

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 948  
Committee Substitute Favorable 5/21/03

Short Title: Clarify Authority/Regulation of Cervids.

(Public)

Sponsors:

Referred to:

April 8, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF  
3 AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE  
4 RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF  
5 CERVIDS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113-129(1b) reads as rewritten:

8 "(1b) Big Game. – Bear, wild boar, wild turkey, and deer, ~~not to include~~  
9 ~~fallow deer or red deer raised for production and sale under G.S.~~  
10 ~~106-549.97.~~ white-tailed deer."

11 **SECTION 2.** G.S. 113-129 is amended by adding a new subdivision to read:

12 "(1f) Cervid or Cervidae. – All animals in the Family Cervidae (elk and  
13 deer)."

14 **SECTION 3.** G.S. 113-129 is amended by adding two new subdivisions to

15 read:

16 "(5a) Deer. – White-tailed deer (Odocoileus virginianus), except when  
17 otherwise specified in this Chapter.

18 "(5b) Farmed Cervid. – Any member of the Cervidae family, other than  
19 white-tailed deer, elk, mule deer, or black-tailed deer, that is bought  
20 and sold for commercial purposes."

21 **SECTION 4.** G.S. 113-129(7c) reads as rewritten:

22 "(7c) Game Animals. – Bear, fox, rabbit, squirrel, wild boar, ~~and~~  
23 ~~white-tailed deer, not to include fallow deer or red deer raised for~~  
24 ~~production and sale under G.S. 106-549.97; and, except when trapped~~  
25 ~~in accordance with provisions relating to fur-bearing animals, bobcat,~~  
26 ~~opossum, and raccoon-raccoon. except when trapped in accordance~~  
27 ~~with provisions relating to fur-bearing animals."~~

28 **SECTION 5.** Article 21 of Chapter 113 of the General Statutes is amended  
29 by adding a new section to read:

1 **"§ 113-272.6. Transportation of cervids and licensing of captive cervid facilities.**

2 (a) The Wildlife Resources Commission shall regulate the transportation,  
3 including importation and exportation, and possession of cervids, including game  
4 carcasses and parts of game carcasses extracted by hunters. The Commission shall adopt  
5 rules to implement this section, including requirements for captivity licenses, captivity  
6 permits, and transportation permits. The rules adopted pursuant to this section shall  
7 establish standards of care for the transportation and possession of cervids, including  
8 requirements for fencing, tagging, record keeping, and inspection of captive cervid  
9 facilities. Notwithstanding any other provision of law, the Commission may charge a  
10 fee of up to fifty dollars (\$50.00) for the processing of applications for captivity  
11 licenses, captivity permits, and transportation permits, and the renewal or modification  
12 of those licenses and permits. The fees collected shall be applied to the costs of  
13 administering this section.

14 (b) The Wildlife Resources Commission shall notify every applicant for a  
15 transportation permit that any permit issued is subject to the applicant's compliance with  
16 the Department of Agriculture and Consumer Services' requirements for transportation  
17 pursuant to Article 34 of Chapter 106 of the General Statutes.

18 (c) The Department of Agriculture and Consumer Services shall regulate the  
19 production and sale of farmed cervids for commercial purposes pursuant to G.S.  
20 106-549.97.

21 (d) Notwithstanding any other provision of law, the North Carolina Wildlife  
22 Resources Commission shall issue captivity licenses, captivity permits, or transportation  
23 permits to any person possessing cervids that were held in captivity by that person prior  
24 to May 17, 2002, if the Executive Director finds that the applicant has come into  
25 compliance with all applicable rules related to the holding of cervids in captivity by  
26 January 1, 2004, and that issuance of such license or permit does not pose unreasonable  
27 risk to the conservation of wildlife resources.

28 (e) Any captivity license, captivity permit, or cervids held contrary to the  
29 provisions of this section may be subject to forfeiture and disposition in accordance  
30 with the provisions of G.S. 113-137 or G.S. 113-276.2."

31 **SECTION 6.** G.S. 113-276.2(a) reads as rewritten:

32 "(a) This section applies to the administrative control of:

- 33 (1) Persons, other than individual hunters and fishermen taking wildlife as
- 34 sportsmen, holding permits under this Article;
- 35 (2) Individuals holding special device licenses under G.S. 113-272.2(c)(1),
- 36 (1a), (2), and (2a);
- 37 (3) Individuals holding collection licenses under G.S. 113-272.4;
- 38 (4) Individuals holding captivity licenses under ~~G.S. 113-272.5~~; G.S.
- 39 113-272.5 and G.S. 113-272.6; and
- 40 (5) Persons holding dealer licenses under G.S. 113-273."

