

**Minnesota Statutes
Farmed Cervidae**

35.153 Definitions. [Farmed Cervidae]

Subdivision 1. **Applicability.** The definitions in this section apply to section 17.452, this section, and section 35.155.

Subd. 2. **Cervidae.** "Cervidae" means animals that are members of the family Cervidae and includes, but is not limited to, white-tailed deer, mule deer, red deer, elk, moose, caribou, reindeer, and muntjac.

Subd. 3. **Farmed cervidae.** "Farmed cervidae" means cervidae that are: (1) raised for any purpose; and (2) registered in a manner approved by the Board of Animal Health.

Subd. 4. **Owner.** "Owner" means a person who owns or is responsible for the raising of farmed cervidae.

Subd. 5. **Herd.** "Herd" means all cervidae: (1) maintained on common ground for any purpose; or (2) under common ownership or supervision, geographically separated, but that have an interchange or movement of animals without regard to whether the animals are infected with or exposed to diseases.

35.155 Farmed cervidae.

Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed cervidae to run at large. The owner must make all reasonable efforts to return escaped farmed cervidae to their enclosures as soon as possible. The owner must notify the commissioner of natural resources of the escape of farmed cervidae if the farmed cervidae are not returned or captured by the owner within 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed cervidae that have left their enclosures if the person capturing the farmed cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed cervidae, the commissioner of natural resources may destroy the escaped farmed cervidae. The commissioner of natural resources must allow the owner to attempt to capture the escaped farmed cervidae prior to destroying the farmed cervidae.

Farmed cervidae that are not captured by 24 hours after escape may be destroyed.

Subd. 2. **Wild cervidae inside confinement area.** An owner or an employee or agent under the direction of the owner must destroy wild cervidae found within the owner's farmed cervidae confinement area. The owner, employee, or agent must report the wild cervidae destroyed to a conservation officer or an employee of the Department of Natural Resources, Division of Wildlife, within 24 hours. The wild cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subd. 3. **Farming in native elk area.** A person may not raise farmed red deer in the native elk area without written approval of the commissioner of natural resources. The native elk area is the area north of U.S. Highway 2 and west of U.S. Highway 71 and Trunk Highway 72. The commissioner of natural resources shall review the proposed farming operation and approve with any condition or deny approval based on risks to the native elk population.

Subd. 4. **Fencing.** Farmed cervidae must be confined in a manner designed to prevent escape. All perimeter fences for farmed cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed cervidae or entry into the premises by free-roaming cervidae.

Subd. 5. **Disease control programs.** Farmed cervidae are subject to this chapter and the rules of the Board of Animal Health in the same manner as other livestock and domestic animals, including provisions related to importation and transportation.

Subd. 6. **Identification.** (a) Farmed cervidae must be identified by means approved by the Board of Animal Health. The identification must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. Newborn animals must be identified before December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first.

(b) The Board of Animal Health shall register farmed cervidae. The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the cervidae. The board shall provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed cervidae.

Subd. 7. **Inspection.** The commissioner of agriculture and the Board of Animal Health may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. For each herd, the owner or owners must, on or before January 1, pay an annual inspection fee equal to \$10 for each cervid in the

herd as reflected in the most recent inventory submitted to the Board of Animal Health, up to a maximum fee of \$100. The commissioner of natural resources may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records with reasonable suspicion that laws protecting native wild animals have been violated and must notify the owner in writing at the time of the inspection of the reason for the inspection and must inform the owner in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.

Subd. 8. **Cervidae inspection account.** A cervidae inspection account is established in the state treasury. The fees collected under this section and interest attributable to money in the account must be deposited in the state treasury and credited to the cervidae inspection account in the special revenue fund. Money in the account, including interest earned, is appropriated to the Board of Animal Health for the administration and enforcement of this section.

Subd. 9. **Contested case hearing.** A person raising farmed cervidae that is aggrieved with any decision regarding the farmed cervidae may request a contested case hearing under chapter 14.

