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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 608

01/19/2023 Authored by Davis and Heintzeman

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

1.1 A bill for an act
1.2 relating to game and fish; modifying requirements for importing minnows;
1.3 amending Minnesota Statutes 2022, sections 97A.015, subdivision 29; 97C.211,
1.4 subdivision 2a; 97C.515, subdivision 2; repealing Minnesota Statutes 2022, section
1.5 97C.515, subdivisions 4, 5.

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

1.7 Section 1. Minnesota Statutes 2022, section 97A.015, subdivision 29, is amended to read:

1.8 Subd. 29. Minnows. "Minnows" means:

1.9 (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members
1.10 of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not
1.11 over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes,
1.12 not over seven inches long; (5) leeches; and (6) tadpole madtoms (willow cats) and stonecats.

1.13 Sec. 2. Minnesota Statutes 2022, section 97C.211, subdivision 2a, is amended to read:

1.14 Subd. 2a. Acquiring fish. (a) A private fish hatchery may not obtain fish outside of the
1.15 state unless the fish or the source of the fish are approved by the commissioner. The
1.16 commissioner may apply more stringent requirements to fish or a source of fish from outside
1.17 the state than are applied to fish and sources of fish from within the state. The commissioner
1.18 must either approve or deny the acquisition within 30 days after receiving a written request
1.19 for approval. Minnows acquired must be processed and not released into public waters,
1.20 except as provided in section 97C.515, subdivision 4. A request may be for annual
1.21 acquisition.

2.1 (b) If the commissioner denies approval, a written notice must be submitted to the
 2.2 applicant stating the reasons for the denial and the commissioner must:

2.3 (1) designate approved sources to obtain the desired fish or fish eggs; or

2.4 (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

2.5 Sec. 3. Minnesota Statutes 2022, section 97C.515, subdivision 2, is amended to read:

2.6 Subd. 2. **Permit for ~~transportation~~ importation.** (a) A person may ~~transport~~ import
 2.7 live minnows ~~through~~ into the state with a permit from the commissioner. ~~The permit must~~
 2.8 ~~state the name and address of the person, the number and species of minnows, the point of~~
 2.9 ~~entry into the state, the destination, and the route through the state. The permit is not valid~~
 2.10 ~~for more than 12 hours after it is issued. A person must not import minnows into the state~~
 2.11 except as provided in this section.

2.12 ~~(b) Minnows transported under this subdivision must be in a tagged container. The tag~~
 2.13 ~~number must correspond with tag numbers listed on the minnow transportation permit.~~

2.14 ~~(c) The commissioner may require the person transporting minnow species found on~~
 2.15 ~~the official list of viral hemorrhagic septicemia susceptible species published by the United~~
 2.16 ~~States Department of Agriculture, Animal and Plant Health Inspection Services, to provide~~
 2.17 ~~health certification for viral hemorrhagic septicemia. The certification must disclose any~~
 2.18 ~~incidentally isolated replicating viruses, and must be dated within the 12 months preceding~~
 2.19 ~~transport.~~

2.20 (b) Minnows must be certified as healthy according to standards of the World
 2.21 Organisation for Animal Health or the Fish Health Section Blue Book of the American
 2.22 Fisheries Society.

2.23 (c) Minnows must be certified free of viral hemorrhagic septicemia, infectious
 2.24 hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp virus, fathead
 2.25 minnow nidovirus, and Heterosporis within the past 12 months.

2.26 (d) Minnows must originate from a biosecure facility that has tested negative for invasive
 2.27 species in the past 12 months.

2.28 (e) Only a person that holds a minnow dealer's license issued under section 97C.501,
 2.29 subdivision 2, may obtain a permit to import minnows.

2.30 (f) The following information must be available to the commissioner upon request for
 2.31 each load of imported minnows:

2.32 (1) the date minnows were imported;

- 3.1 (2) the number of pounds or gallons imported;
- 3.2 (3) the facility name from which the minnows originated; and
- 3.3 (4) a fish health certificate for the minnows.
- 3.4 (g) Minnows may be imported to feed hatchery fish if the requirements in paragraphs
- 3.5 (a) to (f) are met.
- 3.6 Sec. 4. **REPEALER.**
- 3.7 Minnesota Statutes 2022, section 97C.515, subdivisions 4 and 5, are repealed.

97C.515 IMPORTED MINNOWS.

Subd. 4. **Private fish hatchery or aquatic farm.** Live minnows used for feeding fish at a licensed private fish hatchery or aquatic farm must be obtained within the state. Dead minnows may be imported for feeding hatchery or aquatic farm fish according to section 97C.341, paragraph (d).

Subd. 5. **Special permits.** (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license, which private fish hatchery has been designated as a containment facility under section 17.4982, subdivision 8, to import live minnows from other states for export. A containment facility for the purposes of this section applies to live minnows imported for later export and does not need to comply with section 17.4982, subdivision 8, clause (4). The permit shall include conditions necessary to avoid spreading aquatic invasive species and fish pathogens. Permits shall not be issued to containment facilities located within a 25-year floodplain.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, disease certification, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

(c) The premises, property, vehicles, private aquatic life, and equipment that are part of a containment facility permitted under this subdivision are subject to reasonable and necessary inspections at reasonable times by a fish health specialist delegated by the commissioner. The owner, operator, or designee may be present when inspections are conducted. During the inspection, a representative sample of imported minnows may be collected for the purpose of fish pathogen or invasive species screening.

(d) The commissioner may require the applicant to furnish evidence of financial responsibility at the time of application for a permit under this section, as prescribed by the commissioner.