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Oklahoma Farmed Cervidae Act

Article Article 6 - Livestock Diseases

Section 6-502 - Definitions

This Statute Will Go Into Effect

On: 11/01/2011

See Historical Data for Current Version

Cite as: O.S. §, ___

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 be considered livestock as long as they remain in a farmed cervidae facility. Farmed cervidae shall not include cervidae in a commercially licensed hunting facility;
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;
6. "Native cervidae" means any and all cervidae that are indigenous to Oklahoma or are living in a state of nature;
7. "Noncommercial" means to manage for personal enjoyment and personal use;
8. "Operator" means the person who performs the daily farmed cervidae management functions;
9. "Owner" means a person with legal title to a farmed cervid or herd of farmed cervidae;
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.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 2, eff. November 1, 2006; Amended by Laws 2010, HB 2295, c. 360, § 1, emerg. eff. July 1, 2010 (superseded document available); Amended by Laws 2011, HB 1473, c. 298, § 1, eff. November 1, 2011 (superseded document available).

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Section 6-503 - Authority of Board, Department, and Agents - Applicability of Act - Promulgation of Rules

Cite as: O.S. §, ___

- A. Authorized agents of the Oklahoma Department of Agriculture, Food, and Forestry shall have the authority to enter any premises or mode of transportation as authorized pursuant to Section 2-14 of Title 2 of the Oklahoma Statutes for the purpose of implementing or enforcing the Oklahoma Farmed Cervidae Act, or rules promulgated pursuant thereto.
- B. Authorized agents of the 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 or rules promulgated pursuant thereto.
- C. The Oklahoma Farmed Cervidae Act shall not apply to the regulation of facilities owned and operated for the purpose of commercial hunting of farmed or captive-bred cervidae. Commercial hunting facilities shall remain under the jurisdiction of the Department of Wildlife Conservation.
- D. The State Board of Agriculture is authorized to promulgate rules necessary, expedient, or appropriate for the performance, enforcement, or carrying out of any of the purposes, objectives, or provisions of the Oklahoma Farmed Cervidae Act, including the establishment of fees. All fees shall be fair and equitable to all parties concerned. Rules shall be promulgated pursuant to the Administrative Procedures Act.
- E. The Oklahoma Department of Agriculture, Food, and Forestry shall have the authority to:
1. Issue, renew, deny, modify, suspend, cancel, and revoke any registration, permit, certificate, license, identification, or order issued pursuant to the provisions of the Oklahoma Farmed Cervidae Act;
 2. Issue entry or import permits to any person transporting farmed cervidae into this state;
 3. Investigate complaints and violations of the Oklahoma Farmed Cervidae Act;
 4. Issue quarantines, initiate control measures, confiscate, and destroy farmed cervidae that present a danger to native cervidae, other animals, or to the public safety or welfare; and
 5. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of the Oklahoma Farmed Cervidae Act.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 3, eff. November 1, 2006.

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Section 6-504 - Farmed Cervidae License - Application

Cite as: O.S. §, __ __

- A. No person 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. The Department may issue a farmed cervidae facility license to any person that lawfully obtains cervidae, acts in good faith, and adheres to the laws and rules of the 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.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 4, eff. November 1, 2006; Amended by Laws 2010, HB 2295, c. 360, § 2, emerg. eff. July 1, 2010 (superseded document available).

