

# **\*\*\*DRAFT - NOT FOR FILING\*\*\***

## **901:1-1-01**      **Definitions.**

As used in this chapter:

- (A) "Approved accredited veterinarian" means an accredited veterinarian who has received chronic wasting disease training from the department.
- (B) "Captive deer with status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that is monitored and tested for disease in accordance with rules, and are privately owned primarily for the purposes of agriculture, propagation, or providing captive deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.
- (C) "Captive deer with certified chronic wasting disease status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that has been monitored and tested for disease in accordance with rules, including tested for chronic wasting disease for at least five consecutive years in accordance with rules, are privately owned primarily for the purposes of agriculture, propagation, or providing deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code, and are certified "with status" in accordance with rules.
- (D) "Captive whitetail deer" means legally acquired whitetail deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section 1533.71 or 1533.721 of the Revised Code.
- (E) "Chronic wasting disease" means the dangerously contagious and infectious disease identified in rule 901:1-21-02 of the Ohio administrative code.
- (F) "Department" means the Ohio department of agriculture.
- (G) "Harvested animals" means animals that were killed by a person within a hunting preserve.
- (H) "Missing sample" means samples from any animal three hundred and sixty-five days or older that dies, is slaughtered, escapes, or is lost that is not submitted for diagnostic testing for CWD.
- (I) "Monitored captive deer" means whitetail deer that have been legally acquired or their offspring, are tested for chronic wasting disease in accordance with rules, and are held in private ownership for agricultural or personal purposes or in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.
- (J) "Poor quality samples" mean tissues which are submitted for diagnostic testing for chronic wasting disease which are unable to be tested. This includes samples that are severely autolyzed, from the wrong portions of the brain, the wrong tissue, or are not testable for other reasons.

## **901:1-1-02**      **Licensing and registration.**

- (A) All captive whitetail deer shall be designated as monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status. Owners of captive whitetail deer shall be licensed or registered under one of the following requirements:
  - (1) Obtain a license as required by section 943.03 or 943.031 of the Revised Code;
  - (2) If a captive deer with status, or captive deer with certified chronic wasting disease status does not

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otherwise meet the licensing requirements of section 943.03 or 943.031 of the Revised Code and the owner wishes to propagate the animals, a license must be obtained in accordance with section 943.20 of the Revised Code; or

(3) Registered annually with the chief, division of animal health. Registration shall be on a form provided by the department and a registration fee of twenty-five dollars shall be paid.

(B) Prior to licensure or registration as outlined in paragraph (A) of this rule, owners of captive whitetail deer must obtain a permit from the Ohio department of natural resources pursuant to sections 1533.71 and 1533.721 of the Revised Code.

(C) Inspections.

(1) Upon the initial registration or licensing of a captive white tail deer herd, an inspection of the facilities, herd and herd records and perimeter fencing will be conducted by the department. Thereafter the facility, animals, identification, and records shall be inspected annually by an approved accredited licensed veterinarian or the department.

(2) There must be no indication of chronic wasting disease being present in the herd, as attested to by the owner and his or her approved accredited licensed veterinarian. If any indication of chronic wasting disease is present the chief, division of animal health may refuse to enroll the herd in the captive deer with status, or a captive deer with certified chronic wasting disease status designations or revoke the herd's current status designation.

(3) The director or the director's designee may enter at all reasonable times on the premises of a captive whitetail deer herd for the purpose determining compliance with this Chapter and Chapters 941. and 943 of the Revised Code.

**901:1-1-03      Fencing, escapes, and movement requirements.**

(A) Fencing.

(1) Facilities must have perimeter fencing of at least eight feet in height, with a variance of four per cent, which prevents ingress and egress of captive whitetail deer.

(2) Any new perimeter fencing for existing facilities for captive whitetail deer herds must be inspected by department personnel.

(3) Owners shall inspect the perimeter fence once a week to ensure that there is not a breach in the fencing which may allow the ingress or egress of any cervid animal. Owners shall maintain a record of this inspection in accordance with rule 901:1-1-06 of the Administrative Code.

