

By: Representatives Parker, Horne, Nicholson To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 927

1 AN ACT TO REGULATE DEER-BREEDING FARMS; TO REQUIRE
2 DEER-BREEDING FARMS TO BE LICENSED; TO AUTHORIZE THE STATE
3 VETERINARIAN TO REGULATE DEER-BREEDING FARMS AND TO ESTABLISH
4 LICENSE FEES; TO ESTABLISH REQUIREMENTS FOR THE OPERATION OF
5 DEER-BREEDING FARMS; TO ALLOW THE IMPORTATION OF FARM-RAISED
6 WHITE-TAILED DEER, SEMEN, OVA AND EMBRYOS FROM STATES AND HERDS
7 THAT ARE CERTIFIED FREE OF CHRONIC WASTING DISEASE; TO REQUIRE
8 ELECTRONIC TAGGING SYSTEM FOR FARM-RAISED WHITE-TAILED DEER; TO
9 PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 49-7-1,
10 MISSISSIPPI CODE OF 1972, TO CONFORM; TO PROVIDE THAT CHAPTER 7,
11 TITLE 49, MISSISSIPPI CODE OF 1972, DOES NOT APPLY TO FARM-RAISED
12 WHITE-TAILED DEER OR TO DEER-BREEDING FARMS; AND FOR RELATED
13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** The following words shall mean:

16 (a) "Commercial purpose" means the breeding, keeping,
17 raising, buying, selling, trading or transferring ownership of
18 farm-raised white-tailed deer.

19 (b) "Deer-breeding farm" means a permitted enclosure
20 used to breed or raise farm-raised white-tailed deer for a
21 commercial purpose.

22 (c) "Farm-raised white-tailed deer" means any animal of
23 the species and genus *odocoileus virginianus* which is bred, born,
24 raised or kept on a deer-breeding farm for a commercial purpose.

25 **SECTION 2.** The ownership of and title to all white-tailed
26 deer within the state that are not individual property under the
27 laws of the state are hereby declared to be in the State of
28 Mississippi.

29 **SECTION 3.** (1) The owner of a deer-breeding farm shall
30 obtain a license from the State Veterinarian prior to the
31 operation of the farm.



(2) An applicant for a deer-breeding farm license shall submit a completed written application to the State Veterinarian. The applicant shall provide the following:

(a) The name, physical address, mailing address and telephone number of the applicant and whether the applicant will own or lease the land;

(b) The location and size of the farm;

(c) The approximate number of deer to be farm-raised;

(d) The complete plan for the operation of the farm;

and

(e) Any other information required by the State Veterinarian.

(3) The State Veterinarian shall not issue any license until the application for the deer-breeding farm license and the information requested, including the required plan for the operation of the farm, is approved by the State Veterinarian and the proposed deer-breeding farm passes inspection.

(4) A deer-breeding farm license shall be valid for the period beginning with the date of issuance and ending the following June 30 or from July 1 of the year of renewal through the following June 30.

(5) A deer-breeding farm license may be renewed each year. A licensee shall submit a written request for renewal, the renewal fee, any proposed modification of the written farm operation plan and any other information requested by the State Veterinarian. If either the written request for renewal or the renewal fee is received by the department after July 31, the deer-breeding farm license shall be deemed expired.

(6) If the State Veterinarian determines that a farm does not meet the requirements of or was not complying with the law or the rules and regulations governing deer-breeding farms, the deer-breeding farm license may not be renewed by the State Veterinarian.



(7) The State Veterinarian shall establish a fee for the initial license and the fee for renewal license.

SECTION 4. (1) The State Veterinarian shall have plenary authority to regulate deer-breeding farms and the importation of farm-raised white-tailed deer. If a deer-breeding farm is located within a permitted high fence enclosure, the State Veterinarian has plenary authority over the breeder farm. The Department of Wildlife, Fisheries and Parks shall continue to have authority over the permitted wildlife enclosures.

(2) The State Veterinarian shall establish fencing requirements, inspection requirements, size of deer-breeding farms, breach requirements, space requirements, record requirements, and any other requirements to protect the health of native white-tailed deer and farm-raised white-tailed deer and to monitor the transfer of farm-raised white-tailed deer.

(3) The licensee of a deer-breeding farm shall remove as many of wild white-tailed deer from the farm as practicable before beginning operation.

(4) The State Veterinarian shall require all licensees of a deer-breeding farm to participate in a chronic wasting disease prevention program.

SECTION 5. (1) The licensee of a deer-breeding farm may purchase, sell or transfer farm-raised white-tailed deer to other licensed deer-breeding farms and to permitted high fence wildlife enclosures, that participate in a chronic wasting disease monitoring program.

