
17 thirty (30) days, issue approval or denial of the
18 transfer. Transfer of a license shall be denied
19 only if the new owner or operator cannot comply with
20 the requirements of transfer, and
- 21 c. if a transfer is denied, written notification of the
22 denial and an opportunity for an administrative
23 hearing on the denial shall be given to the
24 applicant for a transfer license by the Department.

1 The notification shall set forth the reasons for the
2 denial, steps necessary to meet the requirements for
3 a transfer license and the opportunity for the
4 applicant to request an administrative hearing;

5 4. Recordkeeping requirements:

- 6 a. all required records shall be kept by the owner or
7 operator for a maximum of three (3) years, and
8 b. the following records shall be maintained at the
9 facility:

10 (1) records of all cervidae sold, killed, given away,
11 transported, or shipped from a farmed cervidae
12 facility,

13 (2) proof that the cervidae are from a legal source
14 and records kept and animals marked to identify
15 individual animals,

16 (3) the Chronic Wasting Disease inventory or an
17 inventory of cervidae one (1) year of age or
18 older containing the following information:

19 (a) name and address of the farmed cervidae
20 facility, the owner, and the operator,

21 (b) a listing of any and all identification
22 numbers assigned to the cervidae by the
23 owner or operator and any other official
24 entity using either any official

1 identification approved by the Department or
2 United States Department of Agriculture
3 alphanumeric test tag number or official
4 Canadian alphanumeric test tag number, if
5 applicable,

6 (c) age,

7 (d) sex,

8 (e) date of purchase,

9 (f) date of death or date of change of
10 ownership,

11 (g) any cervidae born at the facility that are
12 one (1) year of age or older shall be shown
13 on the inventory record, or upon sale or
14 transfer of ownership or upon leaving the
15 facility, whichever comes first, and

16 (h) date the inventory was completed, and

17 (4) herd and individual animal health documents,
18 including, but not limited to, the Certificate of
19 Veterinary Inspection and test results;

20 5. Importation requirements:

21 a. import of cervidae originating in any county or
22 Canadian province where Chronic Wasting Disease exists
23 in free-ranging native herds shall be prohibited,
24 except the State Veterinarian may allow an import from

1 a Canadian province with Chronic Wasting Disease ~~upon~~
2 ~~approval of~~ after notification to the Oklahoma
3 Department of Wildlife Conservation and based on a
4 review of the following factors:

- 5 (1) distance of the farmed cervidae facility from the
6 Chronic Wasting Disease area,
- 7 (2) the existence of double fencing between the
8 farmed cervidae facility and free-ranging native
9 herds,
- 10 (3) farmed cervidae facility biosecurity measures,
- 11 (4) participation of the farmed cervidae facility in
12 any Canadian Chronic Wasting Disease herd
13 certification programs, and
- 14 (5) any other relevant factors,

- 15 b. all other cervidae imports shall only be from a source
16 herd that is in a Chronic Wasting Disease surveillance
17 and certification program for a minimum of five (5)
18 years monitored and the program meets the standards of
19 cervidae importation into Oklahoma,
 - 20 c. import of cervidae shall be accompanied by a
21 Certificate of Veterinary Inspection and an approved
22 Cervidae Import Permit, and
- 23
24

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,

- 1 e. the owner or operator shall provide each farmed
2 cervidae with adequate water, adequate feed, and
3 appropriate natural or manmade shelter, and
4 f. facility size shall be limited to the largest
5 practicable area to ensure no native or wild cervidae
6 are within the confines of the facility. Limitations
7 on facility size may include but not be limited to
8 geography and topography of the property; and

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

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

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

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

20 2. Farmed cervidae from commingling with native cervidae.

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

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
18 February 18, 2019 - DO PASS AS AMENDED
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