

1 AN ACT relating to cervid meat processors.

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

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

5 *(1) As used in this section, "cervid meat processor" means any person or business*
6 *entity that:*

7 *(a) Only butchers or makes meat products from meat that is not amenable*
8 *under the Federal Meat Inspection Act, 21 U.S.C. secs. 601 et seq., and is*
9 *exempt from mandatory inspection by the United States Department of*
10 *Agriculture's Food Safety and Inspection Service;*

11 *(b) Has not been inspected and passed under voluntary Food Safety and*
12 *Inspection Service inspection; and*

13 *(c) Is paid to butcher or make meat products for human consumption from ten*
14 *(10) or more animals that are members of the animal family Cervidae per*
15 *calendar year.*

16 *(2) Cervid meat processors shall dispose of any unused material or waste produced*
17 *as a result of butchering or making meat products from cervid meat in the same*
18 *manners as required under Section 3 of this Act for the disposal of livestock,*
19 *poultry, and fish carcasses.*

20 ➔Section 2. KRS 150.990 is amended to read as follows:

21 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
22 device used or possessed contrary to the provisions of this chapter or any
23 administrative regulation promulgated by the commission thereunder shall
24 constitute a separate offense. The penalties prescribed in this section shall be for
25 each offense.

26 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
27 conservation officer or peace officer of this Commonwealth for violation of

1 this chapter or any administrative regulation promulgated thereunder shall
2 forfeit his or her license or, if that person is license-exempt, shall forfeit the
3 privilege to perform the acts authorized by the license. The individual shall
4 not be permitted to purchase another license or exercise the privileges granted
5 by a license until the citation or summons is resolved. The court shall notify
6 the department whenever a person has failed to appear pursuant to a citation
7 or summons for a violation of this chapter or any administrative regulation
8 promulgated thereunder.

9 (b) Any person who violates any of the provisions of this chapter or any
10 administrative regulations promulgated by the commission thereunder may, in
11 addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8)
12 of this section, forfeit his license or, if that person is license-exempt, may
13 forfeit the privilege to perform the acts authorized by the license and shall not
14 be permitted to purchase another license or exercise the privileges granted by
15 a license during the same license year. No fines, penalty, or judgment assessed
16 or rendered under this chapter shall be suspended, reduced, or remitted
17 otherwise than expressly provided by law. Any person who violates any
18 administrative regulation which has been or may be promulgated by the
19 commission under any provisions of this chapter shall be subject to the same
20 penalty as is provided for the violation of any provisions of this chapter under
21 which the administrative regulation is promulgated.

22 (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.280,
23 150.320, 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450,
24 150.470, 150.603, 150.235(1), 150.330(2), **subsection (2) of Section 1 of this Act,**
25 or 150.470, or any of the provisions of this chapter or any administrative regulation
26 promulgated by the commission for which no definite fine or imprisonment is fixed
27 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars

1 (\$500).

2 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
3 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS
4 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than fifty dollars (\$50)
5 nor more than five hundred dollars (\$500) or be imprisoned for not more than six
6 (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall
7 be assessed treble damages as provided in KRS 150.690 or 150.700. Damages
8 assessed under this subsection shall be ordered to be paid directly to the department.
9 The court shall not direct that the damages be paid through the circuit clerk.

10 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
11 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
12 hundred dollars (\$500).

13 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
14 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
15 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned
16 for not more than six (6) months, or both.

17 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
18 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
19 imprisoned for not more than six (6) months, or both, and in addition to these
20 penalties shall be liable to the department in an amount not to exceed the
21 replacement value of the fish and wildlife which has been killed or destroyed. Costs
22 assessed for the restoration of wildlife under this subsection shall be ordered to be
23 paid directly to the department. The court shall not direct that the costs be paid
24 through the circuit clerk.

25 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
26 administrative regulations issued thereunder shall for the first offense be fined not
27 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);

1 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
2 more than one thousand five hundred dollars (\$1,500); and for any subsequent
3 offense, be fined two thousand dollars (\$2,000).

4 (9) Any person who violates the provisions of KRS 150.520 or administrative
5 regulations issued thereunder shall, if the violation relates to methods of taking
6 mussels, for a first offense be imprisoned in the county jail for no more than thirty
7 (30) days; for a second offense be imprisoned in the county jail for no more than six
8 (6) months; and for any subsequent offense be imprisoned in the county jail for no
9 more than one (1) year. The penalties for violation of this subsection shall be in
10 addition to the penalties for violation of subsection (8).

11 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
12 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
13 than one thousand dollars (\$1,000).

