

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2025 REGULAR SESSION
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Amend printed copy of **HB 700/HCS 1**

On page 1, line 7, after "150.735.", insert "**Notwithstanding subsection (12)(c) of Section 3 of this Act,**" and remove brackets and strikethrough from "[~~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 KRS 150.725 to 150.735 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.~~]"; and

On page 1, between lines 19 and 20, insert:

"➔Section 2. KRS 150.735 is amended 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

Amendment No. HFA

Rep. Rep. Josh Bray

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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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 **fourteen (14)**~~[sixty (60)]~~ days from when the violation was identified to come into compliance. The permit holder has the following rights and potential penalties during the **fourteen (14)**~~[sixty (60)]~~ day period:
- (a) ~~[During the sixty (60) day period, the permit holder may continue to harvest, sell, or slaughter cervids unless the permit has been suspended in accordance with administrative regulations promulgated by the department;~~
 - (b) ~~]Failure to come into compliance within **fourteen (14)**~~[sixty (60)]~~ days **from the failed inspection shall**~~[of the notice of violation may]~~ result in a citation and cause the captive cervids to be immediately seized by the department or the permit to be suspended; and~~
 - (b)**~~(e)]~~ The individual whose cervids were seized or whose permit was suspended under paragraph (a)~~[or (b)]~~ of this subsection may request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the issuance of a citation or suspension of the permit and may appeal the final decision to Franklin Circuit Court in accordance with KRS Chapter 13B. Pending the final outcome from all appeals,

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the seized cervids may be disposed of by the department without compensation to the owner."; and

Renumber subsequent sections accordingly; and

Starting on page 5, line 1, and continuing to page 6, line 22, delete subsections (11) through (17) in their entirety, and insert the following in lieu thereof:

"(11) (a) A county that encompasses any portion of a thirty (30) mile radius from a CWD positive detection of a cervid carcass or a wild cervid using immunohistochemistry (IHC) testing shall be designated a CWD surveillance zone.

(b) It shall be unlawful to export outside of any CWD surveillance zone any portion of a cervid carcass or a wild cervid that is not exempted under subsection (14) of this section.

(c) Any county that encompasses less than ten percent (10%) of the thirty (30) mile radius shall be exempt from the prohibition in paragraph (b) of this subsection.

(d) The Kentucky Department of Fish and Wildlife Resources shall provide the geo-coordinates of the CWD positive detection to the Kentucky Department of Agriculture within forty-eight (48) hours of the CWD positive detection.

(12) (a) Except as provided in subsection (14) of this section, it shall be unlawful to export any captive cervid outside of a captive cervid facility that is within a ten (10) mile radius of a:

1. Captive cervid facility with a CWD positive detection, using immunohistochemistry (IHC) testing; or

2. Wild cervid with a CWD positive detection, using immunohistochemistry (IHC) testing.

(b) The Kentucky Department of Agriculture shall provide the geo-coordinates of the CWD positive detection to the Kentucky Department of Fish and Wildlife

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Resources within forty-eight (48) hours of the CWD positive detection.

(c) Paragraph (a)2. of this subsection shall not apply to any captive cervid facility:

1. With an electrified fence that:

a. Is a minimum of four (4) feet in height;

b. Does not exceed fifteen (15) inches in spacing; and

c. Is a minimum of three (3) feet from the perimeter fence; and

i. Was installed prior to the effective date of this Act; or

ii. Was installed after the effective date of this Act, but prior to a CWD positive detection within a ten (10) mile radius of the captive cervid facility; or

2. With a fence:

a. Utilizing a six (6) foot tall, solid panel affixed to an existing eight (8) foot tall fence; and

b. That was installed after the effective date of this Act, but prior to a CWD positive detection within a ten (10) mile radius of the captive cervid facility; and

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

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

(13) Subsection (12) of this section shall not be construed to prohibit the breeding of captive cervids if the breeding occurs inside the facility in which the captive cervids are housed and every captive cervid is tagged in accordance with administrative regulations promulgated by the Kentucky Department of Fish and Wildlife Resources and the Kentucky Department of Agriculture.

(14) The export prohibitions in subsections (11) and (12) of this section shall not apply to the

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following:

- (a) Antlers, antlers attached to cleaned skull plates, or cleaned skulls where no tissue is attached to the skull;
- (b) Cleaned teeth;
- (c) Finished taxidermy and antler products;
- (d) Hides and tanned products;
- (e) Boneless meat;
- (f) Tissue collected and handled by an agent of the state for the purposes of CWD testing as required by the Kentucky Department of Fish and Wildlife Resources and the Kentucky Department of Agriculture; and
- (g) A captive cervid carcass in transit to or from a certified diagnostic facility for the purpose of a necropsy examination that has been approved by the Office of the State Veterinarian.

(15) The prohibitions and the exceptions thereto in subsections (11) to (14) of this section shall remain in effect for a period of five (5) years from the latest CWD positive detection in an area identified as CWD positive and shall only expire when the area has remained CWD free for the entirety of a five (5) year period.

