

**Chronic Wasting Disease Management Initiative**  
**Minnesota Board of Animal Health**  
**Minnesota Department of Natural Resources**  
**Minnesota Department of Agriculture**  
**January 14, 2003**

**17.451 Definitions.**

Subdivision 1. **Applicability.** The definitions in this section apply to this section and section 17.452.

Subd. 1a. **Cervidae.** "Cervidae" means animals that are members of the family "Cervidae" and includes, but is not limited to white-tailed deer, mule deer, red deer, elk, moose, caribou, reindeer, and muntjac.

Subd. 2. **Farmed cervidae.** "Farmed cervidae" means members of the cervidae family that are:  
(1) raised for any the purpose of producing fiber, meat, or animal by-products, as pets, or as breeding stock; and  
(2) registered in a manner approved by the board of animal health.

Subd. 3. **Owner.** "Owner" means a person who owns or is responsible for the raising of farmed cervidae.

Subd. 4. **Herd.** "Herd" means all cervidae maintained on common ground for any purpose, or all cervidae under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to diseases.

**17.452 Farm-raised cervidae.**

Subdivision 1. **Promotion and coordination.** The commissioner shall promote the commercial raising of farmed cervidae and shall coordinate programs and rules related to the commercial raising of farmed cervidae. Farmed cervidae research, projects, and demonstrations must be reported to the commissioner before state appropriations for the research projects or demonstrations are encumbered. The commissioner shall maintain a data base of information on raising farmed cervidae.

Subd. 2. **Development program.** The commissioner may establish a Minnesota development and aid program that may support applied research, demonstration, financing, marketing, promotion, breeding development, registration, and other services for owners.

Subd. 3. Repealed, 1997 c 7 art 2 s 67

Subd. 4. **Farmed cervidae are livestock.** Farmed cervidae are livestock and are not wild animals for purposes of game farm, hunting, or wildlife laws. Farmed cervidae and their products are farm products and livestock for purposes of financial transactions and collateral.

Subd. 5. **Raising farmed cervidae is an agricultural pursuit.** Raising farmed cervidae is agricultural production and an agricultural pursuit.

Subd. 6. **Running at large prohibited.** (a) An owner may not allow farmed cervidae to run at large. The owner must make all reasonable efforts to return escaped farmed cervidae to their enclosures as soon as possible. The owner must notify the commissioner of natural resources of the escape of farmed cervidae if the farmed cervidae are not returned or captured by the owner within 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed cervidae that have left their enclosures if the person capturing the farmed cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed cervidae, the commissioner of natural resources may destroy the escaped farmed cervidae. The commissioner must allow the owner to attempt to capture the escaped farmed cervidae prior to destroying the farmed cervidae. Farmed cervidae that are not captured by 24 hours after escape may be destroyed.

Subd. 6a. **Wild cervidae inside confinement area.** An owner, or employee or agent under the direction of the owner, must destroy wild cervidae found within the owner's farmed cervidae confinement area. The owner, employee, or agent must report the wild cervidae destroyed to a conservation officer or an employee of the department of natural resources, division of wildlife, within 24 hours. The wild cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subd. 7. **Farming in native elk area.** A person may not raise farmed red deer in the native elk area without written approval of the commissioner of natural resources. The native elk area is the area north of U.S. Highway 2 and west of U.S. Highway 71 and trunk highway 72. The commissioner shall review the proposed farming operation and approve with any condition or deny approval based on risks to the native elk population.

Subd. 8. **Slaughter.** Farmed cervidae must be slaughtered and inspected in accordance with [chapters 31 and 31A or](#) the United States Department of Agriculture voluntary program for exotic animals, Code of Federal Regulations, title 9, part 352.

Subd. 9. **Sales of farmed cervidae and meat products.** Persons selling or buying farmed cervidae sold as livestock, sold for human consumption, or sold for slaughter must comply with chapters 17A, 31, 31A, and 31B.

