

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 4281

By: Dempsey and Sneed of the
House

and

Murdock of the Senate

COMMITTEE SUBSTITUTE

An Act relating to fish and wildlife; amending 29
O.S. 2021, Section 5-301, which relates to limitation
on predator control devices; removing certain
limitation for use of cyanide devices; updating
statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2021, Section 5-301, is
amended to read as follows:

Section 5-301. A. No person may set or use at any time any
poison, cyanide coyote getter, or other similar device, using
cyanide gas or other poisonous gas as the lethal agent, for the
purpose of killing predators, except in accordance with the
following conditions and procedures:

1 1. Signs of a size and character and with wording to be
2 determined by the Oklahoma Department of Agriculture, Food, and
3 Forestry indicating the presence of cyanide coyote getters or other
4 similar device using cyanide gas or other poisonous gas as the
5 lethal agent, shall be posted on all properties where ~~said~~ the
6 coyote getters are set to the right and left of all entrances from
7 public roads and highways and from adjacent lands ~~and at corners of~~
8 ~~perimeter fences~~.

9 2. Such devices shall not be set from April 1 to September 30
10 of each calendar year; provided, that, any devices set or used
11 within a commercial hunting area by a person holding a big game or
12 big game and upland game combination license pursuant to Section 4-
13 106 of this title or a licensed farmed cervidae facility by a person
14 holding a farmed cervidae facility license pursuant to the Oklahoma
15 Farmed Cervidae Act may be set or used at any time of the year.

16 3. All signs as required by this article shall be in place
17 twenty-four (24) hours before ~~said~~ the devices are set and shall be
18 properly maintained in place during the permission period herein
19 provided.

20 4. A game warden may issue a permit for the setting of such
21 devices and such permit must be obtained prior to the setting of
22 such devices. Each permit shall be made in triplicate, the original
23 to be retained by the landowner concerned, one copy retained by the
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1 game warden and the other copy mailed immediately to the Department
2 for its permanent record.

3 5. In applying for a permit, the landowner shall state the
4 number of devices to be set and the approximate location to the
5 nearest forty (40) acres.

6 6. Written permission permits required by this section shall
7 cover a period not exceeding six (6) months; provided, however, that
8 ~~said~~ the permits shall be subject to renewal for a like period of
9 time.

10 7. All signs required by this section shall be removed at the
11 end of the permission period, unless ~~said~~ the permit is renewed
12 prior to the expiration date thereof.

13 8. No predator control devices shall be on any property without
14 the written permission of the record owner or lessee thereof.

15 B. Predatory control conducted by the Oklahoma Department of
16 Agriculture, Food, and Forestry or the Department of Wildlife
17 Conservation shall be exempt from the provisions of paragraphs 4, 5
18 and 6 of subsection A of this section.

19 C. The Director of the Department of Wildlife Conservation may
20 issue depredation permits to landowners for control of any nuisance
21 wildlife.

22 D. Any person convicted of violating the provisions of this
23 section shall be punished by a fine ~~of~~ not less than Fifty Dollars
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1 (\$50.00), or by imprisonment in the county jail for not more than
2 thirty (30) days, or by both such fine and imprisonment.

3 SECTION 2. This act shall become effective November 1, 2022.
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