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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **4844**

03/11/2024 Authored by Hansen, R., and Brand

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

03/18/2024 Adoption of Report: Amended and re-referred to the Committee on Agriculture Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to natural resources; prohibiting the release of domestic hogs; clarifying
- 1.3 agency jurisdiction; establishing civil penalties; requiring outreach; repealing
- 1.4 voluntary fur farm registration; modifying fur farm licensing provisions;
- 1.5 appropriating money; amending Minnesota Statutes 2022, sections 97A.105;
- 1.6 97A.56, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2023
- 1.7 Supplement, section 17.457; proposing coding for new law in Minnesota Statutes,
- 1.8 chapter 97A; repealing Minnesota Statutes 2022, section 17.353.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2023 Supplement, section 17.457, is amended to read:
- 1.11 **17.457 RESTRICTED SPECIES AND DOMESTIC HOG CONTROL.**
- 1.12 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.
- 1.13 (b) "Commissioner" means the commissioner of agriculture or the commissioner's
- 1.14 designee.
- 1.15 (c) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.
- 1.16 ~~(e) (d)~~ "Restricted species" means ~~Eurasian wild pigs and their hybrids (*Sus scrofa*~~
- 1.17 ~~subspecies and *Sus scrofa* hybrids)~~ pigs, boars, peccaries, and all other members of the
- 1.18 Suidae family and the Tayassuidae family, excluding domestic hogs (*S. scrofa domesticus*).
- 1.19 ~~(d)~~ (e) "Release" means an intentional introduction or accidental escape of a restricted
- 1.20 species or domestic hog from the control of the owner or responsible party.
- 1.21 Subd. 2. ~~Importation; possession; release of restricted species~~ Restricted species
- 1.22 permit required. It is unlawful for a person to import, possess, propagate, or transport, ~~or~~
- 1.23 ~~release~~ a restricted species, unless the person has a permit as described in subdivision 3.

2.1 Subd. 2a. **Release of restricted species or domestic hogs prohibited.** (a) It is unlawful
2.2 for a person to release restricted species or domestic hogs.

2.3 (b) In addition to the penalties in subdivision 6, a person who violates paragraph (a)
2.4 must do the following at the person's expense and by the date and time specified by the
2.5 commissioner:

2.6 (1) register their premises with the Board of Animal Health;

2.7 (2) implement the confinement standards and record-keeping requirements developed
2.8 by the commissioner under subdivision 8; and

2.9 (3) reimburse the commissioner for costs incurred to annually inspect the registered
2.10 premises and verify compliance with clause (2).

2.11 **Subd. 3. Permits.** The commissioner may issue permits for the transportation, possession,
2.12 purchase, or importation of restricted species only for scientific, research, or educational,
2.13 ~~or commercial~~ purposes. A permit issued under this subdivision may be revoked by the
2.14 commissioner if the conditions of the permit are not met by the permittee or for any unlawful
2.15 act or omission, including accidental escapes.

2.16 **Subd. 4. Notice of release of restricted species or domestic hogs.** In the event of a
2.17 release of a restricted species or domestic hog, the owner must notify within 24 hours a
2.18 conservation officer and the Board of Animal Health and is responsible for the recovery of
2.19 the species. ~~The commissioner may capture or destroy the released animal at the owner's~~
2.20 ~~expense.~~ If the owner does not provide notification or fails to recover the animal within 72
2.21 hours of providing notification, the released animal is considered feral swine under section
2.22 97A.56, is no longer the personal property of the owner, and may be captured or destroyed
2.23 at the former owner's expense by a peace officer or by the commissioner of natural resources
2.24 under section 97A.045, subdivision 1, paragraph (b), or other authority.

2.25 **Subd. 5. Enforcement.** (a) This section may be enforced by a peace officer, an
2.26 enforcement officer under sections 97A.205 and 97A.211, and, except as provided in
2.27 paragraph (b), by the commissioner under sections 17.982 to ~~17.984~~ 17.983.

2.28 (b) For the first violation of this section, the commissioner may impose an administrative
2.29 penalty of no more than \$1,000. For a second violation, the commissioner may impose an
2.30 administrative penalty of no more than \$1,500. For a third or succeeding violation, the
2.31 commissioner may impose an administrative penalty of no more than \$3,000 for each
2.32 violation.

