

1 AN ACT relating to cervids.

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

3 ➔Section 1. KRS 150.730 is amended to read as follows:

4 (1) Within sixty (60) days of July 12, 2006, the Department of Fish and Wildlife
5 Resources shall promulgate administrative regulations amending existing
6 requirements for a permit to hold captive cervids in accordance with the provisions
7 of KRS 150.725 to 150.735. ~~[All other fencing and holding requirements specified
8 in existing administrative regulation for a permit to hold captive cervids adopted on
9 January 5, 2004, shall not be amended in a manner that is in conflict with KRS
10 150.725 to 150.735 or that increases the stringency of those requirements, except
11 when as ordered by the state veterinarian for disease control and as provided by law
12 or in administrative regulations for the Department of Fish and Wildlife Resources
13 to control emergency conditions that detrimentally affect wildlife.]~~

14 (2) The department shall have thirty (30) days from the date it receives a completed
15 application to either issue or deny captive permits for propagation and taking of
16 captive cervids by any legal hunting or slaughter methods. If an application
17 demonstrates that the applicant complies with the statutory and administrative
18 requirements for a permit and the applicant removes all wild cervids from the
19 facility, the department shall issue the permit.

20 ➔Section 2. KRS 150.740 is amended to read as follows:

21 (1) There shall be a ban on the importation of live members of the animal family
22 Cervidae into the Commonwealth that have not been subject to a program of
23 surveillance and identification for cervid chronic wasting disease (CWD) that meets
24 or exceeds:

25 (a) The requirements of the Kentucky Cervid CWD Surveillance and
26 Identification (CCWDSI) Program set forth in this section and in
27 administrative regulations promulgated by the Kentucky Department of

- 1 Agriculture; and
- 2 (b) Any other health requirements as regulated by the Kentucky Department of
- 3 Agriculture or the United States Department of Agriculture for cervids.
- 4 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
- 5 importation of the members of the animal family Cervidae into the Commonwealth
- 6 that have been subject to a program of surveillance and identification for cervid
- 7 CWD that meets or exceeds:
- 8 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
- 9 and in administrative regulations promulgated by the Kentucky Department of
- 10 Agriculture; and
- 11 (b) Any other health requirements as regulated by the Kentucky Department of
- 12 Agriculture or the United States Department of Agriculture for cervids.
- 13 (3) Members of the animal family Cervidae shall not be eligible for importation into
- 14 the Commonwealth unless the program of surveillance and identification for cervid
- 15 CWD to which they have been subject:
- 16 (a) Has been certified by the exporting state's state veterinarian or agency having
- 17 jurisdiction over that state's surveillance and identification program;
- 18 (b) Has been approved by the Kentucky state veterinarian as meeting or
- 19 exceeding the standards imposed under the Kentucky CCWDSI Program; and
- 20 (c) Meets, at minimum, the following requirements:
- 21 1. The program shall require cervid owners to obtain identification and
- 22 laboratory diagnosis from brain tissue as directed by the exporting
- 23 state's state veterinarian or agency with jurisdiction for cervids twelve
- 24 (12) months of age or greater that:
- 25 a. Display clinical signs of CWD;
- 26 b. Die, including deaths by slaughter or by hunting, including
- 27 hunting on hunting preserves; or

- 1 c. Are ill or injured regardless of whether the illness or injury results
2 in death; and
- 3 2. The program shall require cervid owners to obtain cervids from herds
4 that have been monitored for at least five (5) years and that have
5 complied with the standards contained in the Kentucky CCWDSI
6 Program.
- 7 (4) Cervids originating from a state that has reported a confirmed case of CWD in wild
8 or captive cervids shall not be imported into Kentucky until The United States
9 Department of Agriculture approves:
- 10 (a) Regulations that allow importation from those states; and
11 (b) A live test for CWD that is available for live testing of cervids.
- 12 (5) Importation of members of the animal family Cervidae into the Commonwealth
13 shall be consistent with this section and with administrative regulations
14 promulgated by the Kentucky Department of Agriculture in cooperation with the
15 Kentucky Department of Fish and Wildlife Resources.
- 16 (6) A person shall be guilty of a Class D felony upon conviction for violating this
17 section. Upon conviction of a second violation of this section and in addition to all
18 other penalties, a person shall be permanently ineligible for renewal of a captive
19 cervid permit. On or before November 1 of each year, the Department of Fish and
20 Wildlife Resources and the Department of Agriculture, Office of the State
21 Veterinarian, respectively shall issue reports to the Interim Joint Committee on
22 Agriculture and the Interim Joint Committee on Natural Resources and
23 Environment on the status of chronic wasting disease, and the reports may include
24 the status of other animal or wildlife diseases in Kentucky and the United States.
25 The reports shall be used for the purpose of determining the need for modifications
26 to the statutory ban on the importation of cervids into the Commonwealth.
- 27 (7) The Department of Fish and Wildlife Resources shall have the authority to