(2) (a) Before a farm-raised white-tailed deer is transferred, the licensee shall obtain a transfer permit from the State Veterinarian.

(b) The State Veterinarian shall establish a fee for the transfer permit.

(3) Farm-raised white-tailed deer are the property of the licensee of a deer-breeding farm.



SECTION 6.

(1) A licensee of a deer-breeding farm may import farm-raised white-tailed deer, semen, ova and embryos into the state. Deer imported into the state must meet the following requirements:

(a) The herd of origin has participated in chronic wasting disease monitoring program for at least three (3) years and is certified free of chronic wasting disease and must be from a state with no history of chronic wasting disease;

(b) Have an entry permit issued by the State Veterinarian's office no more than fifteen (15) days before entry into the state;

(c) Have written proof of a negative test for brucellosis as may be required by the State Veterinarian;

(d) Have written proof of a negative test for tuberculosis as may be required by the State Veterinarian; and

(e) Meet any other health requirements promulgated by the State Veterinarian.

(2) Semen, ova and embryos must meet the requirements established by the State Veterinarian.

(3) The State Veterinarian shall establish regulations governing importation with an emphasis on preventing the introduction of disease.

(4) No farm-raised alternative livestock shall be released into the wild without express written permission from both the State Veterinarian and the Department of Wildlife, Fisheries and Parks.

SECTION 7.

(1) (a) Farm-raised white-tailed deer shall be identified by means of an electronic implant.

(b) Farm-raised white-tailed deer imported into Mississippi shall have the electronic implant implanted before entering this state and prior to being released on the farm; and

(b) Farm-raised white-tailed deer born in this state shall have an electronic implant implanted the first time the



farm-raised white-tailed deer is captured alive and before the farm-raised white-tailed deer leaves the farm.

(2) The State Veterinarian shall implement the identification program, may require additional means of identification, and may adopt any regulations necessary for the implementation of the program.

SECTION 8. (1) Any licensee who discovers a breach or opening in the enclosed area that would allow farm-raised white-tailed deer to escape or wild white-tailed deer to enter into the enclosed area shall notify the State Veterinarian of the breach or opening within twelve (12) hours.

(2) (a) The licensee shall immediately close the breach or opening and make all reasonable efforts to determine if farm-raised white-tailed deer escaped or if wild white-tailed deer entered into the area enclosed.

(b) It shall be the duty of the licensee to capture any escaped deer.

(c) Forty-eight hours (48) after the breach, the State Veterinarian may use any means necessary to capture or euthanize any deer that have not been recovered by the licensee.

SECTION 9. (1) The State Veterinarian or authorized representatives may, at any time, enter and inspect all deer-breeding farms for the purposes of issuing, renewing or reviewing deer-breeding farm licenses and to ensure compliance with applicable laws, rules and regulations, and the written farm operation plan approved by the State Veterinarian.

(2) The State Veterinarian or authorized representatives may inspect, during any reasonable hours, any records relating to the operation of any deer-breeding farm.

SECTION 10. (1) It is unlawful to deprive farm-raised white-tailed deer of necessary sustenance or habitat or to neglect to perform the legal obligations for the care of farm-raised white-tailed deer.



(2) The operation plan shall provide for the removal and disposal of deer upon the cessation of operations.

(3) If the State Veterinarian determines that a licensee violated this section, he may enter the deer-breeding farm and take any and all actions necessary to correct the violations. The State Veterinarian may confiscate, transfer or euthanize abandoned or neglected farm-raised white-tailed deer.

(4) The State Veterinarian may require a bond in an amount established by the State Veterinarian to ensure compliance with requirements of a permit and to provide for the care or removal and disposal of abandoned or neglected farm-raised white-tailed deer or upon cessation of the operation of the deer-breeding farm.

SECTION 11. (1) The State Veterinarian may suspend or revoke the license of any licensee found guilty of violating applicable laws, rules and regulations, or the written farm operation plan approved by the State Veterinarian.

(2) The State Veterinarian may, in addition to suspending or revoking any license, impose upon any person guilty of violating applicable laws, rules and regulations, or the written farm operation plan approved by the State Veterinarian, a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) for each violation.

(3) These civil penalties may be assessed only by a ruling of the State Veterinarian based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

(4) Any person or licensee subject to an order or decision made pursuant to these regulations may request and receive an adjudicatory hearing before the department to be held in accordance with the Administrative Procedure Act by making written application to the department within fifteen (15) days of issuance of such order or decision.