Subd. 10. **Mandatory registration.** A person may not possess live cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

Subd. 11. **Mandatory surveillance for chronic wasting disease.** (a) An inventory for each farmed cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months.

(b) Movement of farmed cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of the movement on forms approved by the Board of Animal Health.

(c) All animals from farmed cervidae herds that are over 16 months of age that die or are slaughtered must be tested for chronic wasting disease.

Subd. 12. **Importation.** A person must not import cervidae into the state from a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting disease endemic area, as determined by the board. A person may import cervidae into the state only from a herd that is not in a known chronic wasting disease endemic area, as determined by the board, and the herd has been subject to a state or provincial approved chronic wasting disease monitoring program for at least three years. Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

Subd. 13. **Rules.** The Board of Animal Health shall adopt rules as necessary to implement this section and to otherwise provide for the control of cervidae diseases.

Minnesota Rules Deer and Elk

1721.0370 Definitions.

Subpart 1. **Scope.** For the purposes of parts 1721.0370 to 1721.0420, the terms in this part have the meanings given them.

Subp. 2. **Animal.** "Animal" means an animal that is member of the family Cervidae.

Subp. 3. **Brucellosis certified free herd.** "Brucellosis certified free herd" means a farmed cervidae herd that has tested negative to at least two official brucellosis tests and is recognized by the board as brucellosis free.

Subp. 4. **CWD.** "CWD" means chronic wasting disease.

Subp. 5. **CWD certified herd.** "CWD certified herd" means a farmed cervidae herd that is enrolled in a CWD herd certification program approved by the board and has reached level 6 herd status as specified in part 1721.0420, subpart 1, item F.

Subp. 6. **CWD contaminated premises.** "CWD contaminated premises" means a premises on which a CWD positive animal has been identified. A CWD contaminated premises is further categorized depending on the degree of contamination as follows:

A. A premises shall be categorized as having minimal environmental contamination if there is no evidence that there has been transmission of CWD on the premises and there is no evidence of long-standing infection of the herd. The number of positive animals identified on a premises of this type must be three or fewer. This category shall be used in cases where history and records indicate that the positive animal

likely contracted the disease on another premises. Positive animals on a premises in this category must be preclinical at the time of CWD diagnosis or very early in the clinical course of the disease.

B. A premises shall be categorized as having moderate to severe environmental contamination if there is evidence that transmission of CWD has occurred or where a positive animal dies of CWD or is euthanized late in the clinical course of the disease.

Subp. 7. **CWD endemic area.** "CWD endemic area" means a geographic area as determined by the board where CWD is present in wild cervidae populations.

Subp. 8. **CWD herd certification program.** "CWD herd certification program" means a herd CWD surveillance and control program administered by a state, federal, or provincial government agency. For a CWD herd certification program to be approved by the board, it must meet the requirements in part 1721.0420.

Subp. 9. **Farmed cervidae.** "Farmed cervidae" means cervidae that are raised for any purpose and are registered in a manner approved by the board. Farmed cervidae are livestock and are not wild animals for purposes of game farm, hunting, or wildlife laws.

Subp. 10. **Official CWD test.** "Official CWD test" means any test for the diagnosis of CWD approved by the board. A list of CWD tests approved by the board is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942.

Subp. 11. **Tuberculosis accredited free herd.** "Tuberculosis accredited free herd" means a herd of farmed cervidae that has tested negative to at least two official tuberculosis tests and is recognized by the board as tuberculosis free.

Subp. 12. **Wild cervidae.** "Wild cervidae" means cervidae that live in the wild.

1721.0380 General requirements.

Subpart 1. **Possession of live cervidae in Minnesota.** A person may not possess live cervidae in the state unless the person is registered with the board and meets all the requirements for farmed cervidae in parts 1721.0370 to 1721.0420 and Minnesota Statutes, sections 17.452; 35.153; 35.155; 97A.401, subdivision 3; and 97A.505, subdivision 8.