(B) Movement.

(1) Owners of captive whitetail deer shall, within seven days, submit a movement form to the department when the following occur:

(a) A captive whitetail deer is moved from the facility.

(b) A captive whitetail deer is moved into the facility.

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(2) Movement forms are available at the department's website [www.agri.ohio.gov](http://www.agri.ohio.gov). Owners must at a minimum include the following information on the movement form:

(a) The official and unique identification of the animals as required by rule 901:1-1-04 of the Administrative Code;

(b) The sex, date of birth, and the date the animal which was moved; and

(c) The name, address, and herd status of the shipping/receiving facility.

(3) Failure to comply with this rule may result in the department issuing a quarantine order until all paperwork is complete.

(4) No live animals may leave a hunting preserve or a monitored captive herd without receiving a special permit by the department.

(C) Escapes and breach in fencing. Owners of captive whitetail deer shall immediately report to the department the following:

(1) The discovery of an escaped or stolen deer.

(a) Owners shall report to the department:

(i) The official and unique identification as required by rule 901:1-1-04 of the Administrative Code.

(ii) The sex, date of birth, and the date the animal was acquired.

(b) In no case shall the owner of a captive whitetail deer return the animal to the facility more than twenty-four hours after discovery. Any animal which has been outside the facility for more than twenty-four hours must be dispatched and submitted for CWD testing.

(2) The breach of the perimeter fencing.

(a) Owners shall immediately take all necessary actions to prevent the ingress and egress of any cervid animal.

(b) Once the fencing has been repaired, owners shall contact the department to inspect the repaired perimeter fence.

**901:1-1-04      Identification requirements.**

(A) Identification requirements of facilities that are not licensed as a hunting preserve:

(1) All captive whitetail deer, whether natural additions to the herd or moved into the herd, that are three hundred sixty-five days of age or older shall be identified by both of the following:

(a) Official individual identification. Each animal shall be officially identified by one of the following:

(i) Official united states department of agriculture approved silver, metal eartag which has an alpha numeric identification number;

(ii) Approved visual or electronic radio frequency identification device tags imprinted with the "840"

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animal identification number;

(iii) A microchip using either 125 kHz, 128 kHz, or 134.2 kHz frequencies which shall be placed at the base of the animal's right ear; or

(iv) Other official individual identification approved by the department.

(b) Unique visible identification. Each animal shall have a visible identification tag that is unique within its herd, which can be read from a reasonable distance.

(2) All captive cervids, regardless of age, that are moved onto facilities shall be identified in accordance with paragraphs (A)(1)(a) and (A)(1)(b) of this rule.

(3) Prior to being removed from the premise, official and unique identification must be applied to all captive cervids, regardless of age.

(B) Identification requirements of licensed hunting preserves:

(1) All captive cervids moved onto the facility must be officially identified. Official identification shall be constituted by one of the following:

(a) Official united states department of agriculture approved silver, metal eartag which has an alpha numeric identification number;

(b) Approved visual or electronic radio frequency identification device tags imprinted with the "840" animal identification number;

(c) A microchip using either 125 kHz, 128 kHz, or 134.2 kHz frequencies which shall be placed at the base of the animal's right ear; or

(d) Other official individual identification approved by the department.

(2) Prior to being removed from the premise, official identification must be applied to all captive cervids, regardless of age.

(C) It is unlawful to remove an official individual identification, except at slaughter, in accordance with 9 C.F.R. 71.22 (2012).

**901:1-1-05      Death and testing.**

(A) All captive deer, three hundred sixty-five days of age or older which die from injury, illness, slaughter, hunting, or any other cause, shall:

(1) Be reported within twenty-four hours of discovery to an approved accredited veterinarian or if not available, the chief, division of animal health or his representative; and

(2) Be tested for chronic wasting disease.

