

35.155 FARMED CERVIDAE.

Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed Cervidae to run at large. The owner must make all reasonable efforts to return escaped farmed Cervidae to their enclosures as soon as possible. The owner must notify the commissioner of natural resources of the escape of farmed Cervidae if the farmed Cervidae are not returned or captured by the owner within 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed Cervidae that have left their enclosures if the person capturing the farmed Cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the commissioner of natural resources may destroy the escaped farmed Cervidae. The commissioner of natural resources must allow the owner to attempt to capture the escaped farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not captured by 24 hours after escape may be destroyed.

Subd. 2. **Wild Cervidae inside confinement area.** An owner or an employee or agent under the direction of the owner must destroy wild Cervidae found within the owner's farmed Cervidae confinement area. The owner, employee, or agent must report the wild Cervidae destroyed to a conservation officer or an employee of the Department of Natural Resources, Division of Wildlife, within 24 hours. The wild Cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subd. 3. **Farming in native elk area.** A person may not raise farmed red deer in the native elk area without written approval of the commissioner of natural resources. The native elk area is the area north of U.S. Highway 2 and west of U.S. Highway 71 and Trunk Highway 72. The commissioner of natural resources shall review the proposed farming operation and approve with any condition or deny approval based on risks to the native elk population.

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

Subd. 5. **Disease control programs.** Farmed Cervidae are subject to this chapter and the rules of the Board of Animal Health in the same manner as other livestock and domestic animals, including provisions related to importation and transportation. The board shall allow the movement of Cervidae from a Cervidae farm located within a chronic wasting disease management or endemic zone if the Cervidae have tested negative for chronic wasting disease with an antemortem test validated by the United States Department of Agriculture and the herd has met other movement requirements as set by the board.

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. 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.

Subd. 7. **Inspection.** (a) The Board of Animal Health must annually inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records. As coordinated by the board, the commissioner of agriculture and an enforcement officer as defined under section 97A.015, subdivision 18, may participate in the inspection.

(b) The annual inspection must include a physical inspection of all perimeter fencing around the facility and a viewing to verify that all animals are tagged. The owner of a farmed Cervidae facility must present to the inspectors an accurate inventory of the owner's farmed Cervidae and other records for review. During an annual inspection, the owner must present individual animals in a herd for a physical inventory, if required by the board.

(c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native wild animals have been violated and must notify the owner in writing at the time of the inspection of the reason for the inspection and must inform the owner in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.

(d) The commissioner of natural resources may inspect farmed white-tailed deer according to the concurrent authority granted under subdivision 14.

Subd. 7a. **Inspection fees.** For each herd, the owner must, on or before January 1, pay to the board an annual inspection fee of:

(1) \$500 if the owner manages the herd for profit or monetary gain and engages in transactions or exchanges for consideration, including sale, barter, the offer to sell, or possession with the intent to sell;

(2) \$500 if the owner sells the ability to shoot animals in the herd;

(3) \$500 if the herd consists of more than one species; or

(4) \$250 for all other herds.

Subd. 8. **Cervidae inspection account.** A Cervidae inspection account is established in the state treasury. The fees collected under this section and interest attributable to money in the account must be deposited in the state treasury and credited to the Cervidae inspection account in the special revenue fund. Money in the account, including interest earned, is appropriated to the Board of Animal Health for the administration and enforcement of this section.

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

(b) A person requesting a contested case hearing regarding a registration revocation under this section must make the request within 30 days of the revocation notice.

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.

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

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

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

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

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

(2) maintain the fencing required under subdivision 4 on the premises for five years after the date of detection; and

(3) post the fencing on the premises with biohazard signs as directed by the board.

Subd. 12. **Importation.** A person must not import Cervidae into the state from a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting disease endemic area, as determined by the board. A person may import Cervidae into the state only from a herd that is not in a known chronic wasting disease endemic area, as determined by the board, and the herd has been subject to a state or provincial approved chronic wasting disease monitoring program for at least three years. Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

Subd. 13. **Rules.** The Board of Animal Health shall adopt rules as necessary to implement this section and to otherwise provide for the control of Cervidae diseases.

Subd. 14. **Concurrent authority; regulating farmed white-tailed deer.** (a) The commissioner of natural resources and the Board of Animal Health possess concurrent authority to regulate farmed white-tailed deer under this section, sections 35.92 to 35.96, and any administrative rules adopted pursuant to this section or sections 35.92 to 35.96. This does not confer to the commissioner any additional authorities under chapter 35, other than those set forth in sections 35.155 and 35.92 to 35.96, and any administrative rules adopted thereto.

(b) By February 1, 2022, the commissioner of natural resources, in conjunction with the Board of Animal Health, must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources and agriculture on the implementation of the concurrent authority under this section. The report must include:

- (1) a summary of how the agencies worked together under this section, including identification of any challenges;
- (2) an assessment of ongoing challenges to managing chronic wasting disease in this state; and
- (3) recommendations for statutory and programmatic changes to help the state better manage the disease.

History: 2002 c 373 s 22; 2003 c 128 art 3 s 34; 1Sp2005 c 1 art 1 s 66; 1Sp2019 c 4 art 3 s 3-9; 2021 c 28 s 13,14; 1Sp2021 c 6 art 2 s 16,17