

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4537

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DATE	D-PG	OFFICIAL STATUS
03/04/2024	11907	Introduction and first reading Referred to Environment, Climate, and Legacy

1.1 A bill for an act

1.2 relating to natural resources; returning authority over farmed white-tailed deer to

1.3 the Board of Animal Health; modifying the statutes governing Cervidae farming;

1.4 appropriating money; amending Minnesota Statutes 2023 Supplement, section

1.5 35.155, subdivisions 1, 4, 10, 11, 12; repealing Minnesota Statutes 2023

1.6 Supplement, sections 35.155, subdivisions 11a, 15; 35.156, subdivisions 3, 4, 5;

1.7 Laws 2023, chapter 60, article 7, sections 12; 13.

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

1.9 Section 1. Minnesota Statutes 2023 Supplement, section 35.155, subdivision 1, is amended

1.10 to read:

1.11 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed

1.12 Cervidae to run at large. The owner must make all reasonable efforts to return escaped

1.13 farmed Cervidae to their enclosures as soon as possible. The owner must ~~immediately~~ notify

1.14 the commissioner of natural resources of the escape of farmed Cervidae if the farmed

1.15 Cervidae are not returned or captured by the owner within 24 hours of their escape.

1.16 (b) An owner is liable for expenses of another person in capturing, caring for, and

1.17 returning farmed Cervidae that have left their enclosures if the person capturing the farmed

1.18 Cervidae contacts the owner as soon as possible.

1.19 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the

1.20 commissioner of natural resources may destroy the escaped farmed Cervidae. The

1.21 commissioner of natural resources must allow the owner to attempt to capture the escaped

1.22 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not

1.23 captured by 24 hours after escape may be destroyed.

2.1 ~~(d) A hunter licensed by the commissioner of natural resources under chapter 97A may~~
 2.2 ~~kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner~~
 2.3 ~~for the loss of the animal. If the animal has been outside of its enclosure less than 72 hours~~
 2.4 ~~following notification of the commissioner of natural resources of its escape, the farmed~~
 2.5 ~~Cervidae owner retains ownership of the animal. A licensed hunter who harvests escaped~~
 2.6 ~~farmed Cervidae under this paragraph must notify the commissioner of natural resources~~
 2.7 ~~within 24 hours.~~

2.8 ~~(e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of~~
 2.9 ~~natural resources must be tested for chronic wasting disease. The hunter must provide the~~
 2.10 ~~animal to the commissioner of natural resources for testing and the commissioner must~~
 2.11 ~~ensure the animal is tested.~~

2.12 ~~(f) The possessor of the animal is responsible for proper disposal, as determined by the~~
 2.13 ~~board, of farmed Cervidae that are killed or destroyed under this subdivision and test positive~~
 2.14 ~~for chronic wasting disease.~~

2.15 ~~(g) An owner is liable for any additional costs associated with escaped farmed Cervidae~~
 2.16 ~~that are infected with chronic wasting disease. This paragraph may be enforced by the~~
 2.17 ~~attorney general on behalf of any state agency affected.~~

2.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 35.155, subdivision 4, is amended
 2.19 to read:

2.20 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent
 2.21 escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and
 2.22 be constructed and maintained in a way that prevents the escape of farmed Cervidae, or
 2.23 entry into the premises by free-roaming Cervidae, ~~and physical contact between farmed~~
 2.24 ~~Cervidae and free-roaming Cervidae. The Board of Animal Health or commissioner of~~
 2.25 ~~natural resources may determine whether the construction and maintenance of fencing is~~
 2.26 ~~adequate to prevent physical contact or escape under this subdivision and may compel~~
 2.27 ~~corrective action when fencing is determined to be inadequate. All new fencing installed~~
 2.28 and all fencing used to repair deficiencies must be high tensile. All entry areas for farmed
 2.29 Cervidae enclosure areas must have two redundant gates, which must be maintained to
 2.30 prevent the escape of animals through an open gate. If a fence deficiency allows entry or
 2.31 exit by farmed or wild Cervidae, the owner must ~~immediately~~ repair the deficiency. ~~All~~
 2.32 ~~other deficiencies must be repaired~~ within a reasonable time, as determined by the Board
 2.33 of Animal Health, not to exceed ~~14~~ 45 days. If a fence deficiency is detected during an
 2.34 inspection, the facility must be reinspected at least once in the subsequent three months.

3.1 The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable
3.2 annual inspection fee under subdivision 7a for each reinspection related to a fence violation.
3.3 If the facility experiences more than one escape incident in any six-month period or fails
3.4 to correct a deficiency found during an inspection, the board may revoke the facility's
3.5 registration and order the owner to remove or destroy the animals as directed by the board.
3.6 If the board revokes a facility's registration, the commissioner of natural resources may
3.7 seize and destroy animals at the facility.

3.8 Sec. 3. Minnesota Statutes 2023 Supplement, section 35.155, subdivision 10, is amended
3.9 to read:

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

3.14 (b) A person whose registration is revoked by the board is ineligible for future registration
3.15 under this section unless the board determines that the person has undertaken measures that
3.16 make future escapes extremely unlikely.

