

An Act

ENROLLED HOUSE
BILL NO. 2295

By: Armes and Jordan of the
House

and

Schulz and Ivester of the
Senate

An Act relating to agriculture; amending Sections 2, 4, 5 and 8, Chapter 138, O.S.L. 2006 (2 O.S. Supp. 2009, Sections 6-502, 6-504, 6-505 and 6-508), which relate to the Oklahoma Farmed Cervidae Act; adding definitions; setting license application requirements; prohibiting issuing licenses in certain cases; creating license renewal procedures; setting licensing fees; explaining procedures for transferring licenses; setting recordkeeping requirements; explaining importation requirements; setting fencing requirements; limiting size of licensed facilities; allowing export of certain cervidae; allowing slaughter under certain conditions; explaining disposal in certain cases; describing carcass removal procedures; providing for inspection process; requiring facility inspection; explaining complaint and investigation procedures; outlining when a license may be revoked; setting time limit on closing facility; prohibiting release into the wild; amending 29 O.S. 2001, Section 5-411, as amended by Section 17, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2009, Section 5-411), which relates to game; permitting certain persons to sell or trade antlers or horns under certain conditions; allowing Director of Wildlife Conservation discretion to grant exception; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 138, O.S.L. 2006 (2 O.S. Supp. 2009, Section 6-502), is amended to read as follows:

Section 6-502. As used in the Oklahoma Farmed Cervidae Act:

1. "Cervid", "cervidae", and "deer" mean any member of the cervidae family;

2. "Commercial" means to manage on a business basis or engage in any transaction or exchange for consideration including barter, the offer to sell, or possession with intent to sell for profit or monetary gain;

3. "Department" means the Oklahoma Department of Agriculture, Food, and Forestry;

4. "Farmed cervidae" means all species of the cervid family and hybrids including white-tailed deer, elk, mule deer, red deer, or any other member of the family cervidae specified in rule by the State Board of Agriculture with written concurrence of the Department of Wildlife Conservation that are raised or maintained within a perimeter fence or confined space for the production of meat and other agricultural products, sport, exhibition, personal use, or any other purpose. Farmed cervidae shall not include cervidae in a commercially licensed hunting facility;

~~4.~~ 5. "Farmed cervidae facility" means any private or public premises that contain one or more privately owned cervidae and the privately owned cervidae are not removed from the premises through hunting;

~~5.~~ 6. "Native cervidae" means any and all cervidae that are indigenous to Oklahoma or are living in a state of nature;

~~6.~~ 7. "Noncommercial" means to manage for personal enjoyment and personal use;

~~7.~~ 8. "Operator" means the person who performs the daily farmed cervidae management functions;

~~8.~~ 9. "Owner" means a person with legal title to a farmed cervid or herd of farmed cervidae; ~~and~~

9- 10. "Premises" means the ground, area, buildings, water source and equipment commonly shared by a herd of cervidae; and

11. "Proof of ownership" means an inspection certificate of sale from a licensed public livestock market showing individual identification, a bill of sale, a certificate of sale, court orders, a statement that the cervidae was born from animals owned by the seller, or any other document the Department deems acceptable.

SECTION 2. AMENDATORY Section 4, Chapter 138, O.S.L. 2006 (2 O.S. Supp. 2009, Section 6-504), is amended to read as follows:

Section 6-504. A. No person ~~may~~ shall breed, possess, or raise cervidae for commercial or noncommercial purposes without first obtaining a farmed cervidae facility license from the Oklahoma Department of Agriculture, Food, and Forestry.

B. ~~A~~ The Department may issue a farmed cervidae facility license ~~may be issued~~ to any person that lawfully obtains cervidae, acts in good faith, and adheres to the laws and rules of the ~~State of Oklahoma~~ state, including the provisions of the Oklahoma Farmed Cervidae Act. Nothing in this section shall prevent the Department from issuing a license to persons the Department deems have obtained cervidae from a legal source, acted in good faith, and failed to recognize a license was required.

C. All persons issued a farmed cervidae license shall abide by all provisions of the Oklahoma Farmed Cervidae Act. An initial application for a farmed cervidae facility license shall contain the following:

1. Name, address, and telephone number of the owner;
2. Name, address, and telephone number of the operator, if different from the owner;
3. Name, address, and telephone number of the primary contact;
4. Farm name, facility address, and facility telephone number;
5. Name, address and telephone number of the location where records are kept;

6. Specific legal description of the facility to the nearest quarter section;

7. A map showing topography of the area with a diagram of the facility structures, fencing plan, and perimeter clearly marked;

8. Whether the applicant has been convicted of a felony, misdemeanor, administrative, or civil violation of any natural resources requirements, including but not limited to wildlife, forestry, fisheries, environment, or animal health within the past three (3) years in the state or any other jurisdiction;

9. Whether the property where the farmed cervidae facility is located is owned or leased;

10. An initial inventory of the farmed cervidae, including their ages, breed and species, and a minimum of one form of official individual identification approved by the Department;

11. Method of carcass disposal for the facility;

12. Driving directions from the nearest town;

13. A list of each name the farmed cervidae facility operates under; and

14. Signature under oath: "I certify under penalty of law this document, all attachments, and information submitted are to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for knowingly submitting false, inaccurate, or incomplete information, including the possibility of fines for each violation."

