

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 59th Legislature (2024)

4   HOUSE BILL 3997

By: Fetgatter

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8                               AS INTRODUCED

9           An Act relating to game and fish; amending 29 O.S.  
10           2021, Section 5-301, as amended by Section 1, Chapter  
11           298, O.S.L. 2022 (29 O.S. Supp. 2023, Section 5-301),  
12           which relates to the use of cyanide for predator  
          control; removing the restriction on when cyanide may  
          be used as a predator control device; and providing  
          an effective date.

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

18           SECTION 1.       AMENDATORY       29 O.S. 2021, Section 5-301, as  
19           amended by Section 1, Chapter 298, O.S.L. 2022 (29 O.S. Supp. 2023,  
20           Section 5-301), is amended to read as follows:

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

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

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

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

21 ~~4.~~ 3. A game warden may issue a permit for the setting of such  
22 devices and such permit must be obtained prior to the setting of  
23 such devices. Each permit shall be made in triplicate, the original  
24 to be retained by the landowner concerned, one copy retained by the

1 game warden and the other copy mailed immediately to the Department  
2 for its permanent record.

3 ~~5.~~ 4. 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.~~ 5. ~~Written permission permits required by this section shall~~  
7 ~~cover a period not exceeding six (6) months; provided, however, that~~  
8 ~~the permits shall be subject to renewal for a like period of time.~~

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

12 ~~8.~~ 6. No predator control devices shall be on any property  
13 without the written permission of the record owner or lessee  
14 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 3,  
18 and 5 4, 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 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, 2024.  
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5 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/14/2024 - DO  
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