

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2025 REGULAR SESSION
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Amend printed copy of **SB 245/GA**

On page 3, delete lines 18 to 22 in their entirety and insert the following in lieu thereof:

"➔Section 2. KRS 150.730 is amended to read as follows:

- (1) Within sixty (60) days of July 12, 2006, 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 KRS 150.725 to 150.735. **Except as provided in subsection (12)(c) of Section 4 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 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.
- (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. KRS 150.735 is amended to read as follows:

Amendment No. HFA

Rep. Rep. Josh Bray

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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- (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 **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**

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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)~~~~(c)~~ 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, the seized cervids may be disposed of by the department without compensation to the owner.

➔Section 4. KRS 150.740 is amended to read as follows:

- (1) There shall be a ban on the importation of live members of the animal family Cervidae into the Commonwealth that have not been subject to a program of surveillance and identification for cervid chronic wasting disease (CWD) that meets or exceeds:
 - (a) The requirements of the Kentucky Cervid CWD Surveillance and Identification (CCWDSI) Program set forth in this section and in administrative regulations promulgated by the Kentucky Department of Agriculture; and
 - (b) Any other health requirements as regulated by the Kentucky Department of Agriculture or the United States Department of Agriculture for cervids.
- (2) The Kentucky Department of Agriculture shall be responsible for authorizing importation of the members of the animal family Cervidae into the Commonwealth that have been subject to a program of surveillance and identification for cervid CWD that meets or exceeds:
 - (a) The requirements of the Kentucky CCWDSI Program set forth in this section and in administrative regulations promulgated by the Kentucky Department of Agriculture;

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and

- (b) Any other health requirements as regulated by the Kentucky Department of Agriculture or the United States Department of Agriculture for cervids.
- (3) Members of the animal family Cervidae shall not be eligible for importation into the Commonwealth unless the program of surveillance and identification for cervid CWD to which they have been subject:
 - (a) Has been certified by the exporting state's state veterinarian or agency having jurisdiction over that state's surveillance and identification program;
 - (b) Has been approved by the Kentucky state veterinarian as meeting or exceeding the standards imposed under the Kentucky CCWDSI Program; and
 - (c) Meets, at minimum, the following requirements:
 - 1. The program shall require cervid owners to obtain identification and laboratory diagnosis from brain tissue as directed by the exporting state's state veterinarian or agency with jurisdiction for cervids twelve (12) months of age or greater that:
 - a. Display clinical signs of CWD;
 - b. Die, including deaths by slaughter or by hunting, including hunting on hunting preserves; or
 - c. Are ill or injured regardless of whether the illness or injury results in death; and
 - 2. The program shall require cervid owners to obtain cervids from herds that have been monitored for at least five (5) years and that have complied with the standards contained in the Kentucky CCWDSI Program.
- (4) Cervids originating from a state that has reported a confirmed case of CWD in wild or captive cervids shall not be imported into Kentucky until The United States Department of

- Agriculture approves:
- (a) Regulations that allow importation from those states; and
 - (b) A live test for CWD that is available for live testing of cervids.
- (5) Importation of members of the animal family Cervidae into the Commonwealth shall be consistent with this section and with administrative regulations promulgated by the Kentucky Department of Agriculture in cooperation with the Kentucky Department of Fish and Wildlife Resources.
- (6) A person shall be guilty of a Class D felony upon conviction for violating this section. Upon conviction of a second violation of this section 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 the Interim Joint Committee on Natural Resources and Environment 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 need for modifications to the statutory ban on the importation of cervids into the Commonwealth.
- (7) 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.
- (8) The department shall have the authority to immediately, and without compensation to the

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owner, seize and destroy captive cervids that are in the process of being imported into the Commonwealth contrary to this section.

- (9) A captive cervid originating from outside the Commonwealth of Kentucky which is in transit, as defined in KRS 150.725 and which is being transported through the Commonwealth to another state or nation of destination shall meet the entry requirements of the state or nation of destination.
- (10) A person intending to transport a captive cervid through Kentucky shall, prior to the captive cervid entering Kentucky, obtain a transportation permit from the Office of the State Veterinarian. This permit shall specify that:
- (a) A captive cervid being transported through Kentucky shall not remain in Kentucky for more than twenty-four (24) hours from the time of entry and, if this requirement cannot be met once the animal is in Kentucky, the Office of the State Veterinarian shall be contacted to secure a variance to the permit;
 - (b) A captive cervid being transported through Kentucky shall not leave the transport vehicle while in Kentucky; and
 - (c) The person transporting the captive cervid through Kentucky shall follow the routes specified in the transport permit, if this requirement cannot be met once the animal is in Kentucky, the Office of the State Veterinarian shall be contacted to secure a variance to the permit.