(B) Owners of all captive whitetail deer being tested for chronic wasting disease shall, within seven days of the death or discovery of a deceased captive whitetail deer, submit to the Department the following:

(1) CWD Submission form signed by an accredited veterinarian. The form is available at the Department's

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website [www.agri.ohio.gov](http://www.agri.ohio.gov);

(2) The deceased cervid's obex;

(3) The deceased cervid's two retropharyngeal lymph nodes; and

(4) Until December 31, 2020, the owner of the captive whitetail deer must submit the animal's official identification device and a piece of fresh tissue that has not been placed in formalin.

(a) If there are multiple official identification devices, only one device must have tissue attached.

(b) All official identification devices must be submitted to the department.

(c) If the animal does not have an official identification device at time of death, one must be issued and accompany the sample.

(5) Effective January 1, 2021, the owner of the captive whitetail deer must submit the animal's official identification device and a piece of fresh ear tissue that was directly attached to the animal's official identification device at the time of the animal's death.

(a) For the purposes of this rule, "ear tissue" is defined as skin tissue of the ear or tissue surrounding the base of the ear.

(b) The piece of fresh ear tissue that is connected to the official identification device shall not be placed in formalin.

(c) If there are multiple official identification devices, only one device must have tissue attached.

(d) All official identification devices must be submitted to the department.

(e) If the animal does not have an official identification device at time of death, one must be issued and accompany the sample.

(C) The owner of all captive whitetail deer being tested for chronic wasting disease, is responsible for arranging for the submission of the required brain tissue and any other tissues as directed by the chief, division of animal health or his representative, to a department approved laboratory for chronic wasting disease testing. Owners are responsible for the cost of collecting, submitting, and testing of samples.

(D) Poor quality, missing, and untimely samples.

(1) The approved accredited veterinarian shall determine the quality of tissue samples to be collected and provide comments as to that quality.

(2) If tissues associated with a captive whitetail deer death are not submitted for laboratory diagnosis due to postmortem changes or unavailability, the chief, division of animal health or his representative shall be notified in writing by the veterinarian within seven days of that conclusion.

(3) Except for as described in paragraph (D)(4) of this rule, facilities that submit poor quality, missing, or untimely samples may be immediately quarantined by the department.

(a) Facilities may be released from quarantine upon the submission of a new, testable post-mortem sample.

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(b) The new sample must be of the same species and have come from an animal that has resided in the herd for at least as long as the poor quality, missing, or untimely sample. In the case that the deceased animal was in the facility for more than five years, any animal that resided on the facility for more than five years may be submitted for testing.

(c) Should a facility submit more than one poor quality, missing, or untimely sample in the same submission, the facility must submit new, testable post-mortem samples equal to or greater than the original poor quality, missing, or untimely samples.

(4) Hunting preserves that submit poor quality, missing, or untimely samples of harvested animals shall be quarantined seven days after receiving notice of the poor quality, missing, or untimely sample by the department.

(a) Hunting preserves will not be not be quarantined after seven days or if a quarantine was issued, the hunting preserve will be released from that quarantine, if the hunting preserve submits a new, testable post-mortem sample.

(b) Unless specifically permitted by the department, the new sample must be of the same species and have come from an animal that has resided in the herd for at least as long as the poor quality, missing, or untimely sample.

(c) Should a hunting preserve submit more than one poor quality, missing, or untimely sample in the same submission, the facility must submit new, testable post-mortem samples equal to or greater than the original poor quality, missing, or untimely samples.

**901:1-1-06      Recordkeeping.**

(A) Each owner must maintain a current complete herd inventory which must include, at a minimum, the following information and records for each captive whitetail deer:

(1) All official and unique identification;

(2) Age and date of birth;

(3) Sex;

(4) Date of acquisition;

(5) Name and address of the source of acquisition;

(6) Date of death or escape;

(7) Cause of death, if known;

(8) Date of chronic wasting disease sample submission;

(9) Results of chronic wasting disease testing.

(B) Each owner must maintain a log of fence inspection dates, as well as their findings, for a calendar year.

(C) All records, electronic or written, as outlined in paragraph (A) of this rule must be kept for five years after the

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captive whitetail deer has left the herd or has dies. Records must be made available to the director upon request.