3.1 Subd. 6. **Penalty Penalties.** (a) A person who violates subdivision 2, 2a, 4, or 7 is guilty
3.2 of a misdemeanor.

3.3 (b) A person who violates subdivision 2a, paragraph (a), is liable to the state for costs
3.4 associated with a release. The attorney general may enforce this paragraph on behalf of any
3.5 state agency affected.

3.6 Subd. 7. **Identification requirements.** A restricted species in the possession of a person
3.7 must be marked in a permanent fashion to identify ownership. The restricted species must
3.8 be marked as soon as practicable after birth or purchase.

3.9 Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of
3.10 natural resources, shall develop:

3.11 (1) criteria for approved containment measures for restricted species; and

3.12 (2) the confinement standards and record-keeping requirements under subdivision 2a.

3.13 Subd. 9. **Bond; security.** A person who possesses restricted species must provide proof
3.14 of insurance or file a security bond with the commissioner in an amount determined by the
3.15 commissioner to pay for the potential costs and damages that would be caused by the release
3.16 of a restricted species.

3.17 Subd. 10. **Fee.** The commissioner may impose a fee for permits in an amount sufficient
3.18 to cover the costs of issuing the permits and for facility inspections. The fee may not exceed
3.19 \$50. Fee receipts must be deposited in the general fund.

3.20 Sec. 2. Minnesota Statutes 2022, section 97A.105, is amended to read:

3.21 **97A.105 GAME ~~AND FUR~~ FARMS.**

3.22 Subdivision 1. **License requirements.** (a) A person may breed and propagate ~~fur-bearing~~
3.23 ~~animals~~, game birds, bear, or mute swans only on privately owned or leased land and after
3.24 obtaining a license. Any of the permitted animals on a game farm may be sold to other
3.25 licensed game farms. "Privately owned or leased land" includes waters that are shallow or
3.26 marshy, are not actually navigable, and are not of substantial beneficial public use. Before
3.27 an application for a license is considered, the applicant must enclose the area to sufficiently
3.28 confine the animals to be raised in a manner approved by the commissioner. A license may
3.29 be granted only if the commissioner finds the application is made in good faith with intention
3.30 to actually carry on the business described in the application and the commissioner determines
3.31 that the facilities are adequate for the business.

4.1 (b) A person may purchase live game birds or their eggs without a license if the birds
4.2 or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed
4.3 for consumption within one year after they were purchased or hatched. This paragraph does
4.4 not apply to the purchase of migratory waterfowl or their eggs.

4.5 (c) A person may not introduce mute swans into the wild without a permit issued by the
4.6 commissioner.

4.7 Subd. 2. **Transfer of license.** (a) A game ~~or fur~~ farm license is transferable with the
4.8 transfer of all or a portion of the title or leasehold of the land if:

4.9 (1) the land transferred complies with the license requirements;

4.10 (2) the land is used for the purposes of the license; and

4.11 (3) a verified written report of the existing and intended land use is made to the
4.12 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
4.13 transferring the corresponding title or leasehold in the enclosed land.

4.14 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
4.15 partner or associate in the ownership or operation of a game ~~or fur~~ farm must obtain a
4.16 separate license.

4.17 Subd. 3. **Ownership of wild animals.** All wild animals and their offspring, of the species
4.18 identified in the license, that are within the enclosure are the property of the game ~~and fur~~
4.19 farm licensee.

4.20 Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed ~~fur or~~ game
4.21 farm is not valid unless the animals are delivered to the purchaser or they are identified and
4.22 kept separately.

4.23 (b) Live animals sold through auction or through a broker are considered to be sold by
4.24 the game farm licensee.

4.25 (c) The sale agreement or contract must be in writing. The licensee must notify a
4.26 purchaser of the death of an animal within 30 days and of the number of increase before
4.27 July 20 of each year.

4.28 Subd. 5. **Sale of ~~pelts~~ products.** The commissioner shall prescribe:

4.29 (1) the manner that ~~pelts and~~ products of wild animals raised on ~~fur or~~ game farms may
4.30 be sold or transported; and

4.31 (2) the tags or seals to be affixed to the ~~pelts and~~ products.

5.1 ~~Subd. 6. **Fox and mink.** Fox and mink may not be bought or sold for breeding or~~
5.2 ~~propagating unless they have been pen-bred for at least two generations.~~

5.3 ~~Subd. 7. **Transporting live beaver.** Live beaver may not be transported without a permit~~
5.4 ~~from the commissioner.~~

5.5 Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects
5.6 all wild animals on the game ~~or fur~~ farm to confiscation.

