CHAPTER 36-25
FARMED ELK

36-25-01. Definitions.

In this chapter, unless the context otherwise requires:

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

36-25-02. Rules - Database.

The board may adopt rules relating to the raising of farmed elk, including matters concerning the health, safety, confinement, and identification of farmed elk. Any rules relating to nontraditional livestock and adopted by the board before August 1, 1999, are, if applicable to farmed elk, deemed to apply to farmed elk until otherwise modified by the board. The board shall maintain a database regarding farmed elk.

36-25-03. Advisory committee.

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

36-25-04. 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.

36-25-05. 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.

36-25-06. Agricultural pursuit.

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

36-25-07. Sales of meat products.

Unless otherwise provided, a person selling or buying farmed elk as livestock, for human consumption or for slaughter, must comply with this title and all applicable rules.

36-25-08. Identification.

The owner of farmed elk shall identify each animal by a means of identification approved by the board.

36-25-09. Inspection.

The commissioner and the board may inspect farmed elk and all records related to the farmed elk.

36-25-10. Enforcement orders - Administrative hearing - Penalty.

1. The board may order any elk brought into this state in violation of this chapter or rules adopted by the board to be returned to the state of origin or to be slaughtered. The owner of the elk has the right to an administrative hearing on an order of the board in the manner provided in chapter 28-32 if the owner makes a written request for a hearing to the board within ten days after service of the order. If the owner does not request a hearing and if the owner fails to comply with the order, the state veterinarian shall carry out the order. The owner is liable to the board for all costs, including disease testing, incurred in carrying out the order.
2. If the board finds that a person has brought elk into this state, kept elk, or received elk in violation of this chapter or rules adopted by the board, the board may assess that person a civil penalty in an amount up to five thousand dollars per violation. Any person aggrieved by a decision of the board may appeal the decision as provided in chapter 28-32. The civil penalty assessed under this subsection must be in addition to any costs incurred by the board for enforcement of the order.
3. Any person who knowingly violates this chapter or any rule of the board is guilty of an infraction.