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Section 6-505 - Application and Licensing Procedure - Confinement of Farmed Cevidae - Inspections - Exportation

This Statute Will Go Into Effect

On: 11/01/2011

See Historical Data for Current Version

Cite as: O.S. §. ___

A. The Oklahoma 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 April 1 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

d. failure to renew a license by the expiration date shall result in the facility being quarantined until an administrative hearing can be conducted. The failure may result in revocation of the license, loss of the facility number, closure of the facility, and removal of the cervidae from the premises;

2. Fees for farmed cervidae facility licenses and all renewals;

3. Procedures for the transfer of ownership:

a. the new owner or operator shall submit to the Department a transfer application, attaching any change of conditions resulting from the transfer of ownership or operation,

b. after receipt of the information required, the Department shall review the information, and within thirty (30) days, issue approval or denial of the transfer. Transfer of a license shall be denied only if the new owner or operator cannot comply with the requirements of transfer, and

c. if a transfer is denied, written notification of the denial and an opportunity for an administrative hearing on the denial shall be given to the applicant for a transfer license by the Department. The notification shall set forth the reasons for the denial, steps necessary to meet the requirements for a transfer license and the opportunity for the applicant to request an administrative hearing;

4. Recordkeeping requirements:

a. all required records shall be kept by the owner or operator for a maximum of three (3) years, and

b. the following records shall be maintained at the facility:

(1) records of all cervidae sold, killed, given away, transported, or shipped from a farmed cervidae facility,

(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, and appropriate natural or manmade shelter, 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 facility that is not quarantined.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 5, eff. November 1, 2006; Amended by Laws 2010, HB 2295, c. 360, § 3, emerg. eff. July 1, 2010 (superseded document available); Amended by Laws 2011, HB 1473, c. 298, § 2, eff. November 1, 2011 (superseded document available).

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Section 6-506 - Escaped Cervidae

Cite as: O.S. §, __ __

- A. An owner or operator shall ensure farmed cervidae do not run at large and shall take all reasonable efforts to return any escaped farmed cervidae to their enclosures as soon as possible.
- B. The owner or operator shall immediately notify the Oklahoma Department of Agriculture, Food, and Forestry and the local game warden of the Department of Wildlife Conservation if farmed cervidae escape.
- C. If an owner or operator is unwilling or unable to capture escaped farmed cervidae, the Department of Wildlife Conservation has the authority to destroy the escaped farmed cervidae.
- D. Any farmed cervidae that escape from a farmed cervidae facility and are taken by a licensed hunter in a manner that complies with the Oklahoma Wildlife Conservation Code shall be considered a legal taking and neither the licensed hunter, the state, nor any state agency shall be liable to the owner for taking the escaped farmed cervidae.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 6, eff. November 1, 2006.

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Section 6-507 - Violations

Cite as: O.S. §, ___ __

It shall be unlawful and a violation of the Oklahoma Farmed Cervidae Act for any person:

1. To refuse an inspection authorized by the Oklahoma Farmed Cervidae Act;
2. To commingle or integrate any native cervidae into a farmed cervidae herd;
3. To intentionally commingle or integrate any farmed cervidae with native cervidae;
4. To fail to maintain records as required by law;
5. To fail to maintain fencing as required by law;
6. To fail to pay any fee, fine, or penalty as required and established pursuant to the Oklahoma Farmed Cervidae Act;
7. To fail to comply with any State Board of Agriculture order; or
8. To violate any provision of the Oklahoma Farmed Cervidae Act.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 7, eff. November 1, 2006.

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Section 6-508 - Slaughter - Disposal, Restrictions, Facilities

Cite as: O.S. §, ___

- A. Owners and operators of licensed farmed cervidae facilities may slaughter farmed cervidae at any time throughout the year 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.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 8, eff. November 1, 2006; Amended by Laws 2010, HB 2295, c. 360, § 4, emerg. eff. July 1, 2010 (superseded document available).

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Section 6-509 - Penalties

Cite as: O.S. §, ___ __

A. The assessment of an administrative or criminal penalty for violations of the Oklahoma Farmed Cervidae Act shall be pursuant to Section 2-18 of Title 2 of the Oklahoma Statutes.

B. Any person with a registration, permit, certificate, license, identification, or order that is canceled or revoked by the Oklahoma Department of Agriculture, Food, and Forestry shall be prohibited from obtaining a new registration, permit, certificate, license, identification, or order until after the date the canceled or revoked registration, permit, certificate, license, identification, or order would have expired.