5.7 Subd. 9. **Rules.** The commissioner may adopt rules for:

5.8 (1) ~~the issuance of~~ issuing game farm licenses;

5.9 (2) ~~the inspection of~~ inspecting game farm facilities;

5.10 (3) ~~the acquisition and disposal~~ acquiring and disposing of game farm animals; and

5.11 (4) record keeping and reporting by game farm licensees, including transactions handled
5.12 by auction or broker.

5.13 Sec. 3. [97A.106] FUR FARMS.

5.14 Subdivision 1. License requirements. A person may breed and propagate fur-bearing
5.15 animals only on privately owned or leased land and after obtaining a license. Any of the
5.16 permitted animals on a fur farm may be sold to other licensed fur farms. "Privately owned
5.17 or leased land" includes waters that are shallow or marshy, are not actually navigable, and
5.18 are not of substantial beneficial public use. Before an application for a license is considered,
5.19 the applicant must enclose the area to sufficiently confine the animals to be raised in a
5.20 manner approved by the commissioner. A license may be granted only if the commissioner
5.21 finds the application is made in good faith with intention to actually carry on the business
5.22 described in the application and the commissioner determines that the facilities are adequate
5.23 for the business.

5.24 Subd. 2. Transfer of license. (a) A fur farm license is transferable with the transfer of
5.25 all or a portion of the title or leasehold of the land if:

5.26 (1) the land transferred complies with the license requirements;

5.27 (2) the land is used for the purposes of the license; and

5.28 (3) a verified written report of the existing and intended land use is made to the
5.29 commissioner, accompanied by a copy of deed, assignment, lease, or other instrument
5.30 transferring the corresponding title or leasehold in the enclosed land.

6.1 (b) A transfer of less than the whole interest in the license is not valid. Each bona fide
6.2 partner or associate in the ownership or operation of a fur farm must obtain a separate
6.3 license.

6.4 Subd. 3. **License fee.** For each fur farm, the owner must, on or before January 1, pay to
6.5 the commissioner an annual fee of \$.....

6.6 Subd. 4. **Fur farm account.** The fur farm account is established in the game and fish
6.7 fund. Fees collected under this section and interest attributable to money in the account
6.8 must be deposited in the account. Money in the account, including interest earned, is
6.9 appropriated to the commissioner for administration and enforcement of this section.

6.10 Subd. 5. **Ownership of wild animals.** All wild animals and their offspring, of the species
6.11 identified in the license, that are within the enclosure are the property of the fur farm licensee.

6.12 Subd. 6. **Containment and disease control.** The commissioner, in consultation with
6.13 the Board of Animal Health and the commissioners of agriculture and health, must develop:

6.14 (1) containment and disposal requirements for farmed fur-bearers; and

6.15 (2) farmed fur-bearer disease testing and reporting requirements.

6.16 Subd. 7. **Sale of live animals.** (a) A sale of live animals from a licensed fur farm is not
6.17 valid unless the animals are delivered to the purchaser or they are identified and kept
6.18 separately.

6.19 (b) Live animals sold through auction or through a broker are considered to be sold by
6.20 the fur farm licensee.

6.21 (c) The sale agreement or contract must be in writing. The licensee must notify a
6.22 purchaser of the death of an animal within 30 days and of the number of increase before
6.23 July 20 of each year.

6.24 Subd. 8. **Sale of pelts and products.** The commissioner must prescribe:

6.25 (1) the manner that pelts and products of wild animals raised on fur farms may be sold
6.26 or transported; and

6.27 (2) the tags or seals to be affixed to the pelts and products.

6.28 Subd. 9. **Fox and mink.** Fox and mink may not be bought or sold for breeding or
6.29 propagating unless they have been pen-bred for at least two generations.

6.30 Subd. 10. **Transporting live beaver.** Live beaver may not be transported without a
6.31 permit from the commissioner.

7.1 Subd. 11. **Penalty.** A licensee that does not comply with a provision of this section
7.2 subjects all wild animals on the fur farm to confiscation.

7.3 Subd. 12. **Rules.** The commissioner may adopt rules for:

7.4 (1) issuing fur farm licenses;

7.5 (2) inspecting fur farm facilities;

7.6 (3) acquiring fur farm animals; and

7.7 (4) record keeping and reporting by fur farm licensees, including transactions handled
7.8 by auction or broker.