3.17 ~~(c) The board must not allow new registrations under this section for possessing~~
3.18 ~~white-tailed deer. This paragraph does not prohibit a person holding a valid registration~~
3.19 ~~under this subdivision from selling or transferring the person's registration to an immediate~~
3.20 ~~family member. A valid registration may be sold or transferred only once under this~~
3.21 ~~paragraph. Before the board approves a sale or transfer under this paragraph, the board must~~
3.22 ~~verify that the registration is in good standing and the eligible family member must pay a~~
3.23 ~~onetime transfer fee of \$500 to the board.~~

3.24 Sec. 4. Minnesota Statutes 2023 Supplement, section 35.155, subdivision 11, is amended
3.25 to read:

3.26 Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a)
3.27 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian
3.28 and filed with 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. ~~A person must not move farmed white-tailed deer from a herd that~~
3.32 ~~tests positive for chronic wasting disease from any premises to another location.~~

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

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

4.4 ~~(1) allow and cooperate with inspections of the premises as determined by the Board of~~
4.5 ~~Animal Health and Department of Natural Resources conservation officers and wildlife~~
4.6 ~~managers;~~

4.7 ~~(2) (1) depopulate the premises of Cervidae after the federal indemnification process~~
4.8 ~~has been completed or, if an indemnification application is not submitted, within 30 days~~
4.9 ~~a reasonable time determined by the board in consultation with the commissioner of natural~~
4.10 ~~resources;~~

4.11 ~~(3) (2) maintain the fencing required under subdivision 4 on the premises for ten~~ five
4.12 ~~years after the date of detection; and~~

4.13 ~~(4) (3) post the fencing on the premises with biohazard signs as directed by the board;~~

4.14 ~~(5) not raise farmed Cervidae on the premises for at least ten years;~~

4.15 ~~(6) before signing an agreement to sell or transfer the property, disclose in writing to~~
4.16 ~~the buyer or transferee the date of depopulation and the requirements incumbent upon the~~
4.17 ~~premises and the buyer or transferee under this paragraph; and~~

4.18 ~~(7) record with the county recorder or registrar of titles, as appropriate, in the county~~
4.19 ~~where the premises is located a notice, in the form required by the board, that meets the~~
4.20 ~~recording requirements of sections 507.093 and 507.24 and includes the nearest address~~
4.21 ~~and the legal description of the premises, the date of detection, the date of depopulation,~~
4.22 ~~the landowner requirements under this paragraph, and any other information required by~~
4.23 ~~the board. The legal description must be the legal description of record with the county~~
4.24 ~~recorder or registrar of titles and must not otherwise be the real estate tax statement legal~~
4.25 ~~description of the premises. The notice expires and has no effect ten years after the date of~~
4.26 ~~detection stated in the notice. The registrar of titles must omit an expired notice from future~~
4.27 ~~certificates of title.~~

4.28 (e) An owner of farmed Cervidae that test positive for chronic wasting disease is
4.29 responsible for proper disposal of the animals, as determined by the board.

5.1 Sec. 5. Minnesota Statutes 2023 Supplement, section 35.155, subdivision 12, is amended
5.2 to read:

5.3 Subd. 12. **Importation.** (a) A person must not import ~~live~~ Cervidae into the state from
5.4 a ~~state or province where chronic wasting disease has been detected in the farmed or wild~~
5.5 ~~cervid population in the last five years unless the animal has tested not detected for chronic~~
5.6 ~~wasting disease with a validated live animal test~~ herd that is infected or exposed to chronic
5.7 wasting disease or from a known chronic wasting disease endemic area, as determined by
5.8 the board. A person may import Cervidae into the state only from a herd that is not in a
5.9 known chronic wasting disease endemic area, as determined by the board, and the herd has
5.10 been subject to a state- or provincial-approved chronic wasting disease monitoring program
5.11 for at least three years.

5.12 ~~(b) Live Cervidae or Cervidae semen must originate from a herd that has been subject~~
5.13 ~~to a state-, federal-, or provincial-approved chronic wasting disease herd certification program~~
5.14 ~~and that has reached a status equivalent to the highest certification.~~

5.15 ~~(e)~~ (b) Cervidae imported in violation of this section may be seized and destroyed by
5.16 the commissioner of natural resources.

5.17 ~~(d) This subdivision does not apply to the interstate transfer of animals between two~~
5.18 ~~facilities accredited by the Association of Zoos and Aquariums.~~

5.19 ~~(e) Notwithstanding this subdivision, the commissioner of natural resources may issue~~
5.20 ~~a permit allowing the importation of orphaned wild cervid species that are not susceptible~~
5.21 ~~to chronic wasting disease from another state to an Association of Zoos and Aquariums~~
5.22 ~~accredited institution in Minnesota following a joint risk-based assessment conducted by~~
5.23 ~~the commissioner and the institution.~~

5.24 Sec. 6. **TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.**

5.25 (a) Responsibility for administering and enforcing the statutes and rules listed in clauses
5.26 (1) and (2) for farmed white-tailed deer are, except as provided in paragraph (b), transferred
5.27 pursuant to Minnesota Statutes, section 15.039, from the commissioner of natural resources
5.28 to the Board of Animal Health:

5.29 (1) Minnesota Statutes, sections 35.153 to 35.156; and

5.30 (2) Minnesota Rules, parts 1721.0370 to 1721.0420.