41 **SECTION 7.** G.S. 113-291.2(c) reads as rewritten:

42 "(c) An individual who has lawfully taken game within applicable bag,  
43 possession, and season limits may, except as limited by rules adopted pursuant to  
44 subsection (c1) of this section, after the game is dead, possess and personally transport it

1 for his own use by virtue of his hunting license, and without any additional permit,  
2 subject to tagging and reporting requirements that may apply to the fox and big game, as  
3 follows:

- 4 (1) In an area in which the season is open for the species, the game may be  
5 possessed and transported without restriction.
- 6 (2) The individual may possess and transport the game lawfully taken on a  
7 trip:
- 8 a. To his residence;
- 9 b. To a preservation or processing facility that keeps adequate  
10 records as prescribed in G.S. 113-291.3(b)(3) or a licensed  
11 taxidermist;
- 12 c. From a place authorized in subparagraph b to his residence.
- 13 (3) The individual may possess the game indefinitely at his residence, and  
14 may there accumulate lawfully-acquired game up to the greater of:
- 15 a. The applicable possession limit for each species; or  
16 b. One half of the applicable season limit for each species.

17 The above subdivisions apply to an individual hunter under 16 years of age covered  
18 by the license issued to his parent or guardian, if he is using that license, or by the  
19 license of an adult accompanying him. An individual who has lawfully taken game as a  
20 landholder without a license may possess and transport the dead game, taken within  
21 applicable bag, possession, and season limits, to his residence. He may indefinitely  
22 retain possession of such game, within aggregate possession limits for the species in  
23 question, in his residence."

24 **SECTION 8.** G.S. 113-291.2 is amended by adding a new subsection to  
25 read:

26 "(c1) In the event that the Executive Director finds that game carcasses or parts of  
27 game carcasses are known or suspected to carry an infectious or contagious disease that  
28 poses an imminent threat to the health or habitat of wildlife species, the Wildlife  
29 Resources Commission shall adopt rules to regulate the importation, transportation, or  
30 possession of those carcasses or parts of carcasses that, according to wildlife disease  
31 experts, may transmit such a disease."

32 **SECTION 9.** G.S. 113-292(d) reads as rewritten:

33 "(d) The Wildlife Resources Commission is authorized to authorize, license,  
34 regulate, prohibit, prescribe, or restrict anywhere in the State the acquisition,  
35 importation, possession, transportation, disposition, or release into public or private  
36 waters or the environment of ~~exotic~~ zoological or botanical species or specimens that  
37 may threaten the introduction of epizootic disease or may create a danger to or an  
38 imbalance in the environment inimical to the conservation of wildlife resources. This  
39 subsection is not intended to give the Wildlife Resources Commission the authority to  
40 supplant, enact any conflicting rules, or otherwise take any action inconsistent with that  
41 of any other State agency acting within its jurisdiction."

42 **SECTION 10.** G.S. 113-294 is amended by adding a new subsection to read:

1       "(o) Any person who willfully imports or possesses black-tailed or mule deer  
2 (Odocoileus hemionus and all subspecies) in this State for any purpose is guilty of a  
3 Class 1 misdemeanor."

4               **SECTION 11.** G.S. 106-549.97 reads as rewritten:

5       "**§ 106-549.97. Regulation of ~~fallow deer and red deer~~ by Department of**  
6 **Agriculture and Consumer Services; Services of certain cervids**  
7 **produced and sold for commercial purposes; certain authority of North**  
8 **Carolina Wildlife Resources Commission not affected; definitions.**

9       (a) The Department of Agriculture and Consumer Services shall regulate the  
10 production and sale of ~~fallow deer and red deer for food purposes.~~ farmed cervids. The  
11 Board of Agriculture shall adopt rules for the production and sale of ~~fallow deer and red~~  
12 ~~deer for food purposes~~ farmed cervids in such a manner as to provide for close  
13 supervision of any person, firm, or corporation producing and selling ~~fallow deer or red~~  
14 ~~deer, or both, for food purposes.~~ farmed cervids and shall notify any such person, firm,  
15 or corporation that the activity is subject to compliance with Wildlife Resources  
16 Commission rules pursuant to G.S. 113-272.6.

17       (b) The North Carolina Wildlife Resources Commission shall regulate the  
18 ~~possession and transportation of live fallow deer and live red deer and may adopt rules~~  
19 ~~to prevent the release or escape of fallow deer or red deer, or both, upon finding that it is~~  
20 ~~necessary to protect live fallow deer or live red deer, or both, or to prevent damage to~~  
21 ~~the native deer population or its habitat.~~ possession and transportation, including  
22 importation and exportation, of cervids pursuant to G.S. 113-272.6.

23       (c) The following definitions apply in this Article:

24               (1) ~~Fallow deer. — A member of the Dama dama species.~~

25               (2) ~~Red deer. — A member of the Cervus elephus species.~~

26               (3) Cervid or Cervidae. — All animals in the Family Cervidae (elk and  
27 deer).

28               (4) Farmed Cervid. — Any member of the Cervidae family, other than  
29 white-tailed deer, elk, mule deer, or black-tailed deer, that is bought  
30 and sold for commercial purposes.

31               (5) White-tailed deer. — A member of the species Odocoileus virginianus."

32       **SECTION 12.** Section 10 of this act becomes effective October 1, 2003, and  
33 applies to acts committed on or after that date. The remainder of this act is effective  
34 when it becomes law.