

1 AN ACT relating to cervids.

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

3 ➔Section 1. KRS 150.740 is amended to read as follows:

- 4 (1) There shall be a ban on the importation of live members of the animal family
5 Cervidae into the Commonwealth that have not been subject to a program of
6 surveillance and identification for cervid chronic wasting disease (CWD) that meets
7 or exceeds:
- 8 (a) The requirements of the Kentucky Cervid CWD Surveillance and
9 Identification (CCWDSI) Program set forth in this section and in
10 administrative regulations promulgated by the Kentucky Department of
11 Agriculture; and
- 12 (b) Any other health requirements as regulated by the Kentucky Department of
13 Agriculture or the United States Department of Agriculture for cervids.
- 14 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
15 importation of the members of the animal family Cervidae into the Commonwealth
16 that have been subject to a program of surveillance and identification for cervid
17 CWD that meets or exceeds:
- 18 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
19 and in administrative regulations promulgated by the Kentucky Department of
20 Agriculture; and
- 21 (b) Any other health requirements as regulated by the Kentucky Department of
22 Agriculture or the United States Department of Agriculture for cervids.
- 23 (3) Members of the animal family Cervidae shall not be eligible for importation into
24 the Commonwealth unless the program of surveillance and identification for cervid
25 CWD to which they have been subject:
- 26 (a) Has been certified by the exporting state's state veterinarian or agency having
27 jurisdiction over that state's surveillance and identification program;

- 1 (b) Has been approved by the Kentucky state veterinarian as meeting or
2 exceeding the standards imposed under the Kentucky CCWDSI Program; and
3 (c) Meets, at minimum, the following requirements:
- 4 1. The program shall require cervid owners to obtain identification and
5 laboratory diagnosis from brain tissue as directed by the exporting
6 state's state veterinarian or agency with jurisdiction for cervids twelve
7 (12) months of age or greater that:
- 8 a. Display clinical signs of CWD;
9 b. Die, including deaths by slaughter or by hunting, including
10 hunting on hunting preserves; or
11 c. Are ill or injured regardless of whether the illness or injury results
12 in death; and
- 13 2. The program shall require cervid owners to obtain cervids from herds
14 that have been monitored for at least five (5) years and that have
15 complied with the standards contained in the Kentucky CCWDSI
16 Program.
- 17 (4) Cervids originating from a state that has reported a confirmed case of CWD in wild
18 or captive cervids shall not be imported into Kentucky until The United States
19 Department of Agriculture approves:
- 20 (a) Regulations that allow importation from those states; and
21 (b) A live test for CWD that is available for live testing of cervids.
- 22 (5) Importation of members of the animal family Cervidae into the Commonwealth
23 shall be consistent with this section and with administrative regulations
24 promulgated by the Kentucky Department of Agriculture in cooperation with the
25 Kentucky Department of Fish and Wildlife Resources.
- 26 (6) A person shall be guilty of a Class D felony upon conviction for violating this
27 section. Upon conviction of a second violation of this section and in addition to all

- 1 other penalties, a person shall be permanently ineligible for renewal of a captive
2 cervid permit. On or before November 1 of each year, the Department of Fish and
3 Wildlife Resources and the Department of Agriculture, Office of the State
4 Veterinarian, respectively shall issue reports to the Interim Joint Committee on
5 Agriculture and the Interim Joint Committee on Natural Resources and
6 Environment on the status of chronic wasting disease, and the reports may include
7 the status of other animal or wildlife diseases in Kentucky and the United States.
8 The reports shall be used for the purpose of determining the need for modifications
9 to the statutory ban on the importation of cervids into the Commonwealth.
- 10 (7) The Department of Fish and Wildlife Resources shall have the authority to
11 immediately, and without compensation to the owner, seize captive cervids that
12 have been imported into the Commonwealth contrary to this section. The individual
13 whose cervids were seized may request an administrative hearing pursuant to KRS
14 Chapter 13B within thirty (30) days of the department's seizure and may appeal the
15 final decision to Franklin Circuit Court in accordance with KRS Chapter 13B.
16 Pending the final outcome of all appeals, the seized cervids may be disposed of by
17 the department without compensation to the owner.
- 18 (8) The department shall have the authority to immediately, and without compensation
19 to the owner, seize and destroy captive cervids that are in the process of being
20 imported into the Commonwealth contrary to this section.
- 21 (9) A captive cervid originating from outside the Commonwealth of Kentucky which is
22 in transit, as defined in KRS 150.725 and which is being transported through the
23 Commonwealth to another state or nation of destination shall meet the entry
24 requirements of the state or nation of destination.
- 25 (10) A person intending to transport a captive cervid through Kentucky shall, prior to the
26 captive cervid entering Kentucky, obtain a transportation permit from the Office of
27 the State Veterinarian. This permit shall specify that:

