

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1995

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DATE	D-PG	OFFICIAL STATUS
03/04/2019	631	Introduction and first reading Referred to Agriculture, Rural Development, and Housing Policy
03/07/2019	661a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
03/11/2019	786	Withdrawn and re-referred to Agriculture, Rural Development, and Housing Finance
03/26/2019	1275a	Comm report: To pass as amended and re-refer to Environment and Natural Resources Finance
		Joint rule 2.03, referred to Rules and Administration
	4689	Joint rule 3.02, returned to Agriculture, Rural Development, and Housing Finance See First Special Session 2019, SF7, Art. 3, Sec. 3-9

1.1 A bill for an act

1.2 relating to animal health; modifying requirements for farmed Cervidae;

1.3 appropriating money to develop a test for chronic wasting disease; amending

1.4 Minnesota Statutes 2018, sections 35.153, by adding subdivisions; 35.155,

1.5 subdivisions 4, 6, 7, 9, 10, 11.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 35.153, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 2a. **Commercial herd.** "Commercial herd" means a herd for which the owner

1.10 manages the herd for profit or monetary gain and engages in transactions or exchanges for

1.11 consideration, including sale, barter, the offer to sell, or possession with the intent to sell.

1.12 Sec. 2. Minnesota Statutes 2018, section 35.153, is amended by adding a subdivision to

1.13 read:

1.14 Subd. 7. **Noncommercial herd.** "Noncommercial herd" means a herd that is managed

1.15 solely for personal enjoyment and use, as determined by the board.

1.16 Sec. 3. Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:

1.17 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent

1.18 escape. All perimeter fences for farmed Cervidae must be high tensile fencing at least 96

1.19 inches in height and be constructed and maintained in a way that prevents the escape of

1.20 farmed Cervidae or entry into the premises by free-roaming Cervidae. All entry areas for

1.21 farmed Cervidae enclosure areas must have two redundant gates, which must be maintained

1.22 to prevent the escape of animals through an open gate. If a fence deficiency allows entry

2.1 or exit by farmed or wild Cervidae, the deficiency must be repaired by the owner within 48
2.2 hours of discovery of the deficiency. If a fence deficiency is detected during an inspection,
2.3 the facility must be reinspected at least once in the subsequent three months.

2.4 Sec. 4. Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

2.5 Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by
2.6 the Board of Animal Health. The identification must include a distinct number that has not
2.7 been used during the previous year and must be visible to the naked eye during daylight
2.8 under normal conditions at a distance of 50 yards. Newborn animals must be identified
2.9 before December 31 of the year in which the animal is born or before movement from the
2.10 premises, whichever occurs first. An animal that is not identified as required under this
2.11 subdivision may be destroyed by the commissioner of natural resources.

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

2.18 Sec. 5. Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

2.19 Subd. 7. **Inspection.** As coordinated by the board, the commissioner of agriculture, an
2.20 enforcement officer, as defined in section 97A.015, subdivision 18, and the Board of Animal
2.21 Health may inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae
2.22 records. For each commercial herd, the owner or owners must, on or before January 1, pay
2.23 an annual inspection fee equal to \$10 for each cervid in the herd as reflected in the most
2.24 recent inventory submitted to the Board of Animal Health, ~~up to a maximum fee of \$100.~~
2.25 For each noncommercial herd, the owner or owners must, on or before January 1, pay an
2.26 annual inspection fee of \$100. The commissioner of natural resources may inspect farmed
2.27 Cervidae, farmed Cervidae facilities, and farmed Cervidae records with reasonable suspicion
2.28 that laws protecting native wild animals have been violated and must notify the owner in
2.29 writing at the time of the inspection of the reason for the inspection and must inform the
2.30 owner in writing after the inspection of whether (1) the cause of the inspection was
2.31 unfounded; or (2) there will be an ongoing investigation or continuing evaluation. The board
2.32 shall ensure that each farmed Cervidae facility is inspected within four months of a previous
2.33 inspection. The inspection by the agency authorized under this paragraph must include a

3.1 physical inspection of the entire perimeter fence around the facility, and a verification that
3.2 farmed Cervidae are tagged. The owner or owners of the herd must present an accurate
3.3 inventory for review.

3.4 Sec. 6. Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

3.5 Subd. 9. **Contested case hearing.** (a) A person raising farmed Cervidae that is aggrieved
3.6 with any decision regarding the farmed Cervidae may request a contested case hearing under
3.7 chapter 14.

3.8 (b) A person requesting a contested case hearing regarding a registration revocation
3.9 under subdivision 10, paragraph (b), must make the request within 30 days of the revocation
3.10 notice.

3.11 Sec. 7. Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

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

3.16 (b) If the facility experiences more than two escape incidents in any 12-month period,
3.17 the board may revoke the facility's registration and the animals may be seized by the
3.18 commissioner of natural resources. After investigation and review of fence deficiencies,
3.19 escapes, and other program requirements, the board may revoke the registration of a person
3.20 who owns farmed Cervidae, and the animals may be seized by the commissioner of natural
3.21 resources. Unless it would prohibit the operator from receiving federal indemnification
3.22 payments, an enforcement officer, as defined in section 97A.015, subdivision 18, may
3.23 destroy seized Cervidae 30 days after the registration revocation notice or following a final
3.24 decision of a contested case hearing, whichever is later.

3.25 Sec. 8. Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

3.26 Subd. 11. **Mandatory surveillance for chronic wasting disease.** (a) An inventory for
3.27 each farmed Cervidae herd must be verified by an accredited veterinarian and filed with
3.28 the Board of Animal Health every 12 months.

3.29 (b) Movement of farmed Cervidae from any premises to another location must be reported
3.30 to the Board of Animal Health within 14 days of the movement on forms approved by the
3.31 Board of Animal Health.

4.1 (c) All animals from farmed Cervidae herds that are over ~~16~~ 12 months of age that die
4.2 or are slaughtered must be tested for chronic wasting disease.

4.3 (d) Except for a closed terminal facility in which live Cervidae are not transported out
4.4 of the facility, the owner of a premises where chronic wasting disease is detected must:

4.5 (1) depopulate the premises of Cervidae;

4.6 (2) maintain exclusionary fencing on the premises for five years after the date of detection;
4.7 and

4.8 (3) not stock Cervidae species on the premises after the date of detection.

4.9 (e) Before signing an agreement to sell or transfer the property, the owner of a premises
4.10 where chronic wasting disease is detected must disclose in writing to the buyer or transferee:

4.11 (1) the date of detection of chronic wasting disease or the date of depopulation, whichever
4.12 is later;

4.13 (2) the requirement to maintain exclusionary fencing on the premises for five years from
4.14 the date in clause (1); and

4.15 (3) restriction of no stocking of Cervidae species on the premises from the date in clause
4.16 (1).

4.17 **Sec. 9. APPROPRIATION; DIAGNOSTIC TEST FOR CHRONIC WASTING**
4.18 **DISEASE.**

4.19 \$1,804,000 in fiscal year 2020 is appropriated from the general fund to the commissioner
4.20 of natural resources for a grant to the Board of Regents of the University of Minnesota to
4.21 develop a diagnostic test for chronic wasting disease that uses samples from living deer.
4.22 This is a onetime appropriation and is available until June 30, 2021.