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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1727

03/01/2021 Authored by Ecklund; Becker-Finn; Hansen, R.; Lee; Lillie and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
03/10/2021 Adoption of Report: Amended and re-referred to the Committee on Agriculture Finance and Policy
03/18/2021 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to natural resources; modifying requirements for farmed Cervidae;
- 1.3 transferring duty to regulate farmed Cervidae to commissioner of natural resources;
- 1.4 modifying provisions to import Cervidae carcasses; appropriating money; amending
- 1.5 Minnesota Statutes 2020, sections 35.155, subdivisions 1, 4, 6, 10, 11, by adding
- 1.6 a subdivision; 97A.505, subdivision 8.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 35.155, subdivision 1, is amended to read:
- 1.9 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed
- 1.10 Cervidae to run at large. The owner must make all reasonable efforts to return escaped
- 1.11 farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify
- 1.12 the commissioner of natural resources of the escape of farmed Cervidae if the farmed
- 1.13 Cervidae are not returned or captured by the owner within 24 hours of their escape.
- 1.14 (b) An owner is liable for expenses of another person in capturing, caring for, and
- 1.15 returning farmed Cervidae that have left their enclosures if the person capturing the farmed
- 1.16 Cervidae contacts the owner as soon as possible.
- 1.17 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the
- 1.18 commissioner of natural resources may destroy the escaped farmed Cervidae. The
- 1.19 commissioner of natural resources must allow the owner to attempt to capture the escaped
- 1.20 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not
- 1.21 captured by 24 hours after escape may be destroyed.

(d) A hunter licensed by the commissioner of natural resources under chapter 97A may kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner for the loss of the animal.

(e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of natural resources must be tested for chronic wasting disease at the owner's expense.

EFFECTIVE DATE. This section is effective September 1, 2021.

Sec. 2. Minnesota Statutes 2020, section 35.155, subdivision 4, is amended to read:

Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent escape. Except as provided in subdivision 4a, all perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae or entry into the premises by free-roaming Cervidae, or physical contact between farmed Cervidae and free-roaming Cervidae. ~~After July 1, 2019, All new fencing installed and all fencing used to repair deficiencies must be high tensile. By December 1, 2019, All entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must repair the deficiency within a reasonable time, as determined by the Board of Animal Health, not to exceed 45 days. If a fence deficiency is detected during an inspection, the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection fee under subdivision 7a for each reinspection related to a fence violation. If the facility experiences more than one escape incident in any six-month period or fails to correct a deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.~~

EFFECTIVE DATE. This section is effective September 1, 2022.

Sec. 3. Minnesota Statutes 2020, section 35.155, is amended by adding a subdivision to read:

Subd. 4a. **Fencing; commercial herds.** In addition to the requirements in subdivision 4, commercially farmed white-tailed deer must be confined by two or more perimeter fences, with each perimeter fence at least 120 inches in height.

EFFECTIVE DATE. This section is effective September 1, 2022.

Sec. 4. Minnesota Statutes 2020, section 35.155, subdivision 6, is amended to read:

Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by the Board of Animal Health. The identification must include a distinct number that has not been used during the previous three years and must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. The identification for white-tailed deer must also include contact information with a phone number or address that enables the reader to readily identify the owner of escaped deer. This contact information does not need to be visible from a distance of 50 yards. White-tailed deer must be identified before October 31 of the year in which the animal is born, at the time of weaning, or before movement from the premises, whichever occurs first. Elk and other cervids must be identified by December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first. As coordinated by the board, the commissioner of natural resources may destroy any animal that is not identified as required under this subdivision.

(b) The Board of Animal Health shall register farmed Cervidae. The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the Cervidae. The board must provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed Cervidae.

EFFECTIVE DATE. This section is effective September 1, 2022.

Sec. 5. Minnesota Statutes 2020, section 35.155, subdivision 10, is amended to read:

Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.

(c) The board must not allow new registrations under this section for possessing white-tailed deer.

EFFECTIVE DATE. This section is effective the day following final enactment.

4.1 Sec. 6. Minnesota Statutes 2020, section 35.155, subdivision 11, is amended to read:

4.2 Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a)

4.3 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian
4.4 and filed with the Board of Animal Health every 12 months.

4.5 (b) Movement of farmed Cervidae from any premises to another location must be reported
4.6 to the Board of Animal Health within 14 days of the movement on forms approved by the
4.7 Board of Animal Health. A person must not move farmed white-tailed deer from any premises
4.8 to another location.

4.9 (c) All animals from farmed Cervidae herds that are over 12 months of age that die or
4.10 are slaughtered must be tested for chronic wasting disease.

4.11 (d) The owner of a premises where chronic wasting disease is detected must:

4.12 (1) depopulate the premises of Cervidae after the appraisal process for federal
4.13 indemnification has been completed or, if an indemnification application is not submitted,
4.14 within a reasonable time determined by the board in consultation with the commissioner of
4.15 natural resources;

4.16 (2) maintain the fencing required under ~~subdivision~~ subdivisions 4 and 4a on the premises
4.17 for ~~five~~ ten years after the date of detection; ~~and~~

4.18 (3) post the fencing on the premises with biohazard signs as directed by the board; and

4.19 (4) not raise farmed Cervidae on the premises for at least ten years.

4.20 Sec. 7. Minnesota Statutes 2020, section 97A.505, subdivision 8, is amended to read:

4.21 Subd. 8. **Importing ~~hunter-harvested~~ Cervidae carcasses.** (a) Importing
4.22 ~~hunter-harvested~~ Cervidae carcasses procured by any means into Minnesota is prohibited
4.23 except for cut and wrapped meat, quarters or other portions of meat with no part of the
4.24 spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers
4.25 attached to skull caps that are cleaned of all brain tissue. ~~Hunter-harvested~~

4.26 (b) Cervidae carcasses ~~taken~~ originating from outside of Minnesota may be transported
4.27 on a direct route through the state by nonresidents.

4.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 8. **TRANSFER OF DUTIES; FARMED CERVIDAE.**

5.2 The responsibilities for administering and enforcing the statutes and rules listed in clauses
5.3 (1) and (2) are transferred pursuant to Minnesota Statutes, section 15.039, from the Board
5.4 of Animal Health to the commissioner of natural resources:

5.5 (1) Minnesota Statutes, sections 35.153 and 35.155; and

5.6 (2) Minnesota Rules, parts 1721.0370 to 1721.0420.

5.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.

5.8 Sec. 9. **ADOPT-A-DUMPSTER PROGRAM; APPROPRIATION.**

5.9 \$250,000 in fiscal year 2022 is appropriated from the general fund to the commissioner
5.10 of natural resources for the chronic wasting disease adopt-a-dumpster program established
5.11 under Laws 2019, First Special Session chapter 4, article 1, section 3, subdivision 6,
5.12 paragraph (c). This is a onetime appropriation and is in addition to other amounts appropriated
5.13 for this purpose.

5.14 Sec. 10. **REVISOR INSTRUCTION.**

5.15 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter
5.16 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 8. The revisor
5.17 must also change the responsible agency and make necessary cross-reference changes
5.18 consistent with section 8 and the renumbering.