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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1727

03/01/2021 Authored by Ecklund; Becker-Finn; Hansen, R.; Lee; Lillie and others
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 agriculture; natural resources; establishing additional fencing
1.3 requirements for farmed Cervidae; providing a moratorium on possessing
1.4 white-tailed deer; transferring farmed Cervidae regulatory duties and powers from
1.5 Board of Animal Health to Department of Natural Resources; amending Minnesota
1.6 Statutes 2020, section 35.155, subdivisions 4, 10, 11, by adding a subdivision.

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

1.8 Section 1. Minnesota Statutes 2020, section 35.155, subdivision 4, is amended to read:

1.9 Subd. 4. Fencing. Farmed Cervidae must be confined in a manner designed to prevent
1.10 escape. Except as provided in subdivision 4a, all perimeter fences for farmed Cervidae must
1.11 be at least 96 inches in height and be constructed and maintained in a way that prevents the
1.12 escape of farmed Cervidae or, entry into the premises by free-roaming Cervidae, or physical
1.13 contact between farmed Cervidae and free-roaming Cervidae. After July 1, 2019, All new
1.14 fencing installed and all fencing used to repair deficiencies must be high tensile. By
1.15 December 1, 2019, All entry areas for farmed Cervidae enclosure areas must have two
1.16 redundant gates, which must be maintained to prevent the escape of animals through an
1.17 open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner
1.18 must repair the deficiency within a reasonable time, as determined by the Board of Animal
1.19 Health, not to exceed 45 days. If a fence deficiency is detected during an inspection, the
1.20 facility must be reinspected at least once in the subsequent three months. The farmed
1.21 Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection
1.22 fee under subdivision 7a for each reinspection related to a fence violation. If the facility
1.23 experiences more than one escape incident in any six-month period or fails to correct a
1.24 deficiency found during an inspection, the board may revoke the facility's registration and

2.1 order the owner to remove or destroy the animals as directed by the board. If the board  
2.2 revokes a facility's registration, the commissioner of natural resources may seize and destroy  
2.3 animals at the facility.

2.4 **EFFECTIVE DATE.** This section is effective September 1, 2021.

2.5 Sec. 2. Minnesota Statutes 2020, section 35.155, is amended by adding a subdivision to  
2.6 read:

2.7 Subd. 4a. **Fencing; commercial herds.** In addition to the requirements in subdivision  
2.8 4, commercially farmed white-tailed deer must be confined by two or more perimeter fences,  
2.9 with each perimeter fence at least 120 inches in height.

2.10 **EFFECTIVE DATE.** This section is effective September 1, 2021.

2.11 Sec. 3. Minnesota Statutes 2020, section 35.155, subdivision 10, is amended to read:

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

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

2.19 (c) The board must not allow new registrations under this section for possessing  
2.20 white-tailed deer.

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.22 Sec. 4. Minnesota Statutes 2020, section 35.155, subdivision 11, is amended to read:

2.23 Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a)  
2.24 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian  
2.25 and filed with the Board of Animal Health every 12 months.

2.26 (b) Movement of farmed Cervidae from any premises to another location must be reported  
2.27 to the Board of Animal Health within 14 days of the movement on forms approved by the  
2.28 Board of Animal Health. A person must not move farmed white-tailed deer from any premises  
2.29 to another location.

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

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

3.4 (1) depopulate the premises of Cervidae after the appraisal process for federal  
3.5 indemnification has been completed or, if an indemnification application is not submitted,  
3.6 within a reasonable time determined by the board in consultation with the commissioner of  
3.7 natural resources;

3.8 (2) maintain the fencing required under ~~subdivision~~ subdivisions 4 and 4a on the premises  
3.9 for ~~five~~ ten years after the date of detection; ~~and~~

3.10 (3) post the fencing on the premises with biohazard signs as directed by the board; and

3.11 (4) not raise farmed Cervidae on the premises for at least ten years.

3.12 **Sec. 5. TRANSFER OF DUTIES; FARMED CERVIDAE.**

3.13 The responsibilities for administering and enforcing the statutes and rules listed in clauses  
3.14 (1) and (2) are transferred pursuant to Minnesota Statutes, section 15.039, from the Board  
3.15 of Animal Health to the commissioner of natural resources:

3.16 (1) Minnesota Statutes, sections 35.153 and 35.155; and

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

3.18 **EFFECTIVE DATE.** This section is effective August 1, 2021.

3.19 **Sec. 6. REVISOR INSTRUCTION.**

3.20 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter  
3.21 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 5. The revisor  
3.22 must also change the responsible agency and make necessary cross-reference changes  
3.23 consistent with section 5 and the renumbering.