

IN THE SENATE

SENATE BILL NO. 1085

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DOMESTIC CERVIDAE; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 25-3704A, IDAHO CODE, TO PROVIDE FOR
3 CERTIFIED DOMESTIC CERVIDAE HERDS, TO DEFINE A TERM, TO PROVIDE FOR THE
4 SUBMISSION OF OBEX SAMPLES TO APPROVED LABORATORIES, TO PROVIDE FOR
5 THE ESTABLISHMENT OF CERTAIN REQUIREMENTS AND ASSESSMENT OF RISK, TO
6 PROVIDE FOR PERIODIC VERIFICATION OF DOMESTIC CERVIDAE FARM AND RANCH
7 INVENTORIES OR ANIMALS HELD AND INDIVIDUAL IDENTIFICATION BY STATE
8 OR FEDERAL ANIMAL HEALTH OFFICIALS, TO PROVIDE THAT CHRONIC WASTING
9 DISEASE SAMPLING REQUIREMENTS SHALL BE BASED ON SUBMISSION OF AN OBEX
10 SAMPLE, TO PROVIDE FOR WAIVER REQUESTS, TO PROVIDE FOR REDUCTION IN
11 STATUS AND TO CLARIFY GOVERNANCE AND TESTING PROVISIONS FOR THOSE HERDS
12 THAT ARE NOT CERTIFIED; AND AMENDING SECTION 25-3708, IDAHO CODE, TO
13 PROVIDE THAT THE FEE IMPOSED ON DOMESTIC CERVIDAE SHALL INCLUDE ALL DO-
14 MESTIC CERVIDAE PRESENT AT THE FARM OR RANCH AS OF DECEMBER 31 AND ALL
15 DOMESTIC CERVIDAE IMPORTED FROM OUTSIDE OF THE STATE THAT DIE DURING THE
16 SAME CALENDAR YEAR, TO CLARIFY THAT FEES SHALL ONLY BE USED BY THE IDAHO
17 STATE DEPARTMENT OF AGRICULTURE FOR SPECIFIED PURPOSES, TO PROVIDE FOR
18 THE CREATION OF A FUND, TO REVISE PROVISIONS RELATING TO THE USE OF MON-
19 EYS COLLECTED AND TO PROVIDE FOR ANNUAL ACCOUNTING REPORTS.
20

21 Be It Enacted by the Legislature of the State of Idaho:

22 SECTION 1. That Chapter 37, Title 25, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 25-3704A, Idaho Code, and to read as follows:

25 25-3704A. CERTIFIED DOMESTIC CERVIDAE HERD -- ESTABLISHED REQUIRE-
26 MENTS -- REDUCTION OF STATUS. Any domestic cervidae herd on a domestic
27 cervidae farm or ranch having been in a state, federal or provincial chronic
28 wasting disease (CWD) program, testing one hundred percent (100%) of
29 testable animals over sixteen (16) months of age, that die or are otherwise
30 slaughtered or destroyed, for at least the past five (5) consecutive years,
31 shall be known as a certified domestic cervidae herd. For the purpose of this
32 chapter, "testable" shall mean any cervidae from a domestic cervidae farm
33 or ranch that has died from any cause that has been located by any farm or
34 ranch owner, authorized agent or employee of the operation or any designated
35 regulating agency of the domestic cervidae industry with intact and unde-
36 teriorated brain tissue. The farm or ranch owner or authorized agent shall
37 have the obex submitted to an Idaho state department of agriculture approved
38 laboratory. Notwithstanding any rule requirements to the contrary, once
39 certified, the farm or ranch owner or authorized agent and the administrator
40 may establish inventory verification requirements, CWD sampling require-
41 ments, facility inspection requirements and assessment of risk specific
42 for that farming or ranching operation. Once certified, state or federal

1 animal health officials shall verify all domestic cervidae farm and ranch
2 inventories or animals held and individual identification no more than once
3 every thirty-six (36) months. The CWD sampling requirement shall be based
4 on submission of an obex sample of not more than twenty percent (20%) of
5 testable animals from certified herds, hunting and slaughter facilities.
6 In the event a domestic cervidae farm or ranch cannot submit a viable brain
7 sample, the domestic cervidae farm or ranch shall submit on a form approved
8 by the administrator, a waiver request within forty-eight (48) hours of
9 determining that a viable brain sample cannot be submitted. Any certified
10 domestic cervidae herd that adds additional cervidae by importation to its
11 herd that has or has not been in a state, federal or provincial CWD program
12 for the past five (5) years shall reduce its status of a certified herd, and
13 shall drop their herd status to the lower status of the herds involved. Any
14 domestic cervidae herd that is not certified shall be governed by applicable
15 Idaho state department of agriculture rules, and continue to test one hun-
16 dred percent (100%) of testable animals.

17 SECTION 2. That Section 25-3708, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 25-3708. FEES. There is hereby imposed, on domestic cervidae, a fee,
20 not to exceed five dollars (\$5.00) per head per year and shall be due on Jan-
21 uary 1 of each year. The fee shall include all domestic cervidae present
22 at the farm or ranch as of December 31 and all domestic cervidae imported
23 from outside of the state that die during the same calendar year. The fee
24 shall be used by the Idaho state department of agriculture, division of an-
25 imal industries, only for the prevention, control and eradication of dis-
26 eases of domestic cervidae, the inspection of domestic cervidae and domestic
27 cervidae farms or ranches, and administration of the domestic cervidae pro-
28 gram. There is hereby created in the state treasury, a fund to be known as the
29 domestic cervidae program fund. All moneys collected under this provision
30 shall be deposited in ~~the livestock disease control and tuberculosis indem-~~
31 ~~nity~~ this fund and used by the Idaho state department of agriculture, divi-
32 sion of animal industries, for the domestic cervidae program. An annual de-
33 tailed accounting report of all expenditures shall be completed and provided
34 to all interested parties.