

HOUSE BILL NO. 1337

Introduced by

Representatives Nicholas, Meyer, Belter

Senators Freborg, Tomac, Wanzek

1 A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century
2 Code, relating to farmed elk; and to amend and reenact section 19-02.1-21, subsection 3 of
3 section 36-01-00.1, subsection 2 of section 36-04-01, section 36-04-02, subsection 2 of section
4 36-05-01, subsection 2 of section 36-05.1-01, subsection 1 of section 38-11.1-03, and
5 subsection 1 of section 38-18-05 of the North Dakota Century Code, relating to the inclusion of
6 farmed elk in other provisions regarding livestock.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 19-02.1-21 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **19-02.1-21. Inspections - Examinations.** The department has free access at all
11 reasonable hours to any factory, warehouse, or establishment in which foods, drugs, devices,
12 or cosmetics are manufactured, processed, packed, or held for introduction into commerce, or
13 to enter any vehicle being used to transport or hold such foods, drugs, devices, or cosmetics in
14 commerce, for the purpose of inspecting such factory, warehouse, establishment, or vehicle to
15 determine if this chapter is being violated and to secure samples or specimens of any food,
16 drug, device, or cosmetic after paying or offering to pay for such sample.

17 The department shall make or cause to be made examinations of samples secured
18 under this section to determine whether or not this chapter is being violated.

19 Inspections of slaughterhouses, meatpacking, and meat processing plants where cattle,
20 swine, sheep, goats, farmed elk, horses, or other equines are slaughtered for human food or
21 where the carcass or the parts thereof, meat, or meat food products are salted, canned,
22 packed, smoked, cured, rendered, or otherwise processed or prepared for human food, may not
23 be performed under this chapter if the slaughterhouses, meatpacking, or meat processing

plants are inspected under the North Dakota Meat Inspection Act, or the Federal Meat Inspection Act, as amended [34 Stat. 1260-65; 21 U.S.C. 71-91].

SECTION 2. A new chapter to title 36 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Board" means the state board of animal health.
2. "Commissioner" means the commissioner of agriculture.
3. "Farmed elk" means mammals of the elk family (cervus elaphus) confined in a manmade enclosure designed to prevent escape and:
 - a. Raised for fiber, meat, or animal byproducts; or
 - b. Raised for breeding, exhibition or harvest.
4. "Owner" means a person who owns or is responsible for the raising of farmed elk.

Farmed elk - Promotion - Rules. The commissioner shall promote the raising of farmed elk. The board shall adopt rules relating to the raising of farmed elk, including matters concerning the health, safety, confinement, and identification of farmed elk. The board also shall maintain a database regarding farmed elk.

Farmed elk advisory committee. The commissioner may appoint a farmed elk advisory committee to provide advice to the commissioner regarding farmed elk.

Farmed elk development program. The commissioner may establish a farmed elk development program to support applied research and provide demonstrations, financing, marketing, promotion, breed development and registration, and other services related to the raising of farmed elk. The commissioner shall include information regarding farmed elk in reports on agriculture in this state.

Farmed elk - Confinement - Rules. Farmed elk must be confined in a manner designed to prevent escape. Unless otherwise required by rule, fencing for farmed elk must be at least eighty-four inches [213.36 centimeters] in height. If any farmed elk escape, their owner shall report the escape to the board within one business day of the discovery and shall notify the board upon recapture. The owner is liable for the expenses incurred by another person in capturing, caring for, and returning farmed elk that have escaped, provided the other person notifies the owner as soon as practicable after discovering the escape.

1 **Farmed elk - Agricultural pursuit.** Farmed elk are livestock, and the products of
2 farmed elk are farm products for purposes of financial transactions and collateral. The raising
3 of farmed elk is agricultural production and an agricultural pursuit.

4 **Farmed elk - Sales of meat products.** Unless otherwise provided, a person selling or
5 buying farmed elk as livestock, for human consumption or for slaughter, must comply with this
6 title and all applicable rules.

7 **Farmed elk - Identification.** The owner of farmed elk shall identify each animal by a
8 brand, marking, tag, collar, electronic implant, tattoo, or other means of identification approved
9 by the board.

10 **Farmed elk - Inspection - Written results.** The commissioner and the board may
11 inspect farmed elk and all records related to the farmed elk. At the time of the inspection, the
12 owner of the farmed elk must be given a written reason for the inspection. Upon completion of
13 the inspection, the owner must be given a document indicating whether the inspection was
14 founded or unfounded, and whether the owner will be subject to an ongoing investigation or a
15 continuing evaluation.

16 **SECTION 3. AMENDMENT.** Subsection 3 of section 36-01-00.1 of the 1997
17 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 18 3. "Domestic animal" means dog, cat, horse, bovine animal, sheep, goat, bison,
19 farmed elk, llama, alpaca, or swine.

20 **SECTION 4. AMENDMENT.** Subsection 2 of section 36-04-01 of the 1997 Supplement
21 to the North Dakota Century Code is amended and reenacted as follows:

- 22 2. "Dealer" means any person, copartnership, association, corporation, or limited
23 liability company engaged in the business of buying or dealing in horses, mules,
24 cattle, hogs, goats, sheep, farmed elk and their products, or wool from the
25 producer, terminal market, or livestock auction market for resale, slaughter, or
26 shipment within or without the state, and also resale in the local market.

27 **SECTION 5. AMENDMENT.** Section 36-04-02 of the 1997 Supplement to the North
28 Dakota Century Code is amended and reenacted as follows:

29 **36-04-02. Restrictions on application of provisions of chapter.** The provisions of
30 this chapter do not apply to:

1. Farmers who or farm associations which buy and sell farmed elk, livestock, poultry, or wool among themselves as producers.
2. Farmers who or farm associations which purchase farmed elk, livestock, or wool to complete a load of their own farmed elk, livestock, or wool for shipment to market if the amount so purchased does not exceed twenty-five percent of a truckload.
3. Cooperative farmed elk, livestock, or wool marketing associations of producers of farmed elk, livestock, or wool in their dealings with their members.
4. Livestock including farmed elk, purchased by local butchers for slaughter or processing in their business for local home consumption.

SECTION 6. AMENDMENT. Subsection 2 of section 36-05-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Livestock" means horses, mules, cattle, swine, sheep, farmed elk, and goats.

SECTION 7. AMENDMENT. Subsection 2 of section 36-05.1-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Livestock" means horses, mules, cattle, swine, sheep, farmed elk, and goats.

SECTION 8. AMENDMENT. Subsection 1 of section 38-11.1-03 of the North Dakota Century Code is amended and reenacted as follows:

1. "Agricultural production" means the production of any growing grass or crop attached to the surface of the land, whether or not the grass or crop is to be sold commercially, and the production of any farm animals, including farmed elk, whether or not the animals are to be sold commercially.

SECTION 9. AMENDMENT. Subsection 1 of section 38-18-05 of the North Dakota Century Code is amended and reenacted as follows:

1. "Agricultural production" means the production of any growing grass or crop attached to the surface of the land, whether or not the grass or crop is to be sold commercially, and the production of any farm animals, including farmed elk, whether or not ~~such~~ the animals are to be sold commercially.