

**SENATE, No. 1842**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/28/2014)**

1 AN ACT concerning Cervidae livestock operations and  
2 supplementing Titles 4 and 23 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Cervid” means any member of the Cervidae family including  
9 deer, elk, moose, reindeer, and caribou, hybrids of these animals,  
10 and the germ plasm, embryos and fertile ova of these animals.

11 “Cervidae livestock operation” means a normal agricultural  
12 operation involved in the production, growing, breeding, using,  
13 harvesting, transporting, or marketing of cervid species or products.

14 “Department” means the Department of Agriculture.

15 “License” means a license issued by the Department of  
16 Agriculture to operate a Cervidae livestock operation pursuant to  
17 this act.

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

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25 3. a. There is established in the Department of Agriculture a  
26 licensing program for the operation of Cervidae livestock  
27 operations. This program shall comply with the provisions of the  
28 United States Department of Agriculture Chronic Wasting Disease  
29 Herd Certification Program.

30 b. The department shall inspect the premises of an applicant’s  
31 facility and investigate each applicant for a license. An inspection  
32 may be made by the department or an agent of the department,  
33 including a licensed veterinarian accredited by the department.

34 c. The department shall issue a license if the department  
35 determines after inspection of the premises and investigation of the  
36 applicant that:

37 (1) the premises, including fences, buildings, equipment and  
38 sanitary conditions, comply with this act and the rules and  
39 regulations of the department governing farmed cervids; and

40 (2) the applicant is able to conduct a Cervidae livestock  
41 operation in compliance with this act and the rules and regulations  
42 of the department governing farmed cervids.

43 d. (1) A Cervidae livestock operation that is in operation on  
44 the effective date of this act pursuant to a valid license issued by the  
45 Department of Environmental Protection and in compliance with  
46 the applicable rules and regulations of both the Department of  
47 Environmental Protection and the Department of Agriculture

1 concerning farmed cervids shall be granted a provisional license  
2 from the Department of Agriculture pursuant to this act.

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

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

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

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

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

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

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

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

39 b. Cervids and cervid products may be removed from the  
40 premises of a Cervidae livestock operation in a manner consistent  
41 with this act and the rules and regulations of the department  
42 governing farmed cervids. Prior to removal from the premises of a  
43 dead cervid or part of a cervid, the Cervidae livestock operation  
44 shall place the dead cervid or part of the cervid in a package or  
45 container, or attach a label to it. The package, container, or label  
46 shall have printed upon it the name, address and telephone number  
47 of the Cervidae livestock operation that produced the cervid. The  
48 Cervidae livestock operation shall also issue a receipt, detailed

1 invoice or consignment document including the date of shipment or  
2 sale, the name of the shipper, purchaser or consignee, the quantity,  
3 sex and species of the cervid shipped or sold, and the name,  
4 address, telephone number and license number of the Cervidae  
5 livestock operation shipping, consigning or selling cervids. A dead  
6 cervid produced under the authority of the Cervidae livestock  
7 operation may not be removed from its package or container or  
8 have removed from it the label provided for in this subsection until  
9 final consumption or disposal.

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11 6. The department, pursuant to the "Administrative Procedure  
12 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
13 regulations concerning Cervidae livestock operations.

14 These rules and regulations shall include, but need not be limited  
15 to, rules and regulations governing the type of pens and enclosures  
16 used for Cervidae livestock operations, and shall require, at a  
17 minimum, that a Cervidae livestock operation:

18 a. be surrounded, along its outside perimeter, by a fenced  
19 enclosure that is designed to prevent ingress and egress, and which  
20 has a height of at least eight feet, as measured from the ground to  
21 the top of the fence; and

22 b. be established and maintained on a premises that is adequate  
23 to provide for the health and welfare of the cervids.

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25 7. Nothing in sections 1 through 6 of this act shall be construed  
26 to:

27 a. affect the authority of the Department of Environmental  
28 Protection and the Fish and Game Council to promulgate rules and  
29 regulations concerning the possession of cervids that are not part of  
30 a Cervidae livestock operation; or

31 b. exempt any person from the provisions of Title 23 of the  
32 Revised Statutes, or any rules or regulations adopted pursuant  
33 thereto, concerning the release or escape of farmed cervids into the  
34 wild.

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

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45 9. This act shall take effect immediately.

STATEMENT

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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. The Department of Agriculture would be required to adopt rules and regulations governing 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 would eliminate the authority of the DEP and the Fish and Game Council to promulgate rules or regulations concerning Cervidae livestock operations. However, the DEP and the Fish and Game Council would retain the authority to 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.