

By: Senator(s) Gollott

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2554

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

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

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

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

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

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

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

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.



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

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

38 (b) The location and size of the farm;

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

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

41 and

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

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

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

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

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



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

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

78 (3) The regulations and requirements established by the
79 State Veterinarian for breeder pens shall, at a minimum, be as
80 stringent as the regulations promulgated by the Commission on
81 Wildlife, Fisheries and Parks for breeder pens within high fence
82 enclosures containing white-tailed deer.

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

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

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

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



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

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

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

104 **SECTION 6.** (1) A licensee of a deer-breeding farm may
105 import farm-raised white-tailed deer, semen, ova and embryos into
106 the state. Deer imported into the state must meet the following
107 requirements:

108 (a) The herd of origin has participated in chronic
109 wasting disease monitoring program for at least five (5) years and
110 is certified free of chronic wasting disease and must be from a
111 state with no history of chronic wasting disease;

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

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

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

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

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

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

126 (4) No farm-raised white-tailed deer shall be released into
127 the wild without express written permission from both the State
128 Veterinarian and the Department of Wildlife, Fisheries and Parks.



129 **SECTION 7.** (1) (a) Farm-raised white-tailed deer shall be
130 identified by means of an electronic implant and may be identified
131 by tags or any other means of identification required by the State
132 Veterinarian.

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

136 (c) Farm-raised white-tailed deer born in this state
137 shall have an electronic implant implanted the first time the
138 farm-raised white-tailed deer is captured alive and before the
139 farm-raised white-tailed deer leaves the farm.

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

144 **SECTION 8.** (1) Any licensee who discovers a breach or
145 opening in the enclosed area that would allow farm-raised
146 white-tailed deer to escape or wild white-tailed deer to enter
147 into the enclosed area shall notify the State Veterinarian and the
148 Department of Wildlife, Fisheries and Parks of the breach or
149 opening within twenty-four (24) hours.

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

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

156 (c) Forty-eight (48) hours after the breach, the State
157 Veterinarian and authorized representatives of the Department of
158 Wildlife, Fisheries and Parks may use any means necessary to
159 capture or euthanize any deer that have not been recovered by the
160 licensee.



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

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

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

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

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

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

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

190 (2) The State Veterinarian may, in addition to suspending or
191 revoking any license, impose upon any person guilty of violating
192 applicable laws, rules and regulations, or the written farm
193 operation plan approved by the State Veterinarian, a civil penalty



194 not to exceed Five Thousand Dollars (\$5,000.00) for each
195 violation.

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

199 (4) Any person or licensee subject to an order or decision
200 made pursuant to these regulations may request and receive a
201 hearing to be held in accordance with the Administrative Procedure
202 Act by making written application to the Board of Animal Health
203 within fifteen (15) days of issuance of such order or decision.

204 (5) The State Veterinarian may seek a restraining order,
205 injunctive relief or other relief in a proper court of law to
206 restrain violations of or to compel compliance with applicable
207 laws, rules and regulations, or the written farm operation plan
208 approved by the State Veterinarian or any quarantine or to enforce
209 any order or ruling made by him in an adjudicatory proceeding.

210 **SECTION 12.** (1) (a) There is created in the State Treasury
211 a fund to be designated as the "Deer-Breeding Farm Fund" to be
212 administered by the State Veterinarian for the regulation of the
213 deer-breeding farm program.

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

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

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

223 **SECTION 13.** (1) Any person violating this chapter or the
224 regulations issued under this chapter is guilty of a misdemeanor
225 and is punishable by a fine of not more than One Thousand Dollars



226 (\$1,000.00), by imprisonment for not more than six (6) months, or
227 by both.

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

234 **SECTION 14.** Section 49-7-1, Mississippi Code of 1972, is
235 amended as follows:

236 49-7-1. For the purposes of this chapter, the following
237 definitions and interpretations shall govern unless otherwise
238 provided:

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

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

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

246 (d) All freshwater fish in the following families are
247 classed as game fish: Sunfish family (Centrarchidae) - including
248 largemouth bass (*Micropterus salmoides*), smallmouth bass
249 (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*),
250 white crappie (*Pomoxis annularis*), black crappie (*Pomoxis*
251 *nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill
252 (*Lepomis macrochiris*), warmouth (*Lepomis gulosus*), green sunfish
253 (*Lepomis cyanellus*), longear sunfish (*Lepomis megalotis*),
254 redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites*
255 *arionmmus*); Perch family (Percidae) - including walleye
256 (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow
257 perch (*Perca flavescens*); Pike family (Esocidae) - including
258 redfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*



259 americanus vermiculatus), chain pickerel (*Esox niger*); Temperate
260 bass family (Moronidae) including - white bass (*Morone chrysops*),
261 yellow bass (*Morone mississippiensis*), striped bass (*Morone*
262 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*
263 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).

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

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

287 All fish native to foreign countries and all fish native to
288 the United States but not native to Mississippi are classed as
289 nonnative fish.



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

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

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

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

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

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

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

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

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

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