- 1 (a) A captive cervid being transported through Kentucky shall not remain in
2 Kentucky for more than twenty-four (24) hours from the time of entry and, if
3 this requirement cannot be met once the animal is in Kentucky, the Office of
4 the State Veterinarian shall be contacted to secure a variance to the permit;
- 5 (b) A captive cervid being transported through Kentucky shall not leave the
6 transport vehicle while in Kentucky; and
- 7 (c) The person transporting the captive cervid through Kentucky shall follow the
8 routes specified in the transport permit, if this requirement cannot be met once
9 the animal is in Kentucky, the Office of the State Veterinarian shall be
10 contacted to secure a variance to the permit.

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

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

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

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

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

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

27 **(13) Except as provided in subsection (14) of this section, it shall be unlawful to export**

1 any captive cervid outside of an area that encompasses any portion of a ten (10)
2 mile radius from a CWD positive captive cervid facility.

3 (14) Subsections (11) to (13) of this section shall not apply to the following:

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

6 (b) Cleaned teeth;

7 (c) Finished taxidermy and antler products;

8 (d) Hides and tanned products;

9 (e) Boneless meat; and

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

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

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

22 (17) The provisions of subsections (11) to (14) of this section shall not apply to any
23 CWD positive detections prior to the effective date of this Act.

24 ➔ Section 2. KRS 257.550 is amended to read as follows:

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

1 or exceeds:

2 (a) The requirements of the Kentucky Cervid CWD Surveillance and
3 Identification (CCWDSI) Program set forth in this section and in
4 administrative regulations promulgated by the Kentucky Department of
5 Agriculture; and

6 (b) Any other health requirements as regulated by the Kentucky Department of
7 Agriculture or the United States Department of Agriculture for cervids.

8 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
9 importation of the members of the animal family Cervidae into the Commonwealth
10 that have been subject to a program of surveillance and identification for cervid
11 CWD that meets or exceeds:

12 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
13 and in administrative regulations promulgated by the Kentucky Department of
14 Agriculture; and

15 (b) Any other health requirements as regulated by the Kentucky Department of
16 Agriculture or the United States Department of Agriculture for cervids.

17 (3) Members of the animal family Cervidae shall not be eligible for importation into
18 the Commonwealth unless the program of surveillance and identification for cervid
19 CWD to which they have been subject:

20 (a) Has been certified by the exporting state's state veterinarian or agency having
21 jurisdiction over that state's surveillance and identification program;

22 (b) Has been approved by the Kentucky state veterinarian as meeting or
23 exceeding the standards imposed under the Kentucky CCWDSI Program; and

24 (c) Meets, at a minimum, the following requirements:

25 1. The program shall require cervid owners to obtain identification and
26 laboratory diagnosis from brain tissue as directed by the exporting
27 state's state veterinarian or agency with jurisdiction for cervids twelve

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

1 shall be exempt from the prohibition in paragraph (b) of this subsection.

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

4 (b) Except as provided in subsection (9) of this section, it shall be unlawful to
5 export any wild cervid outside of any CWD surveillance zone where a wild
6 cervid has tested positive for CWD using immunohistochemistry (IHC)
7 testing.

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

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

13 (9) Subsections (6) to (8) of this section shall not apply to the following:

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

16 (b) Cleaned teeth;

17 (c) Finished taxidermy and antler products;

18 (d) Hides and tanned products;

19 (e) Boneless meat; and

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

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

- 1 (11) The provisions of subsections (6) to (8) of this section shall remain in effect for a
2 period of five (5) years from the latest CWD positive detection in an area
3 identified as CWD positive and shall only expire when the area has remained
4 CWD free for the entirety of a five (5) year period.
- 5 (12) The provisions of subsections (6) to (8) of this section shall not apply to any CWD
6 positive detections prior to the effective date of this Act.