7.9 Sec. 4. Minnesota Statutes 2022, section 97A.56, subdivision 1, is amended to read:

7.10 Subdivision 1. **Definition.** ~~For purposes of this section,~~ (a) The definitions in this
7.11 subdivision apply to this section.

7.12 (b) "Domestic hogs" has the meaning given under section 17.457, subdivision 1.

7.13 (c) "Feral swine" means a member ~~an animal~~ of the ~~genus and species~~ *Sus scrofa* family
7.14 Suidae or Tayassuidae that lives in the wild ~~or has lived in the wild during any part of the~~
7.15 animal's lifetime. Feral swine includes released domestic hogs, unless the owner satisfies
7.16 the notification requirements of section 17.457, subdivision 4, and recovers the released
7.17 domestic hogs within 72 hours of notification.

7.18 (d) "Release" has the meaning given under section 17.457, subdivision 1.

7.19 Sec. 5. Minnesota Statutes 2022, section 97A.56, subdivision 2, is amended to read:

7.20 Subd. 2. **Prohibited actions; penalty.** (a) Unless authorized by permit under section
7.21 17.457, subdivision 3, a person may not possess or release feral swine ~~or swine that were~~
7.22 feral during any part of the swine's lifetime or otherwise allow feral swine to run at large.

7.23 (b) A person may not hunt or trap feral swine, except as authorized by the commissioner
7.24 for feral swine control or eradication. It is not a violation of this section if a person shoots
7.25 a feral swine and reports the taking to the commissioner within 24 hours. All feral swine
7.26 taken in this manner must be surrendered to the commissioner.

7.27 (c) A person who violates this subdivision is guilty of a misdemeanor.

7.28 (d) A person who violates this subdivision is liable for the actual costs incurred by the
7.29 state for the possession or release of the feral swine.

8.1 (e) A person who violates this subdivision is liable for the damages caused by the
8.2 possession or release of the feral swine.

8.3 Sec. 6. Minnesota Statutes 2022, section 97A.56, is amended by adding a subdivision to
8.4 read:

8.5 Subd. 4. **Domestic hogs and feral swine response protocols.** The commissioner, in
8.6 cooperation with the commissioner of agriculture and the Board of Animal Health, must
8.7 develop protocols for responding to the release of domestic hogs and feral swine, including
8.8 reporting requirements, interagency communications, and other actions necessary to resolve
8.9 the release.

8.10 Sec. 7. **OUTREACH REQUIRED.**

8.11 The commissioners of agriculture and natural resources and the Board of Animal Health
8.12 must jointly develop, and jointly or separately promote and provide to the public, current
8.13 and consistent outreach materials concerning:

8.14 (1) swine containment methods;

8.15 (2) sources of technical and financial assistance for small or hobby farms;

8.16 (3) the importance of preventing the establishment of feral hog populations;

8.17 (4) penalties for the accidental or intentional release of swine;

8.18 (5) effective and lawful methods of feral hog control; and

8.19 (6) other topics as identified by the commissioners and the board.

8.20 Sec. 8. **APPROPRIATION.**

8.21 \$..... in fiscal year 2025 is appropriated from the ... fund to the commissioner of natural
8.22 resources for feral swine monitoring, outreach, and response activities.

8.23 Sec. 9. **REPEALER.**

8.24 Minnesota Statutes 2022, section 17.353, is repealed.

17.353 FUR FARMER REGISTRATION.

Subdivision 1. **Registration system.** The commissioner shall establish a registration system for fur farmers. The registration system shall be designed to maintain information required by the commissioner, United States Department of Agriculture, and other agencies.

Subd. 2. **Registration.** A fur farmer may register with the commissioner by submitting a completed registration form and a fee of \$10 to the commissioner by December 31. The registration is valid for a calendar year. The registration form must state the name of the applicant, the location of the fur farming activity, the species of fur-bearing animals on the fur farm, and other information required by the commissioner.

Subd. 3. **Tags for transportation and sale.** The commissioner shall, if requested, furnish registered fur farmers tags, without a fee, for the transport and sale of fur-bearing animals and their products. A fur farmer transporting or selling pelts of fur-bearing animals may attach the tag to a package containing pelts.

Subd. 4. **Annual reports of pelts sold.** A registered fur farmer must file a verified report of the number of pelts of each species of fur-bearing animal sold during the preceding calendar year. The report must be filed with the commissioner by December 31.