



2015-2016 General Assembly

SENATE BILL 513: North Carolina Farm Act of 2015, Sec. 14: Transfer Captive Cervid Program to the Department of Agriculture and Consumer Services

Committee:
Introduced by:
Analysis of: Sec. 14 of S.L. 2015-263

Date:
Prepared by: Chris Saunders
Staff Attorney

SUMMARY: *Sec. 14 of S.L. 2015-263 transfers the captive cervid program from the jurisdiction of the Wildlife Resources Commission (WRC) to the Department of Agriculture and Consumer Services (DACS). DACS is responsible for regulating the production, sale, possession, and transportation, including importation and exportation, of farmed cervids. This includes any cervid species that is held in captivity and produced, bought, or sold for commercial purposes, including white-tailed deer, elk, fallow deer, and red deer.*

DACS is authorized to issue new captivity licenses and permits for farmed cervid facilities that will hold cervids that are not susceptible to Chronic Wasting Disease (CWD). Until the USDA has adopted an approved method of testing for CWD in living cervids, CWD-susceptible deer may not be imported into this State. After a live CWD test is developed, DACS would be authorized to issue new captivity licenses or permits for farmed cervid facilities that will hold cervids susceptible to CWD only if the CWD-susceptible source animals are from a certified herd in accordance with USDA Standards from an existing licensed facility. However, DACS would not be authorized to issue an importation permit for any farmed cervid from a CWD-positive, -exposed, or -suspect farmed cervid facility.

All free-ranging cervids must be removed from any new captive cervid facility before stocking the facility with farmed cervids. Hunt facilities are prohibited.

Local governments may not adopt any ordinance inconsistent with or more restrictive than the provisions of this section.

Live farmed cervids may only be transported on a public road if the cervid has an official form of identification and the appropriate transportation, importation, or exportation permit issued by DACS. Any live farmed cervid transported on a public road is subject to inspection by a wildlife law enforcement officer to ensure that the farmed cervid has the required official identification and permits.

WRC retains jurisdiction over the possession and transportation, including importation and exportation, of non-farmed cervids, including game carcasses and parts of game carcasses extracted by hunters and carcasses and parts of carcasses imported from hunt facilities as defined by USDA Standards.

This section became effective September 30, 2015.

BILL ANALYSIS: Section 14 of S.L. 2015-263 transfers the captive cervid program from the jurisdiction of the Wildlife Resources Commission (WRC) to the Department of Agriculture and

O. Walker Reagan
Director



Research Division
(919) 733-2578

S 5 1 3 - S M T Q - 8 5 S L

Senate Bill 513

Page 2

Consumer Services (DACS). DACS is responsible for regulating the production, sale, possession, and transportation, including importation and exportation, of farmed cervids. This includes any cervid species that is held in captivity and produced, bought, or sold for commercial purposes, including white-tailed deer, elk, fallow deer, and red deer.

DACS is authorized to issue new captivity licenses and permits for farmed cervid facilities that will hold cervids that are not susceptible to Chronic Wasting Disease. Until the USDA has adopted an approved method of testing for Chronic Wasting Disease (CWD) in living cervids, CWD-susceptible deer are not allowed to be imported into this State. At such time as a live CWD test is developed, DACS would be authorized to issue new captivity licenses or permits for farmed cervid facilities that will hold cervids susceptible to CWD only if the CWD-susceptible source animals are from a certified herd in accordance with USDA Standards from an existing licensed facility. However, DACS would not be authorized to issue an importation permit for any farmed cervid from a CWD-positive, -exposed, or -suspect farmed cervid facility.

All free-ranging cervids must be removed from any new captive cervid facility before stocking the facility with farmed cervids. Further, hunt facilities are prohibited, and only the licensee, the owner or an employee of the facility, or a qualified veterinarian administering euthanasia is permitted to kill a farmed cervid on the premises of a licensed facility. A "hunt facility" is defined in the USDA Standards as "a privately owned ranch or other premises selling commercial hunts."

Local governments are prohibited from adopting any ordinances inconsistent with or more restrictive than the provisions of this section. Farmed cervids are not subject to the provisions of G.S. 113-129, setting forth definitions related to wildlife resources.

Live farmed cervids may only be transported on a public road if the cervid has an official form of identification and the appropriate transportation, importation, or exportation permit issued by DACS. Any live farmed cervid transported on a public road is subject to inspection by a wildlife law enforcement officer to ensure that the farmed cervid has the required official identification and permits.

Violation of any requirement of this section is punishable by a civil penalty of not more than \$5,000 per animal, issued by DACS.

WRC retains jurisdiction over the possession and transportation, including importation and exportation, of non-farmed cervids, including game carcasses and parts of game carcasses extracted by hunters and carcasses and parts of carcasses imported from hunt facilities as defined by USDA Standards.

EFFECTIVE DATE: This section became effective September 30, 2015.