1 immediately, and without compensation to the owner, seize captive cervids that
2 have been imported into the Commonwealth contrary to this section. The individual
3 whose cervids were seized may request an administrative hearing pursuant to KRS
4 Chapter 13B within thirty (30) days of the department's seizure and may appeal the
5 final decision to Franklin Circuit Court in accordance with KRS Chapter 13B.
6 Pending the final outcome of all appeals, the seized cervids may be disposed of by
7 the department without compensation to the owner.

8 (8) The department shall have the authority to immediately, and without compensation
9 to the owner, seize and destroy captive cervids that are in the process of being
10 imported into the Commonwealth contrary to this section.

11 (9) A captive cervid originating from outside the Commonwealth of Kentucky which is
12 in transit, as defined in KRS 150.725 and which is being transported through the
13 Commonwealth to another state or nation of destination shall meet the entry
14 requirements of the state or nation of destination.

15 (10) A person intending to transport a captive cervid through Kentucky shall, prior to the
16 captive cervid entering Kentucky, obtain a transportation permit from the Office of
17 the State Veterinarian. This permit shall specify that:

18 (a) A captive cervid being transported through Kentucky shall not remain in
19 Kentucky for more than twenty-four (24) hours from the time of entry and, if
20 this requirement cannot be met once the animal is in Kentucky, the Office of
21 the State Veterinarian shall be contacted to secure a variance to the permit;

22 (b) A captive cervid being transported through Kentucky shall not leave the
23 transport vehicle while in Kentucky; and

24 (c) The person transporting the captive cervid through Kentucky shall follow the
25 routes specified in the transport permit, if this requirement cannot be met once
26 the animal is in Kentucky, the Office of the State Veterinarian shall be
27 contacted to secure a variance to the permit.

1 (11) (a) A county that encompasses any portion of a thirty (30) mile radius from a
2 CWD positive detection shall be designated a CWD surveillance zone.

3 (b) It shall be unlawful to export outside of any CWD surveillance zone any
4 portion of a cervid carcass that is not excluded in the provisions of
5 subsection (15) of this section where a cervid has tested positive for CWD
6 using immunohistochemistry (IHC) testing.

7 (c) Any county that encompasses less than ten percent (10%) of that radius
8 shall be exempt from the prohibition in paragraph (b) of this subsection.

9 (12) (a) A county that encompasses any portion of a thirty (30) mile radius from a
10 CWD positive detection shall be designated a CWD surveillance zone.

11 (b) Except as provided in subsection (15) of this section, it shall be unlawful to
12 export any wild cervid outside of any CWD surveillance zone where a wild
13 cervid has tested positive for CWD using immunohistochemistry (IHC)
14 testing.

15 (c) Any county that encompasses less than ten percent (10%) of that radius
16 shall be exempt from the prohibition in paragraph (b) of this subsection.

17 (13) (a) Except as provided in subsection (15) of this section, it shall be unlawful to
18 export any captive cervid outside of an area that encompasses any portion
19 of a ten (10) mile radius from a CWD positive captive cervid facility.