D. Using information from the application and from the state's files, the Department shall determine:

1. The accuracy of all materials in the application; and

2. Whether the applicant can reasonably be expected to comply with all legal requirements of the license.

E. The Department shall not issue a farmed cervidae facility license if the facility is not inspected by the Department.

SECTION 3. AMENDATORY Section 5, Chapter 138, O.S.L. 2006 (2 O.S. Supp. 2009, Section 6-505), is amended to read as follows:

Section 6-505. A. ~~The State Board of Agriculture~~ Department of Agriculture, Food, and Forestry shall promulgate rules regarding the application 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 February 15 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 the last renewal or original license application, including, but not limited to:
 - (a) changes in contact information, and
 - (b) changes in perimeter fences, including attaching an updated facility map indicating any expansion, change in facility perimeter, or any additional fencing, and

- (2) proof that the cervidae are from a legal source and records kept and animals marked to identify individual animals,
- (3) the Chronic Wasting Disease inventory or an inventory of cervidae one (1) year of age or older containing the following information:
 - (a) name and address of the farmed cervidae facility, the owner, and the operator,
 - (b) a listing of any and all identification numbers assigned to the cervidae by the owner or operator and any other official entity using either any official identification approved by the Department or United States Department of Agriculture alphanumeric test tag number or official Canadian alphanumeric test tag number, if applicable,
 - (c) age,
 - (d) sex,
 - (e) date of purchase,
 - (f) date of death or date of change of ownership,
 - (g) any cervidae born at the facility that are one (1) year of age or older shall be shown on the inventory record, or upon sale or transfer of ownership or upon leaving the facility, whichever comes first, and
 - (h) date the inventory was completed, and
- (4) herd and individual animal health documents, including, but not limited to, the Certificate of Veterinary Inspection and test results;

5. Importation requirements:

- a. import of cervidae originating in any county or Canadian province where Chronic Wasting Disease exists in free-ranging native herds shall be prohibited,
- b. all other cervidae imports shall only be from a source herd that is in a Chronic Wasting Disease surveillance and certification program for a minimum of five (5) years monitored and the program meets the standards of cervidae importation into Oklahoma,
- c. import of cervidae shall be accompanied by a Certificate of Veterinary Inspection and an approved Cervidae Import Permit, and
- 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,

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

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

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

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

- 1. Native cervidae from becoming part of a licensed farmed 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, double-fenced facility that is not quarantined.

SECTION 4. AMENDATORY Section 8, Chapter 138, O.S.L. 2006 (2 O.S. Supp. 2009, Section 6-508), is amended to read as follows:

Section 6-508. A. Owners and operators of licensed farmed cervidae facilities may slaughter farmed cervidae at any time throughout the year provided they comply with all requirements in rules promulgated by the State Board of Agriculture with input from the Department of Wildlife Conservation pursuant to the Exotic Livestock and Exotic Livestock Products Inspection Act.

B. An owner or operator may slaughter their own farmed cervidae for personal or noncommercial consumption.

C. Owners and operators of licensed farmed or commercial cervidae facilities may sell, use, or dispose of hides or antlers from slaughtered farmed cervidae, provided they comply with all requirements in rules promulgated by the State Board of Agriculture with input from the Department of Wildlife Conservation.

D. An owner or operator shall only sell or dispose of antlers with attached skull plates in the following circumstances:

1. Each set of antlers shall be individually identified with sufficient documentation linking it to the farmed or commercial cervidae facility, including, but not limited to, photographs, lock-on identification tags, DNA testing, or other proof of ownership;

2. In no case shall an owner or operator sell or dispose of antlers without appropriate documentation; and

3. The owner or operator shall provide a copy of all appropriate documentation to the purchaser or recipient at the time of sale or disposal.

E. The sale or disposal of antler sheds or antlers that are attached to the skull plate shall not be restricted.

F. Facilities shall comply with all carcass disposal requirements. The following methods may be used for disposal of carcasses from a farmed cervidae facility:

1. Rendering;
2. Landfill;
3. Burial;
4. Incineration; or

5. Composting.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-512 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. After the initial prelicensing inspection, each premise shall be inspected at least once every other year unless there is a change in ownership or change in facilities.