Subd. 10. **Fencing.** (a) Farmed cervidae must be confined in a manner designed to prevent escape. Fencing must meet the requirements in this subdivision ~~unless an alternative is specifically approved by the commissioner. The board of animal health shall follow the guidelines established by the United States Department of Agriculture in the program for eradication of bovine tuberculosis.~~ Perimeter fencing must be of the following heights:

- (1) for fences constructed before August 1, 1995, for farmed deer, at least 75 inches;
  - (2) for fences constructed before August 1, 1995, for farmed elk, at least 90 inches; and
  - (3) for fences constructed on or after August 1, 1995, for all farmed cervidae, at least 96 inches.
- (4) As of January 1, 2004, all perimeter fences for farmed cervidae must be at least 96 inches in height and be constructed and maintained in such a way that prevents escape of farmed cervidae or entry into the premises of free roaming cervidae.

~~(b) The farmed cervidae advisory committee shall establish guidelines designed to prevent the escape of farmed cervidae and other appropriate management practices.~~

~~(c) The commissioner of agriculture in consultation with the commissioner of natural resources shall adopt rules prescribing fencing criteria for farmed cervidae.~~

Subd. 11. **Disease inspection control programs.** Farmed cervidae herds are subject to chapter 35 and the rules of the board of animal health in the same manner as livestock and domestic animals, including provisions relating to importation and transportation.

Subd. 12. **Identification.** (a) Farmed cervidae must be identified by ~~United States Department of Agriculture metal ear tags, electronic implants, or other~~ means of identification approved by the board of animal health ~~in consultation with the commissioner of natural resources.~~ After January 1, 2004, such identification must be visible to the naked eye at a distance of fifty yards. Newborn ~~or imported~~ animals are required to be identified prior to December 31 of the year in which the animal is born or prior to movement from the premises, whichever occurs first by March 1 of each year. ~~The board shall authorize discrete permanent identification for farmed cervidae in public displays or other forums where visible identification is objectionable.~~

~~(b) Identification of farmed cervidae is subject to sections 35.821 to 35.831.~~

(c) The board of animal health shall register farmed cervidae ~~upon request of the owner.~~ The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the cervidae. The board shall provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed cervidae.

Subd. 13. **Inspection.** The commissioner of agriculture and the board of animal health may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. The commissioner of natural resources may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records with reasonable suspicion that laws protecting native wild animals have been violated, and must notify ~~the owner~~ must be notified in writing at the time of the inspection of the reason for the inspection and informed in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.

Subd. 14. **Contested case hearing.** A person raising farmed cervidae that is aggrieved with any decision regarding the farmed cervidae may request a contested case hearing under chapter 14.

Subd. 15. **Mandatory registration.** After January 1, 2004, a person may not possess live cervidae in Minnesota unless they are registered with the Board of Animal Health and meet all the requirements for "farmed cervidae", as defined in Minnesota statutes chapters 17.451 and 17.452. Cervidae possessed in violation of this section may be seized and destroyed by the commissioner of natural resources.

**Subd. 16. Mandatory surveillance for Chronic Wasting Disease (CWD).**

After January 1, 2004:

(a) an inventory for each farmed cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months; and

(b) movement of farmed cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of such movement on forms approved by the Board of Animal Health; and

(c) all animals from farmed cervidae herds that are over 16 months of age that die or are slaughtered must be tested for CWD.

**35.155 Cervidae import restrictions.**

(a) A person must not import cervidae into the state from a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting disease endemic area, as determined by the board. A person may import cervidae into the state only from a herd that is not in a known chronic wasting disease endemic area, as determined by the board, and the herd has been subject to a state or provincial approved chronic wasting disease monitoring program for at least three years. Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

~~(b) This section expires on June 1, 2003.~~

**84.027 Powers and duties.**

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, to manage wildlife health, and to prohibit or allow importation, transportation, or possession of a wild animal;

**97A.045 Commissioner, general powers and duties.**

Subd. 11. **Power to manage wildlife health.** (a) The commissioner may manage wildlife health in a species of wild animal in addition to the protection provided by the game and fish laws; by further limiting, closing, expanding, or opening seasons or areas of the state, or by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession.

transportation, and disposition; and by restricting wildlife feeding, if the commissioner determines the action is necessary to prevent or control a wildlife disease.

(b) The commissioner may manage wildlife health in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13.