(16) Subsections (11) to (15) of this section shall not apply to any CWD positive detections prior to the effective date of this Act."; and

Starting on page 8, line 20, and continuing to page 10, line 14, delete subsections (6) through (12) in their entirety, and insert the following in lieu thereof:

"(6) (a) A county that encompasses any portion of a thirty (30) mile radius from a CWD positive detection of a cervid carcass or a wild cervid using immunohistochemistry (IHC) testing shall be designated a CWD surveillance zone.

(b) It shall be unlawful to export outside of any CWD surveillance zone any portion of

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- a cervid carcass or a wild cervid that is not exempted under subsection (9) of this section.*
- (c) Any county that encompasses less than ten percent (10%) of the thirty (30) mile radius shall be exempt from the prohibition in paragraph (b) of this subsection.*
- (d) The Kentucky Department of Fish and Wildlife Resources shall provide the geo-coordinates of the CWD positive detection to the Kentucky Department of Agriculture within forty-eight (48) hours of the CWD positive detection.*
- (7) (a) Except as provided in subsection (9) of this section, it shall be unlawful to export any captive cervid outside of a captive cervid facility that is within a ten (10) mile radius of a:*
- 1. Captive cervid facility with a CWD positive detection, using immunohistochemistry (IHC) testing; or*
 - 2. Wild cervid with a CWD positive detection, using immunohistochemistry (IHC) testing.*
- (b) The Kentucky Department of Agriculture shall provide the geo-coordinates of the CWD positive detection to the Kentucky Department of Fish and Wildlife Resources within forty-eight (48) hours of the CWD positive detection.*
- (c) Paragraph (a)2. of this subsection shall not apply to any captive cervid facility:*
- 1. With an electrified fence that:*
 - a. Is a minimum of four (4) feet in height;*
 - b. Does not exceed fifteen (15) inches in spacing; and*
 - c. Is a minimum of three (3) feet from the perimeter fence; and*
 - i. Was installed prior to the effective date of this Act; or*
 - ii. Was installed after the effective date of this Act, but prior to a CWD positive detection within a ten (10) mile radius of the captive*

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cervid facility; or

2. *With a fence:*

a. *Utilizing a six (6) foot tall, solid panel affixed to an existing eight (8) foot tall fence; and*

b. *That was installed after the effective date of this Act, but prior to a CWD positive detection within a ten (10) mile radius of the captive cervid facility; and*

3. *That has not imported a cervid or cervid carcass from a CWD positive captive cervid facility; and*

4. *That has no CWD positive detections within the captive cervid facility.*

(8) *Subsection (7) of this section shall not be construed to prohibit the breeding of captive cervids if the breeding occurs inside the facility in which the captive cervids are housed and every captive cervid is tagged in accordance with administrative regulations promulgated by the Kentucky Department of Fish and Wildlife Resources and the Kentucky Department of Agriculture.*

(9) *The export prohibitions in subsections (6) and (7) of this section shall not apply to the following:*

(a) *Antlers, antlers attached to cleaned skull plates, or cleaned skulls where no tissue is attached to the skull;*

(b) *Cleaned teeth;*

(c) *Finished taxidermy and antler products;*

(d) *Hides and tanned products;*

(e) *Boneless meat;*

(f) *Tissue collected and handled by an agent of the state for the purposes of CWD testing as required by the Kentucky Department of Fish and Wildlife Resources*

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and the Kentucky Department of Agriculture; and

(g) A captive cervid carcass in transit to or from a certified diagnostic facility for the purpose of a necropsy examination that has been approved by the Office of the State Veterinarian.

(10) The prohibitions and the exceptions thereto in subsections (6) to (10) of this section shall remain in effect for a period of five (5) years from the latest CWD positive detection in an area identified as CWD positive and shall only expire when the area has remained CWD free for the entirety of a five (5) year period.

(11) Subsections (6) to (10) of this section shall not apply to any CWD positive detections prior to the effective date of this Act."; and

On page 10, between lines 14 and 15, insert:

"➔Section 5. KRS 257.552 is amended to read as follows:

If any person holding captive cervids regulated under KRS 150.725 to 150.735 is determined in violation of a Kentucky statute or administrative regulation pertaining to the health requirements, eradication of diseases, importation, and identification of those cervids, then that person shall have fourteen (14)~~[sixty (60)]~~ days from when the violation was identified to come into compliance. During the fourteen (14)~~[sixty (60)]~~ day period, the cervids shall be subject to quarantine by the Kentucky Department of Agriculture. The permit holder may request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the notice of violation and may appeal the final decision to Franklin Circuit Court in accordance with KRS Chapter 13B. If a final determination upholds the Kentucky Department of Agriculture, the permit holder's cervids may be disposed of by the department without compensation to the owner."; and

Re-number subsequent sections accordingly.