

1 **SENATE FLOOR VERSION**

2 April 11, 2022

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 4281

By: Dempsey and Sneed of the
House

6 and

7 Murdock of the Senate

8
9 An Act relating to fish and wildlife; amending 29
10 O.S. 2021, Section 5-301, which relates to limitation
11 on predator control devices; removing certain
12 limitation for use of cyanide devices; updating
13 statutory language; and providing an effective date.

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

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

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

22 1. Signs of a size and character and with wording to be
23 determined by the Oklahoma Department of Agriculture, Food, and
24 Forestry indicating the presence of cyanide coyote getters or other
similar device using cyanide gas or other poisonous gas as the

1 lethal agent, shall be posted on all properties where ~~said~~ the
2 coyote getters are set to the right and left of all entrances from
3 public roads and highways and from adjacent lands ~~and at corners of~~
4 ~~perimeter fences~~.

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

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

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

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

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

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

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

10 B. Predatory control conducted by the Oklahoma Department of
11 Agriculture, Food, and Forestry or the Department of Wildlife
12 Conservation shall be exempt from the provisions of paragraphs 4, 5
13 and 6 of subsection A of this section.

14 C. The Director of the Department of Wildlife Conservation may
15 issue depredation permits to landowners for control of any nuisance
16 wildlife.

17 D. Any person convicted of violating the provisions of this
18 section shall be punished by a fine ~~of~~ not less than Fifty Dollars
19 (\$50.00), or by imprisonment in the county jail for not more than
20 thirty (30) days, or by both such fine and imprisonment.

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

22 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
23 April 11, 2022 - DO PASS AS AMENDED
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