

TITLE 25
ANIMALS

CHAPTER 37
DOMESTIC CERVIDAE FARMS

25-3701. DOMESTIC CERVIDAE FARMING DEEMED AGRICULTURAL PURSUIT. It shall be lawful for any person, association or corporation to breed, own or control domestic cervidae, which are defined as fallow deer (dama dama), elk (cervus elaphus) or reindeer (rangifer tarandus), but shall not include red deer (urasian cervidae) or any subspecies or hybrids thereof, and hold such animal in captivity for breeding or other useful purposes on domestic cervidae farms or ranches, provided the premises have been registered with the division of animal industries. Reindeer (rangifer tarandus) shall not be held for domestic purposes north of the Salmon River. For the purposes of all classification and administration of the laws of the state of Idaho, and all administrative orders and rules pertaining thereto, the breeding, raising, producing, harvesting or marketing of such animals or their products by the producer or his agent shall be deemed an agricultural pursuit; such animals shall be deemed livestock and their products shall be deemed agricultural products; the persons engaged in such agricultural pursuits shall be deemed farmers, cervidae farmers, cervidae breeders or cervidae ranchers; the premises within which such pursuit is conducted shall be deemed farms, cervidae farms, or cervidae ranches.

[(25-3701) 25-3501, added 1994, ch. 73, sec. 1, p. 151; am. and redesignig. 2004, ch. 182, sec. 2, p. 570.]

25-3702. TRANSFER OF FUNCTIONS FROM FISH AND GAME COMMISSION TO DEPARTMENT OF AGRICULTURE. All the functions of the fish and game commission and the department of fish and game, which affect the breeding, raising, producing, marketing, or any other phase of the production or distribution, of domestic cervidae, or the products thereof, are hereby transferred to and vested in the department of agriculture and the administrator of the division of animal industries; provided, that this act shall not limit or affect the powers or duties of the department of fish and game relating to nondomestic cervidae or the management and taking thereof, and provided further that the department of agriculture shall address the reasonable concerns of the department of fish and game respecting the domestic farming of cervidae as provided in section [36-106](#)(e)(9), Idaho Code.

[(25-3702) 25-3502, added 1994, ch. 73, sec. 1, p. 152; am. and redesignig. 2005, ch. 25, sec. 32, p. 96.]

25-3703. APPLICATION OF LAWS RELATING TO LIVESTOCK AND DOMESTIC ANIMALS. All of the provisions of chapters 2, 3, 4 and 6, [title 25](#), Idaho Code, applicable to livestock and domestic animals, except those provisions which by their terms are restricted to swine, bovine animals, dairy or breeding cattle, or range cattle, or other particular kind or kinds of livestock and domestic animals to the exclusion of livestock or domestic animals generally, are applicable to domestic cervidae.

[(25-3703) 25-3503, added 1994, ch. 73, sec. 1, p. 152; am. and redesignig. 2005, ch. 25, sec. 33, p. 96.]

25-3703A. OFFICIAL PERMANENT IDENTIFICATION. All domestic cervidae located in Idaho shall be identified with two (2) types of official permanent identification. At least one (1) of the official permanent identifications shall be visible from a minimum of one hundred fifty (150) feet.

[25-3703A, added 2004, ch. 182, sec. 3, p. 570.]

25-3704. RULES FOR REGISTERING PREMISES AND DISEASE PREVENTION. The administrator of the division of animal industries is hereby authorized and empowered to make, promulgate, and enforce general and reasonable rules not inconsistent with law, for the registration of domestic cervidae farm or ranch premises, and for the prevention of the introduction or dissemination of diseases among domestic cervidae of this state, and to otherwise effectuate enforcement of the provisions of chapters 2, 3, 4, 6 and 37, [title 25](#), Idaho Code, applicable to domestic cervidae.

[(25-3704) 25-3504, added 1994, ch. 73, sec. 1, p. 152; am. and redesignig. 2004, ch. 182, sec. 4, p. 570.]

