

SENATE BILL No. 46

By Committee on Agriculture

1-21

1 AN ACT concerning domesticated deer; relating to identification of deer;
2 amending K.S.A. 2014 Supp. 47-2101 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 47-2101 is hereby amended to read as
7 follows: 47-2101. (a) It shall be unlawful for any person to possess
8 domesticated deer unless such person has obtained from the animal health
9 commissioner a domesticated deer permit. Application for such permit
10 shall be made in writing on a form provided by the commissioner. The
11 permit period shall be for the permit year ending on June 30 following the
12 issuance date.

13 (b) Each application for issuance or renewal of a permit shall be
14 accompanied by a fee of not more than \$400 as established by the
15 commissioner in rules and regulations.

16 (c) The animal health commissioner shall adopt any rules and
17 regulations necessary to enforce the provisions of article 21 of chapter 47
18 of the Kansas Statutes Annotated, and amendments thereto, ensure
19 compliance with federal requirements and protect domestic animals and
20 wildlife from disease risks related to domestic deer production.

21 (d) Any person who fails to obtain a permit as prescribed in
22 subsection (a) shall be deemed guilty of a class C nonperson misdemeanor
23 and upon conviction shall be punished by a fine not exceeding \$1,000.
24 Continued operation, after a conviction, shall constitute a separate offense
25 for each day of operation.

26 (e) The commissioner may refuse to issue or renew or may suspend
27 or revoke any permit for any one of the following reasons:

28 (1) Material misstatement in the application for the original permit or
29 in the application for any renewal of a permit;

30 (2) the conviction of any crime, an essential element of which is
31 misstatement, fraud or dishonesty, or relating to the theft of or cruelty to
32 animals;

33 (3) substantial misrepresentation;

34 (4) the person who is issued a permit is found to be poaching or
35 illegally obtaining deer; or

36 (5) the permit holder's willful disregard of any rule or regulation

1 adopted under this section.

2 (f) Any refusal to issue or renew a permit and any suspension or
3 revocation of a permit under this section shall be in accordance with the
4 provisions of the Kansas administrative procedure act and shall be subject
5 to review in accordance with the Kansas judicial review act.

6 ~~(g) Domesticated deer shall be identified through implantation of~~
7 ~~microchips, ear tags, ear tattoos, ear notches or any other permanent~~
8 ~~identification on such deer as to identify such deer as domesticated deer.~~
9 *Each domesticated deer, regardless of age, that enters a premises alive or*
10 *leaves a premises alive or dead for any purpose, other than for direct*
11 *movement to a licensed or registered slaughter facility in Kansas, shall*
12 *have official identification, as prescribed by rules and regulations of the*
13 *commissioner. Any person who receives a permit issued pursuant to*
14 *subsection (a) shall keep records of such deer as required by rules and*
15 *regulations adopted pursuant to this section.*

16 (h) (1) The animal health commissioner or the commissioner's
17 representatives may inspect the premises and records of any person issued
18 a domesticated deer permit, but shall not inspect such premises and
19 records more than once each permit year, unless the commissioner has:

20 (A) Discovered a violation of article 21 of chapter 47 of the Kansas
21 Statutes Annotated, and amendments thereto; or

22 (B) received a complaint that such premises is not being operated,
23 managed or maintained in accordance with rules and regulations adopted
24 pursuant to this section.

25 (2) The commissioner or the commissioner's representatives may
26 inspect unlicensed premises when the commissioner has reasonable
27 grounds to believe that a person is violating the provisions of this section.

28 (i) The animal health commissioner, on an annual basis, shall transmit
29 to the secretary of wildlife, parks and tourism a current list of persons
30 issued a permit pursuant to this section. The department of agriculture may
31 request assistance from the department of wildlife, parks and tourism to
32 assist in implementing and enforcing article 21 of chapter 47 of the Kansas
33 Statutes Annotated, and amendments thereto.

34 (j) All moneys received under this section shall be remitted to the
35 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
36 amendments thereto. Upon receipt of each such remittance, the state
37 treasurer shall deposit the entire amount in the state treasury to the credit
38 of the animal disease control fund.

39 (k) As used in this section:

40 (1) "Deer" means any member of the family cervidae.

41 (2) "Domesticated deer" means any member of the family cervidae
42 which was legally obtained and is being sold or raised in a confined area
43 for: (A) Breeding stock; (B) any carcass, skin or part of such animal; (C)

1 exhibition; or (D) companionship.

2 Sec. 2. K.S.A. 2014 Supp. 47-2101 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.