### **97A.075 Use of license revenues.**

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), and (9), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for big game health management emergency deer feeding and management of chronic wasting disease. Money appropriated for big game health management emergency deer feeding and management of chronic wasting disease is available until expended. When the unencumbered balance in the appropriation for big game health management emergency deer feeding chronic wasting disease at the end of a fiscal year exceeds \$2,500,000 \$1,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for big game health management chronic wasting disease has been spent.

Thereafter, when the unencumbered balance in the appropriation for big game health management emergency deer feeding exceeds \$2,500,000 \$1,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 \$1,500,000 is canceled and available for deer and bear management programs and computerized licensing.

**(Note to Revisor: Changes to 97A.105 to be effective January 1, 2004)**

### **97A.105 Game and fur farms.**

Subdivision 1. **License requirements.** (a) A person may breed and propagate fur-bearing animals, game birds, bear, ~~moose, elk, caribou, or~~ mute swans, ~~or deer~~ only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a game farm may be sold to other licensed game farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

(b) A person may purchase live game birds or their eggs without a license if the birds or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed for consumption within one year after they were purchased or hatched. This paragraph does not apply to the purchase of migratory waterfowl or their eggs.

(c) A person may not introduce mute swans into the wild without a permit issued by the commissioner.

Subd. 2. **Transfer of license.** (a) A game or fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

(1) the land transferred complies with the license requirements;

(2) the land is used for the purposes of the license; and

(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a game or fur farm must obtain a separate license.

Subd. 3. **Ownership of wild animals.** All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the game and fur farm licensee.

~~Subd. 3a. — **Cervidae running at large prohibited.** (a) An owner may not allow cervidae to run at large. The owner must make all reasonable efforts to return escaped cervidae to their enclosures as soon as possible. The owner must notify the commissioner of the escape of cervidae if the cervidae are not returned or captured by the owner within 24 hours of their escape.~~

~~(b) An owner is liable for expenses of another person in capturing, caring for, and returning cervidae that have left their enclosures if the person capturing the cervidae contacts the owner as soon as possible.~~

~~(c) If an owner is unwilling or unable to capture escaped cervidae, the commissioner may destroy the escaped cervidae. The commissioner must allow the owner to attempt to capture the escaped cervidae prior to destroying the cervidae. Cervidae that are not captured by 24 hours after escape may be destroyed.~~

~~Subd. 3b. — **Wild cervidae inside confinement area.** An owner, or employee or agent under the direction of the owner, must destroy wild cervidae found within the game farm owner's cervidae confinement area. The owner, employee, or agent must report the wild cervidae destroyed to a conservation officer or an employee of the division of wildlife within 24 hours. The wild cervidae must be disposed of as prescribed by the commissioner.~~

Subd. 4. **Sale of live animals.** (a) A sale of live animals from a licensed fur or game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately.

(b) Live animals sold through auction or through a broker are considered to be sold by the game farm licensee.

(c) The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year.

Subd. 5. **Sale of pelts.** The commissioner shall prescribe:

- (1) the manner that pelts and products of wild animals raised on fur or game farms may be sold or transported; and
- (2) the tags or seals to be affixed to the pelts and products.

Subd. 6. **Fox and mink.** Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations.

Subd. 7. **Transportation of live beaver.** Live beaver may not be transported without a permit from the commissioner.

Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects all wild animals on the game or fur farm to confiscation.

Subd. 9. **Rules.** The commissioner may adopt rules for:

- (1) the issuance of game farm licenses;
- (2) the inspection of game farm facilities;
- (3) the acquisition and disposal of game farm animals; and
- (4) record keeping and reporting by game farm licensees, including transactions handled by auction or broker.

#### **97A.401 Special permits.**

Subdivision 1. **Commissioner's authority.** The commissioner may issue special permits for the activities in this section.

Subd. 2. **Zoological specimen collecting.** Special permits may be issued without a fee to municipalities, incorporated natural history societies, high schools, colleges, and universities that maintain a zoological collection, to collect specimens of eggs, nests, and wild animals for scientific or exhibition purposes.

Subd. 3. **Taking, possessing, and transporting wild animals for certain purposes.** (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, rehabilitative, wildlife health management, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition or propagation or as pets.