25-3704A. DOMESTIC CERVIDAE RANCH SURVEILLANCE. All brain tissue samples from no less than ten percent (10%) of all domestic cervidae sixteen (16) months of age or older that die or are harvested on domestic cervidae farms or ranches shall be submitted by the owner or operator of the domestic cervidae farm or ranch to official laboratories to be tested or examined for chronic wasting disease (CWD). Reindeer and fallow deer are exempt from this testing requirement unless the reindeer or fallow deer are part of a CWD positive, exposed, trace, source or suspect herd. One hundred percent (100%) of brain tissue samples may still be submitted by the owner or operator to maintain export status in accordance with the national CWD herd certification program.

[25-3704A, added 2014, ch. 39, sec. 1, p. 90.]

25-3705. INSPECTION OF CERVIDAE FARMS -- RANCHES. The division of animal industries and any of its officers shall have the right, at any reasonable time, to inspect any domestic cervidae farm or ranch, and may go upon such farms or ranches or any part thereof where such animals are contained to inspect and examine the same and any animals therein. Inventory and facility inspection of farms and ranches shall take place at least every five (5) years. Inspections may take place at more frequent intervals if requested by a cervidae producer. Cervidae facilities participating in the national CWD herd certification program shall be inspected pursuant to current federal rules.

[(25-3705) 25-3505, added 1994, ch. 73, sec. 1, p. 152; am. and redesignig. 2005, ch. 25, sec. 34, p. 96; am. 2014, ch. 39, sec. 2, p. 91.]

25-3705A. ESCAPE OF DOMESTIC CERVIDAE. (1) It is the duty of the owners and operators of domestic cervidae farms or ranches to:

- (a) Take all reasonable actions to prevent the escape of domestic cervidae located on such farms or ranches;
- (b) Ensure that perimeter fences and gates are built and maintained in a manner that will prevent the escape of domestic cervidae;

(c) Notify the division of animal industries upon the discovery of the escape of domestic cervidae; and

(d) Take reasonable actions to bring under control domestic cervidae that escape.

(2) Notwithstanding any provision of law to the contrary, the division of animal industries or its agent is authorized to take necessary actions to bring under control any domestic cervidae that have escaped the control of the owner or operator of the domestic cervidae farm or ranch where the domestic cervidae were located.

(3) Any domestic cervidae, that have escaped the control of the owner or operator of a domestic cervidae farm or ranch for more than seven (7) days, taken by a licensed hunter in a manner which complies with [title 36](#), Idaho Code, and the rules and proclamations of the Idaho fish and game commission shall be considered a legal taking and neither the licensed hunter, the state, nor any state agency shall be liable to the owner for killing the escaped domestic cervidae.

[25-3705A, added 2004, ch. 182, sec. 5, p. 571.]

25-3705B. WILD UNGULATES. The Idaho department of fish and game shall cooperate with the division of animal industries and the owner or operator of any domestic cervidae farm or ranch, where any wild ungulates are found within the perimeter fences of the domestic cervidae farm or ranch, in the development of a site specific written herd plan to determine the disposition of the wild ungulates.

[25-3705B, added 2004, ch. 182, sec. 6, p. 571.]

25-3706. VIOLATIONS -- CIVIL -- CRIMINAL -- PENALTIES FOR VIOLATIONS. (1) Failure to comply with provisions applicable to domestic cervidae as set forth in chapters 2, 3, 4 and 6 of [title 25](#), Idaho Code, the provisions of this chapter, or rules promulgated thereunder, shall constitute a violation. Civil penalties may be assessed against a violator as follows:

(a) A civil penalty as assessed by the department or its duly authorized agent not to exceed five thousand dollars (\$5,000) for each offense;

(b) Assessment of a civil penalty may be made in conjunction with any other department administrative action.

(2) No civil penalty may be assessed against a person unless the person was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act as set forth in [chapter 52, title 67](#), Idaho Code.