Subp. 2. **Registration.** To be registered with the board, the owner of farmed cervidae must have the owner's herd inspected by a representative of the board and demonstrate that the owner has fulfilled all the requirements for farmed cervidae in parts 1721.0370 to 1721.0420. The owner must also sign and submit to the board a registration agreement in which the owner agrees to maintain the owner's herd in compliance with this part. The failure of the owner to comply with this part or to pay a civil penalty assessed by the board pursuant to Minnesota Statutes, section 35.95, for failure to comply with the requirements of this part shall constitute grounds for the board to cancel the registered status of a farmed cervidae herd. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

Subp. 3. **Inspections.** A representative of the board shall be permitted to inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. Each herd and all premises where the herd is located must be inspected by a representative of the board at least once every 12 months to document compliance with this part. For new farmed cervidae facilities where no farmed cervidae have ever been kept, a representative of the board shall be permitted to conduct a prestocking inspection to document compliance with this part and verify an initial null inventory for the herd.

Subp. 4. **Herd inventory.** For each farmed cervidae herd, a complete animal inventory must be conducted every 12 months. The accuracy of the inventory must be verified by the owner and an accredited veterinarian by signing and submitting the inventory to the board. The inventory must be filed on forms approved by the board and include the age, sex, type of animal, and all identification numbers for each animal in the herd. Upon request, the owner of a farmed cervidae herd must allow a representative from the board access to the premises and herd to conduct a physical animal by animal inventory to reconcile animal identification numbers with the records maintained by the owner and the board. The owner must present the entire herd for inspection under conditions where the board representative can safely read all identification on the animals. The owner is responsible for assembling, handling, and restraining the animals and for all costs incurred to present the animals for inspection.

Subp. 5. **Fencing.** Farmed cervidae must be confined in a manner designed to prevent escape. Perimeter fences for farmed cervidae must be at least 96 inches in height and be constructed and

maintained in a way that prevents the escape of farmed cervidae or entry into the premises by wild cervidae.

Subp. 6. **Running at large prohibited.** An owner may not allow farmed cervidae to run at large. The owner must make reasonable efforts to return escaped farmed cervidae to their enclosures as soon as possible. The owner must notify the commissioner of natural resources and the board of the escape of farmed cervidae if the farmed cervidae are not returned to their enclosures or euthanized by the owner within 24 hours of their escape.

Subp. 7. **Removal of wild cervidae.**

A. When a tract of land is initially enclosed with a perimeter fence for the purpose of establishing a new farmed cervidae facility, wild cervidae must be removed from the premises by herding them off of the land at the owner's expense prior to bringing any farmed cervidae to the premises.

B. An owner of an existing facility or an employee or agent under the direction of the owner must destroy wild cervidae found within the owner's farmed cervidae facility. The owner, employee, or agent must report wild cervidae that are destroyed to the board and a conservation officer or an employee of the Department of Natural Resources Division of Wildlife within 24 hours. Testing of wild cervidae destroyed within the farmed cervidae facility shall be conducted by or under the supervision of the board. The wild cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subp. 8. **Sales of farmed cervidae and meat products.** A person selling or buying farmed cervidae sold as livestock, sold for human consumption, or sold for slaughter must comply with parts 1721.0370 to 1721.0420 and Minnesota Statutes, chapters 17A, 31, 31A, 31B, and 35.

Subp. 9. **Slaughter of farmed cervidae.** Farmed cervidae must be slaughtered and inspected according to Minnesota Statutes, chapters 31 and 31A.

Subp. 10. **Record keeping.** A herd owner must maintain herd records that include a complete inventory of animals including the type, age, and sex of each animal, the date of acquisition, the source of each animal that was not born into the herd, the date of disposal and destination of any animal removed from the herd, and all individual identification numbers associated with each animal. If animals enter or leave the herd, the names, addresses, and telephone numbers of previous or subsequent owners of the animals must be recorded. Records must be maintained for at least ten years.

