

150.740 Ban on live Cervidae importation except under certain conditions -- Penalties -- Reports on chronic wasting disease to be submitted to Interim Joint Committees annually -- Authority of department to seize captive cervids - Hearing -- Appeal.

- (1) There shall be a ban on the importation of live members of the animal family Cervidae into the Commonwealth that have not been subject to a program of surveillance and identification for cervid chronic wasting disease (CWD) that meets or exceeds:
 - (a) The requirements of the Kentucky Cervid CWD Surveillance and Identification (CCWDSI) Program set forth in this section and in administrative regulations promulgated by the Kentucky Department of Agriculture; and
 - (b) Any other health requirements as regulated by the Kentucky Department of Agriculture or the United States Department of Agriculture for cervids.
- (2) The Kentucky Department of Agriculture shall be responsible for authorizing importation of the members of the animal family Cervidae into the Commonwealth that have been subject to a program of surveillance and identification for cervid CWD that meets or exceeds:
 - (a) The requirements of the Kentucky CCWDSI Program set forth in this section and in administrative regulations promulgated by the Kentucky Department of Agriculture; and
 - (b) Any other health requirements as regulated by the Kentucky Department of Agriculture or the United States Department of Agriculture for cervids.
- (3) Members of the animal family Cervidae shall not be eligible for importation into the Commonwealth unless the program of surveillance and identification for cervid CWD to which they have been subject:
 - (a) Has been certified by the exporting state's state veterinarian or agency having jurisdiction over that state's surveillance and identification program;
 - (b) Has been approved by the Kentucky state veterinarian as meeting or exceeding the standards imposed under the Kentucky CCWDSI Program; and
 - (c) Meets, at minimum, the following requirements:
 1. The program shall require cervid owners to obtain identification and laboratory diagnosis from brain tissue as directed by the exporting state's state veterinarian or agency with jurisdiction for cervids twelve (12) months of age or greater that:
 - a. Display clinical signs of CWD;
 - b. Die, including deaths by slaughter or by hunting, including hunting on hunting preserves; or
 - c. Are ill or injured regardless of whether the illness or injury results in death; and
 2. The program shall require cervid owners to obtain cervids from herds that have been monitored for at least five (5) years and that have

complied with the standards contained in the Kentucky CCWDSI Program.

- (4) Cervids originating from a state that has reported a confirmed case of CWD in wild or captive cervids shall not be imported into Kentucky until The United States Department of Agriculture approves:
 - (a) Regulations that allow importation from those states; and
 - (b) A live test for CWD that is available for live testing of cervids.
- (5) Importation of members of the animal family Cervidae into the Commonwealth shall be consistent with this section and with administrative regulations promulgated by the Kentucky Department of Agriculture in cooperation with the Kentucky Department of Fish and Wildlife Resources.
- (6) A person shall be guilty of a Class D felony upon conviction for violating this section. Upon conviction of a second violation of this section and in addition to all other penalties, a person shall be permanently ineligible for renewal of a captive cervid permit. On or before November 1 of each year, the Department of Fish and Wildlife Resources and the Department of Agriculture, Office of the State Veterinarian, respectively shall issue reports to the Interim Joint Committee on Agriculture and the Interim Joint Committee on Natural Resources and Environment on the status of chronic wasting disease, and the reports may include the status of other animal or wildlife diseases in Kentucky and the United States. The reports shall be used for the purpose of determining the need for modifications to the statutory ban on the importation of cervids into the Commonwealth.
- (7) The Department of Fish and Wildlife Resources shall have the authority to immediately, and without compensation to the owner, seize captive cervids that have been imported into the Commonwealth contrary to this section. The individual whose cervids were seized may request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the department's seizure and may appeal the final decision to Franklin Circuit Court in accordance with KRS Chapter 13B. Pending the final outcome of all appeals, the seized cervids may be disposed of by the department without compensation to the owner.
- (8) The department shall have the authority to immediately, and without compensation to the owner, seize and destroy captive cervids that are in the process of being imported into the Commonwealth contrary to this section.
- (9) A captive cervid originating from outside the Commonwealth of Kentucky which is in transit, as defined in KRS 150.725 and which is being transported through the Commonwealth to another state or nation of destination shall meet the entry requirements of the state or nation of destination.
- (10) A person intending to transport a captive cervid through Kentucky shall, prior to the captive cervid entering Kentucky, obtain a transportation permit from the Office of the State Veterinarian. This permit shall specify that:
 - (a) A captive cervid being transported through Kentucky shall not remain in Kentucky for more than twenty-four (24) hours from the time of entry and, if this requirement cannot be met once the animal is in Kentucky, the Office of

- the State Veterinarian shall be contacted to secure a variance to the permit;
- (b) A captive cervid being transported through Kentucky shall not leave the transport vehicle while in Kentucky; and
 - (c) The person transporting the captive cervid through Kentucky shall follow the routes specified in the transport permit, if this requirement cannot be met once the animal is in Kentucky, the Office of the State Veterinarian shall be contacted to secure a variance to the permit.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 135, sec. 1, effective July 15, 2010; and ch. 158, sec. 10, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 62, sec. 5, effective June 25, 2009. -- Created 2006 Ky. Acts ch. 159, sec. 4, effective July 12, 2006.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts chs. 135 and 158, which do not appear to be in conflict and have been codified together.