- (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.**

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- (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 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:
 - a. An electrified fence that:
 - i. Is a minimum of four (4) feet in height;
 - ii. Does not exceed fifteen (15) inches in spacing;
 - iii. Is a minimum of three (3) feet from the perimeter fence; and
 - iv. Was installed prior to the effective date of this Act, or 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;
 - b. An electrified fence that:

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- i. Is a minimum of five (5) strands;*
 - ii. Does not exceed ten (10) inches in spacing; and*
 - iii. Was installed prior to the effective date of this Act; or*
- c. A fence:*
 - i. Utilizing a six (6) foot tall, solid panel affixed to an existing eight (8) foot tall fence; and*
 - ii. 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;*
- 2. That has not imported a cervid or cervid carcass from a CWD positive captive cervid facility; and*
- 3. 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 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;*

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- (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.**

➔Section 5. KRS 257.550 is amended to read as follows:

- (1) There shall be a ban on the importation of live members of the animal family Cervidae into the Commonwealth that have not been subject to a program of surveillance and identification for cervid chronic wasting disease (CWD) that meets or exceeds:
- (a) The requirements of the Kentucky Cervid CWD Surveillance and Identification (CCWDSI) Program set forth in this section and in administrative regulations promulgated by the Kentucky Department of Agriculture; and
- (b) Any other health requirements as regulated by the Kentucky Department of Agriculture or the United States Department of Agriculture for cervids.
- (2) The Kentucky Department of Agriculture shall be responsible for authorizing importation of the members of the animal family Cervidae into the Commonwealth that have been subject to a program of surveillance and identification for cervid CWD that meets or exceeds:

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- (a) The requirements of the Kentucky CCWDSI Program set forth in this section and in administrative regulations promulgated by the Kentucky Department of Agriculture; and
 - (b) Any other health requirements as regulated by the Kentucky Department of Agriculture or the United States Department of Agriculture for cervids.
- (3) Members of the animal family Cervidae shall not be eligible for importation into the Commonwealth unless the program of surveillance and identification for cervid CWD to which they have been subject:
- (a) Has been certified by the exporting state's state veterinarian or agency having jurisdiction over that state's surveillance and identification program;
 - (b) Has been approved by the Kentucky state veterinarian as meeting or exceeding the standards imposed under the Kentucky CCWDSI Program; and
 - (c) Meets, at a minimum, the following requirements:
 - 1. The program shall require cervid owners to obtain identification and laboratory diagnosis from brain tissue as directed by the exporting state's state veterinarian or agency with jurisdiction for cervids twelve (12) months of age or greater that:
 - a. Display clinical signs of CWD;
 - b. Die, including deaths by slaughter or by hunting, including hunting on hunting preserves; or
 - c. Are ill or injured, regardless of whether the illness or injury results in death; and
 - 2. The program shall require cervid owners to obtain cervids from herds that have been monitored for at least five (5) years and that have complied with the standards contained in the Kentucky CCWDSI Program.

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- (4) Cervids originating from a state that has reported a confirmed case of CWD in wild or captive cervids shall not be imported into Kentucky until the United States Department of Agriculture approves:
- (a) Regulations that allow importation from states with confirmed cases of CWD; and
 - (b) A live test for CWD that is available for live testing of cervids.
- (5) Importation of members of the animal family Cervidae into the Commonwealth shall be consistent with this section and with administrative regulations promulgated by the Kentucky Department of Agriculture in cooperation with the Kentucky Department of Fish and Wildlife Resources.
- (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 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**

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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:
 - a. An electrified fence that:
 - i. Is a minimum of four (4) feet in height;
 - ii. Does not exceed fifteen (15) inches in spacing;
 - iii. Is a minimum of three (3) feet from the perimeter fence; and
 - iv. Was installed prior to the effective date of this Act, or 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;
 - b. An electrified fence that:
 - i. Is a minimum of five (5) strands;
 - ii. Does not exceed ten (10) inches in spacing; and
 - iii. Was installed prior to the effective date of this Act; or
 - c. A fence:
 - i. Utilizing a six (6) foot tall, solid panel affixed to an existing eight (8) foot tall fence; and
 - ii. 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;
 2. That has not imported a cervid or cervid carcass from a CWD positive captive

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cervid facility; and

3. 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 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.

➔Section 6. 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.

➔Section 7. Whereas chronic wasting disease is a fatal disease that can be transmitted among deer, elk, and other members of the cervid family and Kentucky has had two chronic wasting disease positive detections, resulting in increased efforts to prevent the spread of a disease that could otherwise contaminate the Commonwealth's deer population, and whereas it is critical to the administration of the Department of Fish and Wildlife Resources to have stability in governance by the commission, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law."