

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH30172-LL-98 (3/24)

Short Title: Clarify Authority/Regulation of Cervids.

(Public)

Sponsors: Representative A. Williams.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE
RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF
CERVIDS.

The General Assembly of North Carolina enacts:

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

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

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

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

SECTION 3. G.S. 113-129 is amended by adding a new subdivision to read:

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

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

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

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

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

1 (a) The Wildlife Resources Commission shall regulate the transportation,
2 including importation and exportation, and possession of cervids, including game
3 carcasses or parts of game carcasses extracted by hunters, and shall adopt rules to
4 implement this section, including requirements for captivity licenses or permits,
5 including transportation permits, fencing, tagging, record keeping, and inspection of
6 captive cervid facilities.

7 (b) The Wildlife Resources Commission shall notify every applicant for a
8 transportation permit that the activity is authorized subject to the applicant's compliance
9 with the Department of Agriculture and Consumer Services' requirements for
10 transportation pursuant to Article 34 of Chapter 106 of the North Carolina General
11 Statutes.

12 (c) The Department of Agriculture and Consumer Services shall regulate the
13 production and sale of cervids other than white-tailed deer for commercial purposes
14 pursuant to G.S. 106-549.97.

15 (d) Notwithstanding any other provision of law, the North Carolina Wildlife
16 Resources Commission may issue captivity licenses or permits, including transportation
17 permits, to any person possessing cervids that were held in captivity by that person prior
18 to May 17, 2002, provided that the Executive Director finds that the applicant has come
19 into compliance with all applicable rules related to the holding of cervids in captivity by
20 October 1, 2003, and that issuance of such license or permit does not pose unreasonable
21 risk to the conservation of wildlife resources.

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

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

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

- 27 (1) Persons, other than individual hunters and fishermen taking wildlife as
28 sportsmen, holding permits under this Article;
- 29 (2) Individuals holding special device licenses under G.S. 113-272.2(c)(1),
30 (1a), (2), and (2a);
- 31 (3) Individuals holding collection licenses under G.S. 113-272.4;
- 32 (4) Individuals holding captivity licenses under ~~G.S. 113-272.5~~; G.S.
33 113-272.5 and G.S. 113-272.6; and
- 34 (5) Persons holding dealer licenses under G.S. 113-273."

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

36 "(c) An individual who has lawfully taken game within applicable bag,
37 possession, and season limits may, except as limited by rules adopted pursuant to
38 subsection (c1) of this section, after the game is dead, possess and personally transport it
39 for his own use by virtue of his hunting license, and without any additional permit,
40 subject to tagging and reporting requirements that may apply to the fox and big game, as
41 follows:

- 42 (1) In an area in which the season is open for the species, the game may be
43 possessed and transported without restriction.

- 1 (2) The individual may possess and transport the game lawfully taken on a
2 trip:
3 a. To his residence;
4 b. To a preservation or processing facility that keeps adequate
5 records as prescribed in G.S. 113-291.3(b)(3) or a licensed
6 taxidermist;
7 c. From a place authorized in subparagraph b to his residence.
8 (3) The individual may possess the game indefinitely at his residence, and
9 may there accumulate lawfully-acquired game up to the greater of:
10 a. The applicable possession limit for each species; or
11 b. One half of the applicable season limit for each species.

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

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

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

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

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

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

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

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

42 "~~§ 106-549.97. Regulation of fallow deer and red deer by Department of~~
43 ~~Agriculture and Consumer Services;~~ Services of certain cervids

1 **produced and sold for commercial purposes; certain authority of North**
2 **Carolina Wildlife Resources Commission not affected; definitions.**

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

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

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

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

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

22 (3) Cervid or Cervidae. – All animals in the Family Cervidae elk and
23 deer).

24 (4) White-tailed deer. – A member of the species Odocoileus virginianus."

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