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SYNOPSIS
Establishes licensing program in Department of Agriculture for farmed deer and other cervids.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning Cervidae livestock operations and
supplementing Titles 4 and 23 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. As used in this act:
   “Cervid” means any member of the Cervidae family including
deer, elk, moose, reindeer, and caribou, hybrids of these animals,
and the germ plasm, embryos and fertile ova of these animals.
   “Cervidae livestock operation” means a normal agricultural
operation involved in the production, growing, breeding, using,
harvesting, transporting, or marketing of cervid species or products.
   “Department” means the Department of Agriculture.
   “License” means a license issued by the Department of
Agriculture to operate a Cervidae livestock operation pursuant to
this act.

2. Notwithstanding any law, rule or regulation to the contrary,
farmed cervids that are part of a Cervidae livestock operation shall
be designated as agricultural livestock and shall be subject to the
laws, rules and regulations governing the possession, care and
breeding of that type of animal in the State.

3. a. There is established in the Department of Agriculture a
licensing program for the operation of Cervidae livestock
operations. This program shall comply with the provisions of the
United States Department of Agriculture Chronic Wasting Disease
Herd Certification Program.
b. The department shall inspect the premises of an applicant’s
facility and investigate each applicant for a license. An inspection
may be made by the department or an agent of the department,
including a licensed veterinarian accredited by the department.
c. The department shall issue a license if the department
determines after inspection of the premises and investigation of the
applicant that:
   (1) the premises, including fences, buildings, equipment and
sanitary conditions, comply with this act and the rules and
regulations of the department governing farmed cervids; and
   (2) the applicant is able to conduct a Cervidae livestock
operation in compliance with this act and the rules and regulations
of the department governing farmed cervids.
d. (1) A Cervidae livestock operation that is in operation on
the effective date of this act pursuant to a valid license issued by the
Department of Environmental Protection and in compliance with
the applicable rules and regulations of both the Department of
Environmental Protection and the Department of Agriculture
concerning farmed cervids shall be granted a provisional license from the Department of Agriculture pursuant to this act.

(2) Within one year after the effective date of this act and prior to the expiration date of the existing license from the Department of Environmental Protection, the Department of Agriculture shall, for each provisional licensee: (a) perform the inspection and investigation required pursuant to this section; and (b) either issue a license or deny the application.

e. The department may charge reasonable fees to cover costs associated with implementing the licensing program established pursuant to this act.

4. a. A license issued by the department pursuant to this act shall be valid for a period of two years from the date of issuance.

b. A license shall be renewed upon application if the department determines that:

(1) the licensee has not been cited for a violation of this act or any rule or regulation of the department; and

(2) there is no reason to believe that the licensee is unable to conduct a Cervidae livestock operation in compliance with this act and the rules and regulations of the department governing farmed cervids.

c. The department may suspend or revoke the license of any Cervidae livestock operation violating any provision of this act or any rule or regulation adopted pursuant thereto.

5. a. Live cervids may be brought onto the premises of a Cervidae livestock operation through intrastate commerce, and may be removed from the premises or relocated to another premises in a manner consistent with this act and the rules and regulations of the department governing farmed cervids. Upon delivery of a live cervid, the Cervidae livestock operation shall prepare and deliver to the shipper, purchaser or consignee a receipt, detailed invoice or consignment document that clearly states the date, the name, address and telephone number of the purchaser or person to whom the cervid is sold or consigned, the quantity, sex, and species of the cervid, and the name and address of the Cervidae livestock operation.

b. Cervids and cervid products may be removed from the premises of a Cervidae livestock operation in a manner consistent with this act and the rules and regulations of the department governing farmed cervids. Prior to removal from the premises of a dead cervid or part of a cervid, the Cervidae livestock operation shall place the dead cervid or part of the cervid in a package or container, or attach a label to it. The package, container, or label shall have printed upon it the name, address and telephone number of the Cervidae livestock operation that produced the cervid. The Cervidae livestock operation shall also issue a receipt, detailed
invoice or consignment document including the date of shipment or
sale, the name of the shipper, purchaser or consignee, the quantity,
sex and species of the cervid shipped or sold, and the name,
address, telephone number and license number of the Cervidae
livestock operation shipping, consigning or selling cervids. A dead
cervid produced under the authority of the Cervidae livestock
operation may not be removed from its package or container or
have removed from it the label provided for in this subsection until
final consumption or disposal.

6. The department, pursuant to the “Administrative Procedure
Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
regulations concerning Cervidae livestock operations.
These rules and regulations shall include, but need not be limited
to, the type of pens and enclosures used for Cervidae livestock
operations, and require:
   a. a fenced enclosure surround the outside perimeter of the
operation which is designed to prevent ingress and egress, with a
fence height of at least eight feet from the ground to the top of the
fence; and
   b. the premises to be adequate to provide for the health and
welfare of the cervids.

7. Nothing in sections 1 through 6 of this act shall be construed
to:
   a. affect the authority of the Department of Environmental
Protection and the Fish and Game Council to promulgate rules and
regulations concerning the possession of cervids that are not part of
a Cervidae livestock operation; or
   b. exempt any person from the provisions of Title 23 of the
Revised Statutes, or any rules or regulations adopted pursuant
thereto, concerning the release or escape of farmed cervids into the
wild.

8. Notwithstanding the provisions of R.S.23:3-28 through
R.S.23:3-39, or any rule or regulation adopted pursuant thereto, to
the contrary, the Department of Environmental Protection and the
Fish and Game Council shall have no authority to promulgate rules
or regulations concerning Cervidae livestock operations that receive
a license from the Department of Agriculture pursuant to sections 1
through 7 of P.L. , c. (C. ) (pending before the Legislature
as this bill).

9. This act shall take effect immediately.
This bill would designate farmed cervids (deer and similar hoofed mammals) that are part of a Cervidae livestock operation as agricultural livestock, and establish, in the Department of Agriculture, a licensing program for Cervidae livestock operations. Under the bill, the Department of Agriculture would adopt regulations for the operation of Cervidae livestock operations.

In 2002, the Department of Environmental Protection’s (DEP) Division of Fish and Wildlife banned the importation of deer and elk into the State as a precautionary measure to prevent the spread of chronic wasting disease into the State’s wild and farmed herds of animals belonging to the deer family. Under current rules, a person wishing to import cervids into the State must comply with requirements set forth by both the Department of Agriculture and the DEP’s Division of Fish and Wildlife. This bill would establish the authority for the regulation of farmed cervid herds in the Department of Agriculture.

This bill is similar to legislation, HB 1580, enacted in Pennsylvania in 2006, which provides that Cervidae livestock operations are to be considered normal agricultural operations and gives the responsibility for regulating these operations to the Pennsylvania Department of Agriculture.

This bill also provides that the DEP and the Fish and Game Council would have no authority to promulgate rules or regulations concerning Cervidae livestock operations. However, the DEP and the Fish and Game Council may regulate the possession of cervids that are not part of a Cervidae livestock operation as defined by the bill. In addition, the bill would not exempt any person from fish and wildlife laws, or any rules or regulations adopted pursuant thereto, concerning the release or escape of farmed cervids into the wild.