1721.0390 Animal identification.

Farmed cervidae in the state must be identified with an official ear tag that must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. A newborn animal must be officially identified before December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first.

1721.0400 Importation of farmed cervidae.

Subpart 1. **Import permit.** A permit must be obtained from the board prior to the importation of live cervidae into Minnesota.

Subp. 2. **Certificate of veterinary inspection.** Live cervidae imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian.

Subp. 3. **Chronic Wasting Disease (CWD).**

A. Live cervidae must originate from a herd that has been subject to a state, federal, or provincial approved CWD herd certification program and that has reached a status equivalent to level 6 as specified in part 1721.0420.

B. CWD endemic areas:

(1) Live cervidae may not be imported into the state from a CWD endemic area, as determined by the board.

(2) Cervidae carcasses may not be imported into the state from a CWD endemic area, as determined by the board, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

C. Live cervidae or cervidae carcasses may not be imported into Minnesota from a herd that is infected with or exposed to CWD.

1721.0410 Intrastate movement of farmed cervidae.

Subpart 1. **Movement reports.** Movement of farmed cervidae for any reason from any herd to another location must be reported to the board within 14 days of the movement on forms approved by the board.

Subp. 2. **Movement requirements.** Farmed cervidae moving from any herd to another location in the state must:

A. be identified with an official ear tag;

B. be accompanied by a farmed cervidae movement report; and

C. originate from a herd that is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F, or move directly to a slaughtering establishment having state or federal inspection.

Subp. 3. **Restraint of animals in transit.** Farmed cervidae that are moved from one location to another for any reason including sale, exhibition, or entertainment, must be restrained at all times in a manner to prevent escape.

Subp. 4. **Restriction on herd additions.** Farmed cervidae may not be moved into a farmed cervidae herd unless the herd is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F.

Subp. 5. **Movement into, within, and out of CWD endemic areas.**

A. Farmed cervidae that originate from a CWD endemic area may not be moved to other locations in the state unless they move directly to a slaughtering establishment having state or federal inspection. A shipping permit must be obtained from the board prior to movement of farmed cervidae from a premises located within a CWD endemic area.

B. Farmed cervidae may not be moved into a CWD endemic area unless they move directly to a slaughtering establishment having state or federal inspection. A shipping permit must be obtained from the board prior to movement of farmed cervidae into a CWD endemic area.

C. Farmed cervidae carcasses may not be moved from a CWD endemic area to other locations in the state, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

1721.0420 Chronic wasting disease (CWD).

Subpart 1. **CWD herd certification program.**

A. The owner of a farmed cervidae herd must be enrolled in the CWD herd certification program and must comply with all the requirements of this part.

B. The owner of a farmed cervidae herd must sign and submit to the board a CWD herd certification program agreement in which the owner agrees to comply with the requirements in this part.

C. When farmed cervidae that are officially identified die or are slaughtered, the owner must report the age, sex, and official identification numbers of the animals to the board within 14 days.

D. Animals from farmed cervidae herds that are 12 months of age and over that die or are slaughtered must be tested for CWD with an official CWD test. Samples to be tested for CWD must be submitted to a laboratory approved by the board within 14 days of sample collection. Other testing protocols may be used if they are approved by the board and are equally effective for the detection of CWD in farmed cervidae herds. Testing must be completed at owner expense unless state or federal funds are available for this purpose.

E. The CWD surveillance period for a herd is the continuous length of time the herd has been enrolled in the program and the owner has met all the requirements of this part.

F. Herd status is divided into six levels based on the period of time the herd has been under continuous CWD surveillance without evidence of CWD or a determination that the herd has been exposed to CWD. Progression from one level to the next is based on successful program participation for a continuous period of time as follows:

(1) level 1 is from time of enrollment to 12 months;

(2) level 2 is from 12 months to 24 months;

(3) level 3 is from 24 months to 36 months;

(4) level 4 is from 36 months to 48 months;

(5) level 5 is from 48 months to 60 months; and

(6) level 6 (certified herd) is greater than 60 months.