~~(c) The commissioner shall establish criteria for issuing special permits for persons to possess wild and native deer as pets.~~

Subd. 4. **Taking wild animals from game refuges, wildlife management, and other areas.** Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife

management areas, state parks, controlled hunting zones, and other areas of the state that the commissioner may open for the taking of a wild animal during a special season or subject to special restrictions. In addition, an application fee may be charged for a special permit. Local units of government may charge an administrative fee in connection with special hunts under their jurisdiction. Fees to be collected shall be based upon the estimated cost of conducting the special season or administering the special restrictions.

Subd. 5. **Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals that are damaging property. A special permit issued under this subdivision to take beaver must state the number to be taken.

Subd. 6. **Endangered muskrats.** Special permits may be issued with or without a fee to take muskrats in danger of freezing out or starving in the winter.

Subd. 7. **Raptors.** The commissioner shall prescribe conditions and may issue permits for persons to breed, propagate, and sell raptors.

#### **97A.441 LICENSES TO BE ISSUED WITHOUT A FEE.**

Subd. 10. **Taking wild animals for wildlife health management.** The commissioner may issue, without a fee, licenses to take wild animals for the purposes of wildlife health management.

#### **97A.475 License Fees.**

Subd. 4a. **Deer license surcharge.** Fees for annual licenses to take deer must be increased by a surcharge of \$5, which is appropriated for **big game** health management consistent with 97A.075 Subd. 1(c).

#### **97A.501 Wild animals; general restrictions.**

Subdivision 1. **General restrictions.** A person may not take, buy, sell, transport, or possess a protected wild animal unless allowed by the game and fish laws. The ownership of all wild animals is in the state, unless the wild animal has been lawfully acquired under the game and fish laws. The ownership of a wild animal that is lawfully acquired reverts to the state if a law relating to sale, transportation, or possession of the wild animal is violated.

Subd. 2. **Endangered species.** A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in section 84.0895.

Subd. 3. **Contraceptive chemicals.** (a) A person may not administer contraceptive chemicals to noncaptive wild animals without a permit issued by the commissioner.

(b) The commissioner shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery

methods and devices and monitoring requirements.

Subd. 4. **Wild deer feeding.** A person may not place food, salt, mineral blocks, or other products that deer will ingest in areas where wild deer are present, except:

- (a) in areas where deer are prevented access by elevation, fencing or other barriers;
- (b) food, salt, or mineral blocks resulting from normal livestock operations and agricultural practices;
- (c) standing agricultural crops, including wildlife food plots;
- (d) as incidental to legal wildlife baiting authorized by the Game and Fish Statutes; and
- (e) within 150 feet of a residence, office building, school or nature center.

#### **97A.505 Possession of wild animals.**

Subdivision 1. Repealed, 1987 c 149 art 1 s 54

Subd. 2. **Possession of unlawful animals brought into the state prohibited.** A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state.

Subd. 3. Repealed, 1987 c 149 art 1 s 54

Subd. 3a. **Transportation of animals into state.** Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state unless otherwise provided by law.

Subd. 3b. **Wild animals taken on Red Lake Reservation lands within the Northwest Angle.** Wild animals taken and tagged in accordance with the Red Lake Band's conservation code on the Red Lake Reservation lands in Minnesota north of the 49th parallel shall be considered lawfully taken and possessed under state law.

Subd. 3c. **Importation of hunter-harvested cervidae.** Importation into Minnesota of hunter-harvested cervidae carcasses is prohibited except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

Subd. 3d. **Possession of live cervidae.** After January 1, 2004, a person may not possess live cervidae, except as authorized in Minnesota statutes 17.451 and 17.452, or 97A.401.

Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.

Subd. 5. **License not required for animals acquired by gift.** Lawfully taken protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift.

Subd. 6. Repealed, 1987 c 149 art 1 s 54

Subd. 7. **Exceptions to this section.** This section does not apply to mounted specimens of wild animals, antlers, tanned hides, and dressed furs lawfully taken.

**97B.311 Deer seasons and restrictions.** (a) The commissioner may, by rule, prescribe the open seasons and restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. ~~The commissioner may, by rule, prescribe the open seasons for deer within the following periods:~~

~~(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;~~

~~(2) taking with muzzle-loading firearms between September 1 and December 31; and~~

~~(3) taking by archery between September 1 and December 31.~~

~~(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas between September 1 and January 15.~~