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

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

SECTION 1. The following words shall mean:

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

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

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

SECTION 2. The ownership of and title to all indigenous wild white-tailed deer within the state are hereby declared to be in the State of Mississippi, held in trust, for the use and benefit of the citizens of Mississippi. Farm-raised deer obtained under the laws of the state are the property of the individual.

SECTION 3. (1) The owner of a deer-breeding farm shall obtain a license from the State Veterinarian prior to the 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.
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 deer-breeding 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 regulations and requirements established by the State Veterinarian for breeder pens shall, at a minimum, be as stringent as the regulations promulgated by the Commission on Wildlife, Fisheries and Parks for breeder pens within high fence enclosures containing white-tailed deer.

(4) The State Veterinarian shall to the extent possible utilize the services of veterinarians near the locality of breeder pens.

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

(6) 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 five (5) 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 white-tailed deer 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 and may be identified by tags or any other means of identification required by the State Veterinarian.

(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

(c) 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 and the Department of Wildlife, Fisheries and Parks of the breach or opening within twenty-four (24) 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 (48) hours after the breach, the State Veterinarian and authorized representatives of the Department of Wildlife, Fisheries and Parks 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 insure 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, shelter 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 a hearing to be held in accordance with the Administrative Procedure Act by making written application to the Board of Animal Health 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.  (1) (a) There is created in the State Treasury a fund to be designated as the "Deer-Breeding Farm Fund" to be administered by the State Veterinarian for the regulation of the deer-breeding farm program.

(b) The fund shall be treated as a special trust fund and interest earned on the principal shall be credited to the fund.

(c) Monies in the fund at the end for the fiscal year shall be retained in the fund for use in the next succeeding fiscal year.

(2) All fees, administrative penalties and other monies collected by the State Veterinarian through the deer-breeding farm program shall be deposited into the fund.

SECTION 13.  (1) Any person violating this chapter or the regulations issued under this chapter is guilty of a misdemeanor and is punishable by a fine of not more than One Thousand Dollars
(2) Any person violating this chapter or the regulations issued under this chapter in a way that causes harm or poses a threat to the safety or health of the public, or wildlife, is guilty of a felony and is punishable by a fine of not more than Twenty-five Thousand Dollars ($25,000.00), by imprisonment for a term of not more than five (5) years, or by both.

SECTION 14. 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 macrochiris), warmouth (Lepomis gulosus), green sunfish (Lepomis cyanellus), longear sunfish (Lepomis macrochirus), 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 redfin 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 saxatilis) and hybrid striped bass (Morone chrysops x Morone saxatilis and/or Morone saxatilis x Morone chrysops).

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

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

All fish native to foreign countries and all fish native to the United States but not native to Mississippi are classed as nonnative fish.
(e) The following are classed as game birds: geese, brant ducks, rails, coots, snipe, gallinules, moorhens, woodcock, crow, mergansers, wild turkey, quail and doves.

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

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

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

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

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

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

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

SECTION 15. Chapter 7 of Title 49, Mississippi Code of 1972, shall not apply to farm-raised white-tailed deer or deer-breeding farms regulated by the State Veterinarian.

SECTION 16. This act shall take effect and be in force from and after July 1, 2012.