B. The following prelicensing inspections shall occur:

1. Upon submission of a complete application, the Department of Agriculture, Food, and Forestry shall schedule an on-site meeting and inspection to review the facility;

2. The Department shall review the location of the facility, including breeding-pen fencing, gates, feed bunkers, shelter, carcass disposal areas, and any other facilities for the location;

3. The Department may request appropriate changes to the facility design;

4. In no case shall a license for a farmed cervidae facility be granted unless the Department has conducted a prelicensing inspection and the Department has approved the facility based on that inspection; and

5. The license shall be revoked for any facility that does not construct or operate the facility in accordance with the approved prelicensing inspection.

C. All new facilities shall be inspected within ninety (90) calendar days prior to issuing a new license.

D. It is the responsibility of the owner or operator to arrange the appropriate inspection and the Department shall be given adequate time to respond to the request for the initial inspection.

E. Authorized agents of the Oklahoma Department of Wildlife Conservation shall have the authority to enter and inspect any premises pursuant to Section 3-201 of Title 29 of the Oklahoma Statutes for the purpose of implementing and enforcing the Oklahoma Wildlife Conservation Code.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-513 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Upon receipt of a written complaint, the Department of Agriculture, Food, and Forestry shall notify the person filing the complaint in writing of its receipt and status within five (5) working days. The party whom the complaint is filed against, if known, shall be notified within five (5) working days. The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies to the extent possible by the Department. The complainant and owner shall be notified in writing within seven (7) working days after resolution of the complaint.

B. The Department may initiate an investigation at any time.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-514 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The license of any owner or operator may be revoked if it is determined at an administrative hearing that the owner or operator has violated any provision of the Oklahoma Farmed Cervidae Act.

B. In the event a license is denied, revoked, cancelled, or suspended, the owner or operator is not eligible to reapply until after the date the license would have expired.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-515 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Upon expiration of a license, the owner or operator may take up to one hundred twenty (120) days to dispose of all cervidae at the facility.

B. In no case shall the farmed cervidae be released into the wild.

C. Cleaning and disinfection of the premises shall be completed immediately upon closure of the facility in circumstances of disease if required by the Department of Agriculture, Food, and Forestry.

SECTION 9. AMENDATORY 29 O.S. 2001, Section 5-411, as amended by Section 17, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2009, Section 5-411), is amended to read as follows:

Section 5-411. A. 1. Except for owners and operators of farmed or commercial cervidae facilities licensed pursuant to the Oklahoma Farmed Cervidae Act, no person, including but not limited to persons licensed for commercial hunting or wildlife breeders, may hunt, chase, capture, shoot, shoot at, wound, attempt to take or take, attempt to kill or kill, or slaughter an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, Rocky Mountain bighorn sheep, wild turkey, or any subspecies except in open season under Section 5-401 of this title.

2. ~~No~~ Unless legally harvested from a commercial hunting area, no person shall sell, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies or any parts thereof, except as provided by:

- a. rules prescribed by the Wildlife Conservation Commission,
- b. any federal laws or regulations, or
- c. the Oklahoma Farmed Cervidae Act.

3. The provisions of this subsection shall not be construed to prevent a hide, antlers or horns from a legally taken whitetail or mule deer, elk, moose, antelope or Rocky Mountain bighorn sheep from being sold or traded by a person who legally harvested or who legally possesses the hide, antlers or horns, including a person who has obtained legal possession of the hide, antlers, or horns after being given to the person for taxidermic preparation. ~~Any~~ Except as otherwise provided, any antlers or horns sold or traded pursuant to this subsection shall have been removed from the skull of the animal in such a way as to leave no portion of the skull attached. The owner or operator of a farmed or commercial cervidae facility may sell or trade the antlers or horns of a farmed or commercial cervidae with the skull attached as provided for in the Oklahoma Farmed Cervidae Act. Upon request, the Director of Wildlife Conservation may grant an exemption from the restrictions of this paragraph to allow a person who has legally harvested or who is in legal possession of the antlers or horns from a legally taken animal to sell or trade the antler or horns with the skull attached.

B. 1. It shall be unlawful for any person to have in their possession any meat, head, hide or any part of the carcass of any wildlife not legally taken.

2. Any meat, head, hide or any part of the carcass of any wildlife not legally taken shall be subject to immediate seizure by a game warden.

3. The provisions of this subsection shall not apply to privately owned domesticated animals designated by the Wildlife Conservation Commission or farmed cervidae facilities licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. Persons excepted from the provisions of this section are:

1. Department employees when in the performance of their duties; and

2. Authorized agents when appointed under Section 3-202 of this title.

SECTION 10. This act shall become effective July 1, 2010.

SECTION 11. It being immediately necessary for the preservation of the public peace, health and 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 _____

Passed the House of Representatives the 26th day of May, 2010.

Chris Steele

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2010.

A. Bruce Mahoff

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 28th
day of May, 2010,
at 11:27 o'clock A M.

By: *[Signature]*

Approved by the Governor of the State of Oklahoma the 7th day of
June, 2010, at 8:03 o'clock P M.

Brendan [Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
8th day of June, 2010,
at 4:38 o'clock P. M.

By: *M. Susan Savage*