G. If farmed cervidae are brought into a herd from other herds, the owner must report the age, sex, and identification numbers of the animals and the name and address of the source herd to the board within 14 days on forms approved by the board. New animals may be introduced into the herd only from other herds enrolled in a CWD herd certification program. If animals are received from a herd with a lower herd status, the receiving herd reverts to the program status and enrollment date of the source herd.

H. A newly formed herd that is comprised solely of animals obtained from herds already enrolled in the CWD certification program must start at the lowest status of any herd that provided animals for the new herd.

I. Except as provided in item J, the CWD surveillance period for a herd must be shortened each time an animal over 12 months of age dies, is slaughtered, escapes, or is lost and is not tested for CWD. For each such animal that is not tested for CWD, the surveillance period will be shortened:

- (1) by the length of the surveillance period for herds in status level 1;
- (2) by 365 days for herds in status levels 2 to 3;
- (3) by 180 days for herds in status levels 4 to 5; or
- (4) by 90 days for herds in status level 6.

J. The board shall grant an exception to the requirements of item I if animals die from anthrax or from another disease where necropsy is contraindicated due to public health risks or if they are lost due to an act of vandalism or natural disaster such as a tornado or flood.

K. The failure of the owner to comply with the requirements in parts 1721.0370 to 1721.0420 shall constitute grounds for the board to cancel herd status. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.

Subp. 2. **Quarantine procedures.** The board must immediately quarantine a farmed cervidae herd that is determined to be infected with or exposed to CWD.

A. Unless a permit is obtained from the board, farmed cervidae may not be moved into or out of a quarantined herd. The board may allow farmed cervidae from quarantined herds to be moved under permit directly to a state or federally licensed slaughtering establishment, to an approved veterinary diagnostic laboratory, or to another location if that movement is determined by the board not to endanger the health of other animals in the state.

B. The owner of a herd determined to be infected with or exposed to CWD must, upon request, furnish to the board a list of sources of cervidae during the preceding five years and a list of movements of cervidae to other locations during the preceding five years.

C. Farmed cervidae herds shall be released from quarantine by any of the following methods:

- (1) Depopulation. To release a quarantine by depopulation, all cervidae in the herd must be euthanized and tested with an official CWD test. If the premises has no environmental contamination and all CWD tests are negative, the quarantine shall be released immediately. If the premises has minimal environmental contamination, the quarantine shall be released one year after depopulation and cleaning and disinfection. If the premises has moderate to severe environmental contamination, the quarantine shall be released five years after depopulation and cleaning and disinfection;
- (2) Test of exposed animals. If a premises has no environmental contamination and all CWD exposed animals on the premises are tested and are found to be CWD negative, the quarantine shall be released;
- (3) Test for five years. If any animal that dies or is slaughtered from the herd is tested, regardless of age, with an official CWD test for a period of 60 months, and no positive animal is identified, the quarantine shall be released; or
- (4) Other procedures. Quarantines may be released by procedures in addition to those in subitems (1) to (3) if they are approved by the board and are equally reliable and effective as the other methods in this item.

D. CWD contaminated premises must be cleaned and disinfected prior to quarantine release by a method approved by the board.

Subp. 3. **Determining boundaries of CWD endemic areas in the state.** If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild cervidae in the state must be designated as part of the endemic area. The board shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed cervidae herds where animals are kept on premises within a designated CWD endemic area shall

be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:

- A. the herd has been maintained in such a way that commingling of farmed cervidae and wild cervidae has been prevented for a continuous period of time that began no later than 180 days following the initial designation of the area as CWD endemic; or
- B. the herd has been maintained in such a way that commingling of farmed cervidae and wild cervidae has been prevented for at least 36 consecutive months.