

**CHAPTER 159****(SB 230)**

AN ACT relating to captive cervid permits.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

(1) *As used in Sections 1 to 3 of this Act:*

- (a) *"Permit" means a permit to hold captive cervids.*
- (b) *"Applicant" means a person or entity who has applied to the department for a permit to hold captive cervids.*
- (c) *"Application" means an application to obtain a permit to hold captive cervids.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

- (1) *Within sixty (60) days of the effective date of Sections 1 to 3 of this Act, the Department of Fish and Wildlife Resources shall promulgate administrative regulations amending existing requirements for a permit to hold captive cervids in accordance with the provisions of Sections 1 to 3 of this Act. All other fencing and holding requirements specified in existing administrative regulation for a permit to hold captive cervids adopted on January 5, 2004, shall not be amended in a manner that is in conflict with Sections 1 to 3 of this Act or that increases the stringency of those requirements, except when as ordered by the State Veterinarian for disease control and as provided by law or in administrative regulations for the Department of Fish and Wildlife Resources to control emergency conditions that detrimentally affect wildlife.*
- (2) *The department shall have thirty (30) days from the date it receives a completed application to either issue or deny captive permits for propagation and taking of captive cervids by any legal hunting or slaughter methods. If an application demonstrates that the applicant complies with the statutory and administrative requirements for a permit, and the applicant removes all wild cervids from the facility, the department shall issue the permit.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

- (1) *An applicant may place his or her primary containment fence on the property line. The department shall not require applicants to set primary containment fences any distance away from the property line.*
- (2) *Any person who operates a captive cervid facility in accordance with this chapter may petition the department at any time to expand his or her captive cervid facility, provided the expansion is adjacent and connected to his or her existing facility and continues to comply with all applicable statutes and regulations.*
- (3) *A lawful permit for an existing captive cervid facility may be transferred, along with any related benefits, rights, responsibilities, and liabilities, to any person who purchases or otherwise takes ownership of the land area on which the captive cervid facility exists. Within thirty (30) days of the date of any transfer of permits, the party transferring the permit shall notify the department of the following:*
  - (a) *Name and address of the party to which the permit is to be transferred;*
  - (b) *Permit number;*
  - (c) *Deed indicating change of land ownership; and*
  - (d) *Any additional information the department deems necessary.*
- (4) *If any person holding captive cervids is determined in violation of Kentucky statute or administrative regulation pertaining to the holding of those cervids, then that person shall have sixty (60) days from when the violation was identified to come into compliance. Failure to come into compliance may cause the captive cervids to be immediately seized by the department. The individual whose cervids were seized may request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the department's seizure and may appeal the final decision to Franklin Circuit Court in accordance with KRS Chapter 13B.*

*Pending the final outcome from all appeals, the seized cervids may be disposed of by the department without compensation to the owner.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

- (1) There shall be a ban on the importation of the members of the animal family Cervidae into the Commonwealth. A person shall be guilty of a Class D Felony upon conviction for violating this subsection. Upon conviction of a second violation of this subsection and in addition to all other penalties, a person shall be permanently ineligible for renewal of a captive cervid permit. On or before November 1 of each year, the Department of Fish and Wildlife Resources and the Department of Agriculture, Office of the State Veterinarian, respectively shall issue reports to the Interim Joint Committee on Agriculture and Natural Resources on the status of chronic wasting disease and the reports may include the status of other animal or wildlife diseases in Kentucky and the United States. The reports shall be used for the purpose of determining the continuing need for a statutory ban on the importation of cervids into the Commonwealth or a need for lifting the ban.*
- (2) The Department of Fish and Wildlife Resources shall have the authority to immediately, and without compensation to the owner, seize captive cervids that have been imported into the Commonwealth contrary to this section. The individual whose cervids were seized may request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the department's seizure and may appeal the final decision to Franklin Circuit Court in accordance with KRS Chapter 13B. Pending the final outcome of all appeals, the seized cervids may be disposed of by the department without compensation to the owner.*
- (3) The department shall have the authority to immediately, and without compensation to the owner, seize and destroy captive cervids that are in the process of being imported into the Commonwealth contrary to this section.*

**Approved April 5, 2006.**