5.31 (b) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of
5.32 personnel will not take place.

6.1 Sec. 7. **APPROPRIATIONS.**

6.2 (a) \$..... in fiscal year 2025 is appropriated from the general fund to the Board of Animal
6.3 Health to conduct a pilot program, in collaboration with a sample of willing owners of deer
6.4 farms registered under Minnesota Statutes, section 35.155, to breed resistance to chronic
6.5 wasting disease through selective insemination and breeding of deer using Cervidae semen
6.6 from herds that are known or thought to be resistant to chronic wasting disease. The pilot
6.7 program must provide for contracting with a third party to assess the results of the program.

6.8 (b) \$100,000,000 in fiscal year 2025 is appropriated from the general fund to the Board
6.9 of Animal Health to make payments to the owner of each deer herd registered under
6.10 Minnesota Statutes, section 35.155, for damages resulting from overregulation of the farmed
6.11 Cervidae industry by state agencies.

6.12 Sec. 8. **REVISOR INSTRUCTION.**

6.13 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter
6.14 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 6. The revisor
6.15 must also change the responsible agency, remove obsolete language, and make necessary
6.16 cross-reference changes consistent with section 6 and the renumbering.

6.17 Sec. 9. **REPEALER.**

6.18 (a) Minnesota Statutes 2023 Supplement, sections 35.155, subdivisions 11a and 15; and
6.19 35.156, subdivisions 3, 4, and 5, are repealed.

6.20 (b) Laws 2023, chapter 60, article 7, sections 12; and 13, are repealed.

35.155 FARMED CERVIDAE.

Subd. 11a. **Liability.** (a) A herd owner is liable in a civil action to a person injured by the owner's sale or unlawful disposal of farmed Cervidae if the herd owner knew or reasonably should have known that the farmed Cervidae were infected with or exposed to chronic wasting disease. Action may be brought in a county where the farmed Cervidae are sold, delivered, or unlawfully disposed.

(b) A herd owner is liable to the state for costs associated with the owner's unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This paragraph may be enforced by the attorney general on behalf of any state agency affected.

Subd. 15. **Cooperation with Board of Animal Health.** (a) The commissioner of natural resources may contract with the Board of Animal Health to administer some or all of sections 35.153 to 35.156 for farmed white-tailed deer.

(b) The commissioner of natural resources must enter into an interagency agreement which establishes roles and responsibilities necessary to protect the health of Cervidae in Minnesota consistent with state regulations.

35.156 CHRONIC WASTING DISEASE.

Subd. 3. **Consultation required.** The Board of Animal Health and the commissioner of natural resources must consult the Minnesota Center for Prion Research and Outreach at the University of Minnesota and incorporate peer-reviewed scientific information when administering and enforcing section 35.155 and associated rules pertaining to chronic wasting disease and farmed Cervidae.

Subd. 4. **Notice required.** The Board of Animal Health must promptly notify affected local units of government and Tribal governments when an animal in a farmed Cervidae herd tests positive for chronic wasting disease.

Subd. 5. **Live-animal testing required.** (a) Once the United States Department of Agriculture has determined that a noninvasive live-animal test capable of accurately detecting chronic wasting disease in white-tailed deer is available, the Board of Animal Health must have each farmed white-tailed deer possessed by a person registered under section 35.155 tested for chronic wasting disease using a noninvasive live-animal test offered by a public or private diagnostic laboratory. A validated live-animal test is required when moving farmed white-tailed deer six months old and over from any premises within the state within 12 weeks of movement. The Board of Animal Health may institute additional live-animal chronic wasting disease testing protocols. Live-animal testing results must be submitted to both the commissioner of natural resources and the Board of Animal Health in the form required by both agencies.

(b) If a farmed white-tailed deer tests positive using a noninvasive live-animal test, the owner must have the animal destroyed and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

(c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph (b), the owner must depopulate the premises of farmed Cervidae as required under section 35.155, subdivision 11.

Laws 2023, chapter 60, article 7, section 12

Sec. 12. **TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.**

(a) Responsibility for administering and enforcing the statutes and rules listed in clauses (1) and (2) for farmed white-tailed deer are, except as provided in paragraph (c), transferred pursuant to Minnesota Statutes, section 15.039, from the Board of Animal Health to the commissioner of natural resources:

(1) Minnesota Statutes, sections 35.153 to 35.156; and

(2) Minnesota Rules, parts 1721.0370 to 1721.0420.

(b) The Board of Animal Health retains responsibility for administering and enforcing the statutes and rules listed in paragraph (a), clauses (1) and (2), for all other farmed Cervidae.

(c) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of personnel will not take place.

Laws 2023, chapter 60, article 7, section 13

Sec. 13. **REVISOR INSTRUCTION.**

The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 12. The revisor must also change the responsible agency, remove obsolete language, and make necessary cross-reference changes consistent with section 12 and the renumbering.