(3) If the department is unable to collect an assessed civil penalty, or if a person fails to pay all or a set portion of an assessed civil penalty as determined by the department, the department may file an action to recover the civil penalty in the district court of the county in which the violation is alleged to have occurred. In addition to the assessed penalty, the department shall be entitled to recover reasonable attorney's fees and costs incurred in such action or on appeal from such action.

(4) A person against whom the department has assessed a civil penalty under this section may, within thirty (30) days of the final agency action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged to have occurred.

(5) Moneys collected pursuant to this section shall be deposited in the state treasury and credited to the livestock disease control and T.B. indemnity fund.

(6) The imposition or computation of monetary penalties shall take into account the seriousness of the violation, good faith efforts to comply with the law, the economic impact of the penalty on the violator and such other matters as justice requires.

(7) Nothing in this chapter shall be construed as requiring the director to report minor violations when the director believes that the public interest will be best served by suitable warnings or other administrative action.

(8) Any person, firm or corporation violating any of the provisions of chapters 2, 3, 4 and 6, [title 25](#), Idaho Code, this chapter, or rules promulgated thereunder by the division of animal industries, applicable to domestic cervidae, shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense.

[(25-3706) (25-3506) R.C., sec. 7153b, as added by 1909, p. 175, sec. 2; reen. C.L., sec. 7153b; C.S., sec. 8544; I.C.A., sec. 17-4204; reen. 1972, ch. 336, sec. 1, p. 884; am. and redesisg. 1994, ch. 346, sec. 6, p. 1092; am. 1996, ch. 229, sec. 5, p. 746; am. and redesisg. 2001, ch. 128, sec. 1, p. 450; am. 2002, ch. 103, sec. 1, p. 280.]

25-3707. PROPERTY RIGHTS IN DOMESTIC CERVIDAE. Domestic cervidae shall be, together with their offspring and increases the subject of ownership, lien and absolute property rights, (the same as purely domestic animals) in whatever situation, location, or condition such animals may thereafter become, or be, and regardless of their remaining in, or escaping from such restraint or captivity.

[(25-3707) 25-3507, added 1994, ch. 73, sec. 1, p. 152; am. and redesisg. 2005, ch. 25, sec. 35, p. 96.]

25-3708. FEES. (1) There is hereby imposed, on domestic cervidae, a fee, as determined by the director, not to exceed ten dollars (\$10.00) per head per year and shall be due on January 1 of each year. Such fee shall apply to all domestic cervidae present at the farm or ranch as of December 31.

(2) There is hereby imposed, on all domestic cervidae imported from outside of the state, a fee of ten dollars (\$10.00) per head payable by December 31 of the year of import.

(3) There is hereby imposed, on all domestic cervidae exported outside of the state, a fee of ten dollars (\$10.00) per head payable by December 31 of the year of export.

(4) There is hereby imposed, on all domestic cervidae whose ownership is transferred from one (1) producer to another within the state, a fee of ten dollars (\$10.00) per head paid by the seller payable by December 31 of the year of transfer.

(5) The department shall accept payment of fees by cash and check and shall also facilitate the payment of fees by debit and credit card through electronic and telephonic means, as available.

(6) Fees imposed by the provisions of subsections (2), (3) and (4) of this section shall not apply to domestic cervidae destined to an approved slaughter establishment.

(7) The fee shall be used by the Idaho state department of agriculture, division of animal industries, solely for the prevention, control and eradication of diseases of domestic cervidae, the inspection of domestic cervidae

and domestic cervidae farms or ranches, and administration of the domestic cervidae program. All moneys collected under this provision shall be deposited in the livestock disease control and tuberculosis indemnity fund and used for the domestic cervidae program.

[(25-3708) 25-3508, added 1994, ch. 73, sec. 1, p. 153; am. and re-desig. 2004, ch. 182, sec. 7, p. 571; am. 2014, ch. 39, sec. 3, p. 91; am. 2020, ch. 319, sec. 1, p. 918.]

25-3709. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

[(25-3709) 25-3509, added 1994, ch. 73, sec. 1, p. 153; am. and re-desig. 2005, ch. 25, sec. 36, p. 97.]