14 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
15 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
16 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
17 (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit
18 his license or, if license-exempt, the privilege to perform the acts authorized by the
19 license for a period of one (1) to three (3) years and shall be liable to the department
20 in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in
21 violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to
22 the landowner or occupant for reasonable compensation for damages. Wildlife
23 replacement costs assessed under this subsection shall be ordered to be paid directly
24 to the department. The court shall not direct that the damages be paid through the
25 circuit clerk. Damages assessed under this subsection shall be ordered to be paid
26 directly to the landowner or occupant. The court shall not direct that the damages be
27 paid through the circuit clerk. Any person who possesses, takes, or molests a wild

1 elk in violation of KRS 150.390 or administrative regulations promulgated under
2 authority of that section shall be fined not less than one thousand dollars (\$1,000)
3 nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months,
4 or both. In addition to these penalties, the person shall pay to the department an
5 amount not to exceed the greater of the replacement cost of the wild elk or double
6 any monetary gain realized from the illegal activity and shall forfeit his or her
7 license or, if license-exempt, the privilege to perform the acts authorized by the
8 license for a period of one (1) to three (3) years.

9 (12) Any person who violates any of the provisions of KRS 150.090 other than a
10 criminal homicide or an assault against an officer enforcing the provisions of this
11 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
12 be guilty of a Class A misdemeanor.

13 (13) Any person who commits a criminal homicide or an assault against an officer
14 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
15 regulations issued thereunder shall be subject to the penalties specified for the
16 offense under KRS Chapter 507 or 508, as appropriate.

17 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
18 violation of KRS 150.710. A subsequent conviction shall be a Class A
19 misdemeanor.

20 (15) Any person who violates the provisions of KRS 150.092 or the administrative
21 regulations promulgated thereunder for which no other penalty is specified
22 elsewhere in this section shall for the first offense be fined not less than one
23 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
24 offense, be fined not less than three hundred dollars (\$300) nor more than one
25 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if
26 license-exempt, the privilege to perform the acts authorized by the license, for one
27 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be

1 imprisoned in the county jail for up to one (1) year, or both. In addition to the
2 penalties prescribed in this subsection, the violator shall be liable to the landowner
3 or tenant for the replacement cost of any property which was damaged or destroyed
4 by his actions. Damages assessed under this subsection shall be ordered to be paid
5 directly to the landowner or the tenant. The court shall not direct that the damages
6 be paid through the circuit clerk.

7 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be
8 fined not less than one hundred dollars (\$100) nor more than one thousand
9 dollars (\$1,000) or be imprisoned in the county jail for not more than six (6)
10 months, or both.

11 (b) Any person who knowingly violates KRS 150.361 shall for a second or
12 subsequent offense be fined not less than five hundred dollars (\$500) nor more
13 than one thousand five hundred dollars (\$1,500) or be imprisoned in the
14 county jail for not more than six (6) months, or both.

15 (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this
16 subsection, a person knowingly violating KRS 150.361 shall forfeit his or her
17 hunting license or, if license-exempt, the privilege to perform the acts
18 authorized by the license for a period of not less than one (1) nor more than
19 three (3) years.

20 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this
21 subsection any person knowingly violating KRS 150.361 shall be liable to the
22 department in an amount not to exceed the greater of the replacement value of
23 any wildlife killed or wounded in violation of KRS 150.361 or double the
24 amount of the monetary gain from knowingly violating KRS 150.361.

25 (e) Wildlife replacement costs or other costs specified in paragraph (d) of this
26 subsection shall be ordered paid directly to the department. The court shall not
27 direct that the replacement costs be paid through the circuit clerk.

1 (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A
2 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
3 to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10)
4 years.

5 ➔Section 3. KRS 257.160 is amended to read as follows:

6 (1) All **cervid meat butchering or meat product waste described in subsection (2) of**
7 **Section 1 of this Act and all** carcasses of domestic livestock, poultry, and fish
8 which have died or which have been destroyed on account of any disease, except as
9 determined and permitted by the state veterinarian or other representative of the
10 board, shall be disposed of by:

- 11 (a) Complete incineration of the entire carcass and all of its parts and products;
- 12 (b) Boiling the carcass and all of its parts and products in water or heating it with
13 steam at a temperature above boiling, continuously for two (2) hours or more;
- 14 (c) Burying the carcass and all of its parts and products in the earth at a point
15 which is never covered with the overflow of ponds or streams and which is
16 not less than one hundred (100) feet distant from any watercourse, sinkhole,
17 well, spring, public highway, residence, or stable. The carcass shall be placed
18 in an opening in the earth at least four (4) feet deep, the abdominal and
19 thoracic cavities opened wide their entire length with a sharp instrument, and
20 the entire carcass covered with two (2) inches of quicklime and at least three
21 (3) feet of earth.
- 22 (d) Removal of the carcass by a duly-licensed rendering establishment;
- 23 (e) Deposition of the carcass in a contained landfill approved pursuant to KRS
24 Chapter 224;
- 25 (f) Composting of the carcass in a facility according to the board's administrative
26 regulations and approved in accordance with KRS Chapter 224;
- 27 (g) Any combination of the methods set forth in paragraphs (a) to (f) of this

1 subsection; or

2 (h) Any other scientifically-proven method of disposal approved by the board.

3 (2) The owner shall dispose of the carcass of domestic livestock, poultry, and fish as
4 provided in subsection (1) of this section, within forty-eight (48) hours after the
5 carcass is found unless the carcass is otherwise preserved in cold storage.

6 (3) The board is authorized to promulgate administrative regulations to implement this
7 section.