(5) The State Veterinarian may seek a restraining order, injunctive relief or other relief in a proper court of law to



restrain violations of or to compel compliance with applicable laws, rules and regulations, or the written farm operation plan approved by the State Veterinarian or any quarantine or to enforce any order or ruling made by him in an adjudicatory proceeding.

SECTION 12. Section 49-7-1, Mississippi Code of 1972, is amended as follows:

49-7-1. For the purposes of this chapter, the following definitions and interpretations shall govern unless otherwise provided:

(a) The following wild animals are classed as game: bear, white-tailed deer, rabbits and squirrels.

(b) The following wild animals are classed as fur-bearing animals: muskrats, opossums, otters, weasels, minks, raccoons and bobcats.

(c) The following wild animals are classed as nuisance animals: wild hogs, nutria, beaver, fox, skunks and coyote.

(d) All freshwater fish in the following families are classed as game fish: Sunfish family (Centrarchidae) - including largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*), white crappie (*Pomoxis annularis*), black crappie (*Pomoxis nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill (*Lepomis macrochirus*), warmouth (*Lepomis gulosus*), green sunfish (*Lepomis cyanellus*), longear sunfish (*Lepomis megalotis*), redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites ariommus*); Perch family (Percidae) - including walleye (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow perch (*Perca flavescens*); Pike family (Esocidae) - including redbfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate bass family (Moronidae) including - white bass (*Morone chrysops*), yellow bass (*Morone mississippiensis*), striped bass (*Morone*



229 saxatilis) and hybrid striped bass (Morone chrysops x Morone
230 saxatilis and/or Morone saxatilis x Morone chrysops).

231 The following fish are classed as nongame gross fish: in the
232 Herring family (Clupeidae) - gizzard shad (Dorosoma cepedianum),
233 threadfin shad (Dorosoma petenense); in the Catfish family
234 (Ictaluridae) - channel catfish (Ictalurus punctatus), blue
235 catfish (Ictalurus furcatus), flathead catfish (Pylodictus
236 olivaris), yellow bullhead (Ameiurus natalis), black bullhead
237 (Ameiurus melas), brown bullhead (Ameiurus nebulosus); in the Gar
238 family - spotted gar (Lepisosteus oculatus), longnose gar
239 (Lepisosteus osseus), shortnose gar (Lepisosteus platostomus),
240 alligator gar (Atractosteus spatula); in the Eel family
241 (Anguillidae) - American eel (Anguilla rostrata); in the Bowfin
242 family (Amiidae) - bowfin (Amia calva); in the Paddlefish family
243 (Polyodontidae) - paddlefish (Polyodon spathula); in the Minnow
244 family (Cyprinidae) - common carp (Cyprinus carpio); in the Sucker
245 family (Catostomidae) - river carpsucker (Carpoides carpio),
246 quillback (Carpoides cyprinus), highfin carpsucker (Carpoides
247 velifer), spotted sucker (Minytrema melanops), blacktail redhorse
248 (Moxostoma poecilurum), smallmouth buffalo (Ictiobus bubalus),
249 bigmouth buffalo (Ictiobus cyprinellus), black buffalo (Ictiobus
250 niger); in the Drum family (Sciaenidae) - freshwater drum
251 (Aplodinotus grunniens).

252 All fish native to Mississippi that are not classed as game
253 fish or nongame gross fish are classed as nongame fish.

254 All fish native to foreign countries and all fish native to
255 the United States but not native to Mississippi are classed as
256 nonnative fish.

257 (e) The following are classed as game birds: geese,
258 brant ducks, rails, coots, snipe, gallinules, moorhens, woodcock,
259 crow, mergansers, wild turkey, quail and doves.

260 All other species of wild resident or migratory birds are
261 classed as nongame birds.



262 (f) Closed season: the time during which birds,
263 animals or fish may not be taken.

264 (g) Open season: the time during which birds, animals
265 or fish may be lawfully taken.

266 (h) "Commission" means the Mississippi Commission on
267 Wildlife, Fisheries and Parks.

268 (i) "Deer" means wild white-tailed deer and does not
269 include farm-raised white-tailed deer.

270 (j) "Department" means the Mississippi Department of
271 Wildlife, Fisheries and Parks.

272 (k) "Executive director" means the Executive Director
273 of the Department of Wildlife, Fisheries and Parks.

274 **SECTION 13.** This chapter shall not apply to farm-raised
275 white-tailed deer or deer-breeding farms regulated by the State
276 Veterinarian.

277 **SECTION 14.** This act shall take effect and be in force from
278 and after July 1, 2011.