C. Any person that violates the provisions of the Oklahoma Wildlife Conservation Code contained in Title 29 of the Oklahoma Statutes shall be subject to the administrative and criminal provisions contained in the Oklahoma Wildlife Conservation Code.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 9, eff. November 1, 2006.

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Section 6-510 - Emergency Orders

Cite as: O.S. §, __ __

- A. Whenever the State Veterinarian finds that an emergency exists requiring immediate action to protect the public health or welfare or to protect farmed or native cervidae from any animal disease or pest, the State Veterinarian may without notice or hearing issue an order that shall be effective upon issuance, reciting the existence of an emergency and requiring that immediate action be taken to meet the emergency.
- B. Any person to whom an emergency order is directed shall comply immediately but may request an administrative enforcement hearing within fifteen (15) days after the order is served.
- C. The administrative enforcement hearing shall be held by the Oklahoma Department of Agriculture, Food, and Forestry within ten (10) working days after receipt of the request.
- D. With the input of the Department of Wildlife Conservation, the State Board of Agriculture shall affirm, revoke, or modify the emergency order based on the hearing record.
- E. Any person aggrieved by the final order may, pursuant to the Administrative Procedures Act, petition for a judicial review of the final order.
- F. The appeal when docketed shall have priority over all cases pending on the docket, other than criminal.

Historical Data

Added by Laws 2006, HB 2621, c. 138, § 10, eff. November 1, 2006.

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Section 6-511 - Wrongful Injury or Removal of Cervidae - Penalty

Cite as: 2 O.S. § 6-511 (OSCN 2011), Oklahoma Farmed Cervidae Act

A. No person shall wrongfully injure any cervidae upon the premises of a farmed cervidae facility that is licensed pursuant to [Section 6-504 of Title 2](#) of the Oklahoma Statutes or wrongfully remove any cervidae from the premises of a farmed cervidae facility that is licensed pursuant to [Section 6-504 of Title 2](#) of the Oklahoma Statutes.

B. Any violation of the provision of subsection A of this section shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine not less than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. In addition, any person violating the provisions of subsection A of this section shall be liable for damages of not less than three times nor more than ten times such a sum as would compensate for the actual detriment.

Historical Data

Added by Laws 2009, SB 1033, c. 458, § 1, emerg. eff. June 2, 2009.

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Section 6-512 - Prelicensing Inspection - Responsibility - Authority

Cite as: 2 O.S. § 6-512 (OSCN 2011), Oklahoma Farmed Cervidae Act

- 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.

Historical Data

Added by Laws 2010, HB 2295, c. 360, § 5, emerg. eff. July 1, 2010.

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Section 6-513 - Complaint Procedure - Investigations

Cite as: 2 O.S. § 6-513 (OSCN 2011), Oklahoma Farmed Cervidae Act

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.

Historical Data

Added by Laws 2010, HB 2295, c. 360, § 6, emerg. eff. July 1, 2010.

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Section 6-514 - Revocation of License - Eligibility to Reapply

Cite as: 2 O.S. § 6-514 (OSCN 2011), Oklahoma Farmed Cervidae Act

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.

Historical Data

Added by Laws 2010, HB 2295, c. 360, § 7, emerg. eff. July 1, 2010.

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Oklahoma Statutes Citationized

Title 2. Agriculture

Chapter 1 - Agricultural Code

Oklahoma Farmed Cervidae Act

Article Article 6 - Livestock Diseases

Section 6-515 - Disposal of Cervidae Upon License Expiration - Disinfection of Premises Upon Closure of Facility

Cite as: 2 O.S. § 6-515 (OSCN 2011), Oklahoma Farmed Cervidae Act

- 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.

Historical Data

Added by Laws 2010, HB 2295, c. 360, § 8, emerg. eff. July 1, 2010.

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