

Subject Farmed Cervids
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Overview

This bill modifies a number of provisions concerning the regulation of farmed cervids (deer, elk, moose, etc.). Under current law, a person who owns one or more cervids, regardless of species, must register with the Board of Animal Health (BAH), and the BAH and Department of Natural Resources (DNR) have concurrent authority to inspect and otherwise regulate farmed white-tailed deer under Minnesota Statutes, section 35.155, and associated administrative rules.

In part, H.F. 1202 would provide public access to state government data identifying the location of registered cervid farms, allow licensed deer hunters to take escaped farmed cervids, specify that the owner is liable for costs associated with the escape of animals infected with chronic wasting disease (CWD), require commercial white-tailed deer farmers to install two perimeter fences of at least 10 feet in height, prohibit the BAH from issuing new registrations for the possession of farmed white-tailed deer, place new restrictions and requirements on the owners of properties where CWD was detected, establish civil liability for the sale or unlawful disposal of CWD-infected cervids, require live-animal CWD testing of farmed white-tailed deer, and provide that the DNR is solely responsible for the regulation of white-tailed deer farms.

Summary

Section	Description
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| 1 | Animal premises data.
Requires the BAH to provide the public access to data that identifies the location of registered cervid farms. |
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Section	Description
2	<p>Definitions.</p> <p>Provides that costs incurred by white-tailed deer farmers to comply with the new double fencing requirements in section 5 are eligible for the Minnesota Department of Agriculture’s Livestock Investment Grant Program.</p>
3	<p>Running at large prohibited.</p> <p>Requires the owner of farmed cervids to immediately notify the DNR of an escape if the animal is not returned/captured within 24 hours. Allows a licensed deer hunter to take an escaped farmed cervid during the appropriate deer hunting season without liability to the owner for the loss of the animal. Requires CWD testing of an escaped farmed cervid that is killed by a licensed hunter or the DNR.</p> <p>Establishes that the owner of an escaped farmed cervid that tests positive for CWD is responsible for properly disposing of the animal. Provides that the owner is liable for any additional costs associated with the escape of farmed cervids infected with CWD. Authorizes the Office of the Attorney General to enforce this provision on behalf of state agencies.</p> <p>Effective date: This section would take effect on September 1, 2023.</p>
4	<p>Fencing.</p> <p>Requires perimeter fencing for farmed cervids to be constructed and maintained to prevent physical contact between farmed and wild cervids. Requires cervid farmers to repair fence deficiencies within 14 days. Under current law, that farmer has up to 45 days to repair the deficiency.</p> <p>Effective date: This section would take effect on September 1, 2024.</p>
5	<p>Fencing; commercial herds.</p> <p>Requires commercial white-tailed deer farmers to confine the animals with two or more perimeter fences of at least 120 inches in height.</p> <p>Effective date: This section would take effect on September 1, 2024.</p>
6	<p>Mandatory registration.</p> <p>Generally, prohibits new registrations for the possession of farmed white-tailed deer. Specifies that an existing registration may be sold or transferred once, but only to a family member who resides in the state, and the BAH may approve the sale or transfer only if the person pays a \$500 transfer fee and the BAH verifies that the herd is free from CWD.</p> <p>Effective date: This section would take effect the day following final enactment.</p>

Section	Description
7	<p data-bbox="318 264 951 289">Mandatory surveillance for CWD; depopulation.</p> <p data-bbox="318 310 1425 415">Prohibits the intentional movement of CWD-positive farmed white-tailed deer from any premises. Requires CWD testing for all farmed cervids that die after six months of age—under current law this requirement applies to animals at least 12 months old.</p> <p data-bbox="318 457 1425 636">Requires the owner of a premises where CWD has been detected to allow and cooperate with inspections as determined by the BAH and DNR conservation officers and wildlife managers. Requires depopulation of an infected herd within 30 days—under current law depopulation must occur within a reasonable time determined by the BAH in consultation with the DNR.</p> <p data-bbox="318 678 1425 783">Requires landowners to maintain fencing for ten years on premises where CWD has been detected (current law requires fencing maintenance for five years) and prohibits raising farmed Cervidae on the premises for at least ten years.</p> <p data-bbox="318 825 1425 1098">Requires the landowner, prior to any sale or transfer of the premises, to disclose the date of depopulation and the associated requirements incumbent upon a new owner of the property. Requires the landowner to record a notice in the county’s real estate records that includes specified information such as the legal description of the premises, the date of CWD detection, and the requirements incumbent upon an owner of the land. Provides that notices expire ten years after the date of detection and requires registrars of title to omit expired notices from certificates of title.</p> <p data-bbox="318 1140 1425 1203">Provides that the owner is responsible for proper disposal of CWD-positive farmed cervids.</p>
8	<p data-bbox="318 1251 431 1276">Liability.</p> <p data-bbox="318 1297 1425 1482">Provides that the owner is liable for another’s injury caused by the owner’s sale or unlawful disposal of CWD-infected or -exposed farmed cervids. Provides that the owner is liable to the state for any costs associated with the owner’s unlawful disposal of CWD-infected or -exposed farmed cervids and authorizes the Office of the Attorney General to enforce this provision.</p>
9	<p data-bbox="318 1524 483 1549">Importation.</p> <p data-bbox="318 1570 1425 1795">Prohibits the importation of live cervids and cervid semen from a herd that is infected with or exposed to CWD, as well as from a state or province where CWD is present in wild or farmed cervids. Prohibits the importation of live cervids and cervid semen from a herd that has not been subject to a state or provincial CWD monitoring program for at least three years. Authorizes the DNR to seize cervid semen that is imported in violation of this section.</p>

Section	Description
10	<p>Federal fund account.</p> <p>Appropriates to the DNR any federal aid for the state’s response to, or remediation of, farmed or wild white-tailed deer infected with CWD.</p>
11	<p>Consultation required.</p> <p>Requires the BAH and DNR to consult the University of Minnesota’s Center for Prion Research and Outreach and incorporate peer-reviewed scientific information in the agencies’ enforcement of state law and rules pertaining to CWD and farmed cervids.</p>
12	<p>Notice required.</p> <p>Requires the BAH to promptly notify affected local units of government and Tribal governments when a farmed cervid tests positive for CWD.</p>
13	<p>Annual testing required.</p> <p>Requires annual CWD testing of farmed white-tailed deer using an RT-QuIC live-animal test. If a farmed white-tailed deer tests positive, the owner must have the animal tested again. Should the animal test positive a second time, the owner must have the white-tailed deer destroyed and tested using a BAH-approved postmortem test. If the postmortem test is positive, the owner must depopulate all farmed cervids on the premises after the federal indemnification process, if any, is complete.</p>
14	<p>Transfer of duties; farmed white-tailed deer.</p> <p>Provides sole oversight of farmed white-tailed deer to the DNR effective July 1, 2025. This transfer would follow a standard statutory process except that BAH personnel would not transfer to the DNR.</p>
15	<p>Appropriation; CWD transmission contingency planning.</p> <p>Appropriates general fund dollars to the University of Minnesota’s Center for Infectious Disease Research and Policy to develop and share contingency plans regarding the potential transmission of CWD from cervids to humans, livestock, and other species.</p>
16	<p>Revisor instruction.</p> <p>Requires the revisor of statutes to modify Minnesota Statutes and Minnesota Rules to conform to the transfer of duties in section 14.</p>



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