20 (b) The provisions of paragraph (a) of this subsection shall not apply to any
21 captive cervid facility:

22 1. With a buffer zone of at least ten (10) feet between the perimeter
23 fencing and any interior fencing, with a minimum of eight (8) feet, six
24 (6)-strand, high tensile, barbed wire, or electrified fencing that does
25 not exceed fifteen (15) inches in spacing;

26 2. That has not imported a cervid or cervid carcass from a CWD positive
27 captive cervid facility; and

- 1 3. That has no CWD positive detections within the captive cervid facility.
- 2 (14) Subsection (13) of this section shall not be construed to prohibit the breeding of
3 captive cervids if the breeding occurs inside the facility in which the captive
4 cervids are housed and every captive cervid is tagged in accordance with
5 administrative regulations promulgated by the Kentucky Department of Fish and
6 Wildlife Resources and the Kentucky Department of Agriculture.
- 7 (15) Subsections (11) to (14) of this section shall not apply to the following:
- 8 (a) Antlers, antlers attached to cleaned skull plates, or cleaned skulls where no
9 tissue is attached to the skull;
- 10 (b) Cleaned teeth;
- 11 (c) Finished taxidermy and antler products;
- 12 (d) Hides and tanned products;
- 13 (e) Boneless meat; and
- 14 (f) Tissue collected and handled by an agent of the state for the purposes of
15 CWD testing as required by the Kentucky Department of Fish and Wildlife
16 Resources and the Kentucky Department of Agriculture.
- 17 (16) The provisions of subsections (11) to (15) of this section shall remain in effect for
18 a period of five (5) years from the latest CWD positive detection in an area
19 identified as CWD positive and shall only expire when the area has remained
20 CWD free for the entirety of a five (5) year period.
- 21 (17) The provisions of subsections (11) to (16) of this section shall not apply to any
22 CWD positive detections prior to the effective date of this Act.

23 ➔Section 3. KRS 257.550 is amended to read as follows:

- 24 (1) There shall be a ban on the importation of live members of the animal family
25 Cervidae into the Commonwealth that have not been subject to a program of
26 surveillance and identification for cervid chronic wasting disease (CWD) that meets
27 or exceeds:

- 1 (a) The requirements of the Kentucky Cervid CWD Surveillance and
2 Identification (CCWDSI) Program set forth in this section and in
3 administrative regulations promulgated by the Kentucky Department of
4 Agriculture; and
- 5 (b) Any other health requirements as regulated by the Kentucky Department of
6 Agriculture or the United States Department of Agriculture for cervids.
- 7 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
8 importation of the members of the animal family Cervidae into the Commonwealth
9 that have been subject to a program of surveillance and identification for cervid
10 CWD that meets or exceeds:
- 11 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
12 and in administrative regulations promulgated by the Kentucky Department of
13 Agriculture; and
- 14 (b) Any other health requirements as regulated by the Kentucky Department of
15 Agriculture or the United States Department of Agriculture for cervids.
- 16 (3) Members of the animal family Cervidae shall not be eligible for importation into
17 the Commonwealth unless the program of surveillance and identification for cervid
18 CWD to which they have been subject:
- 19 (a) Has been certified by the exporting state's state veterinarian or agency having
20 jurisdiction over that state's surveillance and identification program;
- 21 (b) Has been approved by the Kentucky state veterinarian as meeting or
22 exceeding the standards imposed under the Kentucky CCWDSI Program; and
- 23 (c) Meets, at a minimum, the following requirements:
- 24 1. The program shall require cervid owners to obtain identification and
25 laboratory diagnosis from brain tissue as directed by the exporting
26 state's state veterinarian or agency with jurisdiction for cervids twelve
27 (12) months of age or greater that:

- 1 a. Display clinical signs of CWD;
- 2 b. Die, including deaths by slaughter or by hunting, including
- 3 hunting on hunting preserves; or
- 4 c. Are ill or injured, regardless of whether the illness or injury results
- 5 in death; and
- 6 2. The program shall require cervid owners to obtain cervids from herds
- 7 that have been monitored for at least five (5) years and that have
- 8 complied with the standards contained in the Kentucky CCWDSI
- 9 Program.
- 10 (4) Cervids originating from a state that has reported a confirmed case of CWD in wild
- 11 or captive cervids shall not be imported into Kentucky until the United States
- 12 Department of Agriculture approves:
- 13 (a) Regulations that allow importation from states with confirmed cases of CWD;
- 14 and
- 15 (b) A live test for CWD that is available for live testing of cervids.
- 16 (5) Importation of members of the animal family Cervidae into the Commonwealth
- 17 shall be consistent with this section and with administrative regulations
- 18 promulgated by the Kentucky Department of Agriculture in cooperation with the
- 19 Kentucky Department of Fish and Wildlife Resources.
- 20 **(6) (a) A county that encompasses any portion of a thirty (30) mile radius from a**
- 21 **CWD positive detection shall be designated a CWD surveillance zone.**
- 22 **(b) It shall be unlawful to export outside of any CWD surveillance zone any**
- 23 **portion of a cervid carcass that is not excluded in the provisions of**
- 24 **subsection (10) of this section where a cervid has tested positive for CWD**
- 25 **using immunohistochemistry (IHC) testing.**
- 26 **(c) Any county that encompasses less than ten percent (10%) of that radius**
- 27 **shall be exempt from the prohibition in paragraph (b) of this subsection.**

1 (7) (a) A county that encompasses any portion of a thirty (30) mile radius from a
2 CWD positive detection shall be designated a CWD surveillance zone.

3 (b) Except as provided in subsection (10) of this section, it shall be unlawful to
4 export any wild cervid outside of any CWD surveillance zone where a wild
5 cervid has tested positive for CWD using immunohistochemistry (IHC)
6 testing.

7 (c) Any county that encompasses less than ten percent (10%) of that radius
8 shall be exempt from the prohibition in paragraph (b) of this subsection.

9 (8) (a) Except as provided in subsection (10) of this section, it shall be unlawful to
10 export any captive cervid outside of an area that encompasses any portion
11 of a ten (10) mile radius from a CWD positive captive cervid facility.

12 (b) The provisions of paragraph (a) of this subsection shall not apply to any
13 captive cervid facility:

14 1. With a buffer zone of at least ten (10) feet between the perimeter
15 fencing and any interior fencing, with a minimum of eight (8) feet, six
16 (6)-strand, high tensile, barbed wire, or electrified fencing that does
17 not exceed fifteen (15) inches in spacing;

18 2. That has not imported a cervid or cervid carcass from a CWD positive
19 captive cervid facility; and

20 3. That has no CWD positive detections within the captive cervid facility.

21 (9) Subsection (8) of this section shall not be construed to prohibit the breeding of
22 captive cervids if the breeding occurs inside the facility in which the captive
23 cervids are housed and every captive cervid is tagged in accordance with
24 administrative regulations promulgated by the Kentucky Department of Fish and
25 Wildlife Resources and the Kentucky Department of Agriculture.

26 (10) Subsections (6) to (9) of this section shall not apply to the following:

27 (a) Antlers, antlers attached to cleaned skull plates, or cleaned skulls where no

- 1 tissue is attached to the skull;
2 (b) Cleaned teeth;
3 (c) Finished taxidermy and antler products;
4 (d) Hides and tanned products;
5 (e) Boneless meat; and
6 (f) Tissue collected and handled by an agent of the state for the purposes of
7 CWD testing as required by the Kentucky Department of Fish and Wildlife
8 Resources and the Kentucky Department of Agriculture.
9 (11) The provisions of subsections (6) to (10) of this section shall remain in effect for
10 a period of five (5) years from the latest CWD positive detection in an area
11 identified as CWD positive and shall only expire when the area has remained
12 CWD free for the entirety of a five (5) year period.
13 (12) The provisions of subsections (6) to (11) of this section shall not apply to any
14 CWD positive detections prior to the effective date of this Act.

15 ➔Section 4. Whereas chronic wasting disease is a fatal disease that can be
16 transmitted among deer, elk, and other members of the cervid family and Kentucky has
17 had two chronic wasting disease positive detections, resulting in increased efforts to
18 prevent the spread of a disease that could otherwise contaminate the Commonwealth's
19 deer population, an emergency is declared to exist, and this Act takes effect upon its
20 passage and approval by the Governor or upon its otherwise becoming a law.