## Omnibus Environment and Natural Resources Policy bill – Farmed Cervid and Chronic Wasting Disease (CWD) Provisions

2019, 1st Special Session, Chapter [4](https://www.revisor.mn.gov/laws/2019/1/Session+Law/Chapter/4/)

Bill numbers HF4/[SF7](https://www.revisor.mn.gov/bills/bill.php?f=SF7&y=2019&ssn=1&b=senate)\*

The Department of Natural Resources (DNR) worked in cooperation with the Board of Animal Health (BAH) to address the growing threat of Chronic Wasting Disease (CWD) and the management of cervid farms to develop agreeable policy provisions. The DNR along with the Board of Animal Health support the inclusion of language that will help to implement the April 20, 2018 Office of the Legislative Auditor report. The BAH maintains the statutory authority to inspect and manage cervid farms and the DNR maintains statutory authority to managed wild cervids and manage the outbreak of CWD in wild and farmed cervids as well as authority to destroy farmed cervids as directed by the BAH.

Article 1 (Subd. 6 (c)) includes a $50,000 appropriation to the DNR from the wild cervidae health management account for the adopt-a-dumpster program to provide dedicated dumpsters to dispose of deer carcasses in areas where CWD has been detected. In addition, this provision requires the DNR, in coordination with the Pollution Control Agency, to develop guidelines to prevent the spread of CWD protect public health taking into consideration infectious waste.

A breakdown of all policy provisions related to CWD or cervid farms in Article 3 can be found below.

* Fencing of Cervid Farms (Sec. 3) – Amends Minn. Stat. § 35.155, Subdivision 4 to require:
  + All new fencing and all fencing used to repair deficiencies to be high tensile;
  + By December 1, 2019 all entry areas have two redundant gates;
  + Deficiencies must be repaired within a reasonable time determined by the BAH, not to exceed 45 days;
  + Deficiencies detected during an inspection require reinspection at least once in the subsequent 3 months and the owner must pay the BAH a reinspection fee of ½ the applicable annual inspection fee; and
  + If more than one escape incident occurs in any 6-month period or owners fail to correct a deficiency, the BAH may revoke the facility’s registration and order the owner to remove or destroy the animals. If the board revokes the facility’s registration, the DNR may seize and destroy the animals.
* Identification (Sec. 4) – Amends Minn. Stat. § 35.155, Subdivision 6 to require:
  + Farmed cervids must have identification with a distinct number not used in the previous 3 years;
  + White-tailed deer must be identified before October 31st (previously December 31st) or at the time of weaning, or before movement from the premises;
  + Elk and other cervids continue to be required to be identified before December 31 or before movement from the premises; and
  + As coordinated by the BAH, the DNR may destroy any animals not properly identified.
* Facility Inspections (Sec. 5) – Amends Minn. Stat. § 35.155, Subdivision 7 to:
  + Remove the Department of Agriculture from oversight of farmed cervid facility inspections;
  + As coordinated by the BAH, the Department of Agriculture or an enforcement officer may participate in facility inspections; and
  + Require that an annual inspection include a physical inspection of all perimeter fencing and visual verification that all individuals are identified, as well requires the owner to be present and provide an accurate inventory and other records for review.
* Inspection Fees (Sec. 6) – Adds subdivision 7a to Minn. Stat. § 35.155 to state:
  + Annual inspection fees are due to the BAH on or before January 1; and
  + Sets fees at $500 for facilities with the intention to sell animals, $500 for facilities with the intention to allow shooting of animals, $500 if the herd consists of multiple species, and $250 for all other herds.
* Contested Case Registrations (Sec. 7) – Amends Minn. Stat. § 35.155, Subdivision 9 to state:
  + A request for a contested case hearing must be filled within 30 days of the revocation notice.
* Mandatory registration (Sec. 8) – Amends Minn. Stat. § 35.155, Subdivision 10 to state:
  + A person whose registration is revoked by the BAH is ineligible for future registration unless the BAH determines the person has undertaken measures to make future escapes extremely unlikely.
* Depopulation (Sec. 9) – Amends Minn. Stat. § 35.155, Subdivision 11 to require:
  + All animals less than 12 months (previously 16 months) old that die or are slaughtered be tested for CWD; and
  + If CWD is detected, the owner must:
    - Depopulate the facility after the appraisal process for federal indemnification or within a reasonable time as determined by the BAH in consultation with the DNR;
    - Maintain fencing for 5 years after the date of detection; and
    - Post biohazard signs on fencing.
* Oversight (Sec. 10) – Adds to Minn. Stat. § 35.156, Subdivision 1 and 2 to require:
  + Subdivision 1: Legislative committees with jurisdiction over agriculture policy and finance and environment and natural resources policy and finance may meet quarterly to receive updates from the BAH, DNR, Department of Agriculture, Department of Health, and the University of Minnesota on CWD activities; and
  + Subdivision 2: Money granted to the state by the federal government for CWD must be placed into a separate account and annually appropriated to the Department of Agriculture for purposes outlined in the grant.
* Ban on the Importation of Hunter-Harvested Cervids (Sec. 53)– Amends Minn. Stat. § 97A.505 to require:
  + All hunter-harvested cervid carcasses imported into Minnesota are prohibited except cut and wrapped meat, portions of meat with no spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps cleaned of all brain tissue; and
  + Hunter-harvested cervids transported through Minnesota by non-residents may take a direct route through the state.