

ASSEMBLY, No. 3039

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

Sponsored by:

**Assemblywoman CAROLINE CASAGRANDE
District 11 (Monmouth)**

Co-Sponsored by:

Assemblyman Clifton

SYNOPSIS

Establishes commercial deer harvesting license and allows commercial harvest of deer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2014)

A3039 CASAGRANDE

2

1 AN ACT concerning commercial deer harvesting licenses, amending
2 R.S.23:4-27 and supplementing Titles 23 and 24 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. The Division of Fish and Wildlife, in
9 conjunction with the Fish and Game Council, shall develop and
10 establish, within six months after the date of enactment of this act,
11 requirements and procedures for the commercial harvesting of deer,
12 and establish a commercial deer harvesting license to be issued to
13 persons meeting those requirements. The division shall establish in
14 conjunction with the commercial deer harvesting license, a license
15 and deer registration system, which shall include a unique
16 commercial deer harvesting license number for each license holder,
17 and a tagging system with a unique number on each tag to be
18 attached to each deer harvested. The tags shall be issued to each
19 holder of a commercial deer harvesting license to be used for
20 tracking and reporting the deer harvested by the license holder.

21 b. In addition to any other qualifications for obtaining a
22 commercial deer harvesting license established pursuant to
23 subsection a. of this section, an applicant for the license shall
24 submit:

25 (1) a business plan, as provided for under section 2 of this act,
26 establishing a relationship with a meat-processing facility that has
27 proper food safety oversight and no record of violations concerning
28 the handling of wildlife or other animals; and

29 (2) proof of insurance and assumption of liability for the harvest
30 of deer and transport of the meat from such harvesting, proper
31 training and proficiency in harvest techniques and proper handling
32 of meat in the field, and completion of all relevant hunter education
33 and firearm safety courses required by law.

34 c. A holder of a commercial deer harvesting license shall report
35 to the division for each individual deer harvested, within 48 hours
36 after harvesting the deer:

- 37 (1) the date of harvest;
38 (2) the location of harvest;
39 (3) the sex and age of the deer;
40 (4) the tag number for the deer; and
41 (5) the disposition of the deer.

42 Every two weeks after the season for commercial harvesting of
43 deer has begun until the conclusion of the season, the holder of a
44 commercial deer harvesting license shall file a report to the
45 division, on the total number of deer harvested in the preceding

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A3039 CASAGRANDE

1 two-week period, identified by the license holder's commercial deer
2 harvesting license number and the correlating tag numbers for the
3 deer, except if the season is an uneven number of weeks, the license
4 holder shall make the final report for the final week of the season
5 during the week immediately after the final week of the season.

6 d. The division, in consultation with the Fish and Game
7 Council, shall adopt, pursuant to the "Administrative Procedure
8 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
9 regulations necessary to implement this act. These rules and
10 regulations shall include, but need not be limited to, provisions:

11 (1) regulating the time of day and time of year deer may be
12 harvested, the area of the permitted harvest, harvest limits,
13 registration procedures, background checks, required landowner
14 approvals, restrictions on harvest methods, and appeals procedures;

15 (2) specifying personnel requirements for administration, record
16 keeping, deer population management and law enforcement; and

17 (3) establishing fees to cover costs associated with
18 administration, training, testing, licensing, deer population
19 management, law enforcement, record keeping and reporting.

20 e. Any deer meat harvested by the holder of a commercial deer
21 harvesting license may only be sold or distributed for commercial
22 retail sale and use by a meat processing facility licensed to do so
23 pursuant to section 2 of this act.

24

25 2. (New section) a. The Department of Health shall establish
26 guidelines and adopt rules and regulations, pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), providing for:

29 (1) the proper and safe harvesting, handling, distribution, and
30 storage of commercially harvested deer meat;

31 (2) the granting of licenses to meat processing facilities to handle
32 commercially harvested deer meat; and

33 (3) the form and content of the business plan required for
34 obtaining a commercial deer harvesting license pursuant to section
35 1 of this act.

36 b. While developing the guidelines established, and the rules
37 and regulations adopted, pursuant to subsection a. of this section,
38 the Department of Health shall consider, and shall ensure the
39 guidelines, rules, and regulations are consistent with, federal
40 guidelines and regulations promulgated by the United States Food
41 and Drug Administration and the United States Department of
42 Agriculture.

43 c. Any deer meat harvested by the holder of a commercial deer
44 harvesting license shall only be sold or distributed for commercial
45 retail sale and use by a meat processing facility licensed to do so
46 pursuant to this section.

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48 3. R.S.23:4-27 is amended to read as follows:

A3039 CASAGRANDE

1 23:4-27. a. No person shall sell or purchase wildlife, except as
2 authorized pursuant to this section, sections 1 and 2 of P.L. _____,
3 c. (C. _____) (pending before the Legislature as this bill), or any
4 other law or as may be authorized by rule or regulation adopted by
5 the division pursuant to the "Administrative Procedure Act,"
6 P.L.1968, c.410 (C.52:14B-1 et seq.).

7 b. The provisions of subsection a. of this section shall not
8 apply to the sale or purchase of wildlife authorized or regulated by
9 chapter 2A or 2B of this title, R.S.23:3-28 through R.S.23:3-39,
10 section 4 of P.L.1970, c.247 (C.23:3-65), R.S.23:4-50, R.S.23:5-2,
11 or Title 50 of the Revised Statutes, or any rule or regulation adopted
12 pursuant thereto, provided that the wildlife was taken and possessed
13 in a lawful manner.

14 c. Unless prohibited or restricted by rule or regulation adopted
15 by the division, the raw or processed hide of the white-tailed deer
16 (*Odocoileus virginianus*), the tail of the white-tailed deer, the
17 portion of the front leg of a white-tailed deer limited to the carpal,
18 metacarpal, and phalange bones, or the portion of the hind leg of a
19 white-tailed deer limited to the tarsus, metatarsus, and phalange
20 bones may be sold or purchased, provided that those parts or
21 products are from a white-tailed deer that was taken and possessed
22 in a lawful manner.

23 d. Notwithstanding the provisions of subsection a. of this
24 section to the contrary:

25 (1) the dead body or any part or product thereof of the following
26 wildlife may be sold or purchased, provided that the wildlife was
27 taken and possessed in a lawful manner:

28		
29	Virginia Opossum	<i>Didelphis virginiana</i>
30		
31	Beaver	<i>Castor canadensis</i>
32		
33	Muskrat	<i>Ondatra zibethicus</i>
34		
35	Nutria	<i>Myocaster coypus</i>
36		
37	Coyote	<i>Canis latrans</i>
38		
39	Red Fox	<i>Vulpes vulpes</i>
40		
41	Gray Fox	<i>Urocyon cinereoargenteus</i>
42		
43	Raccoon	<i>Procyon lotor</i>
44		
45	Long Tail Weasel	<i>Mustela frenata</i>
46		
47	Short Tail Weasel	<i>Mustela erminea</i>

A3039 CASAGRANDE

1	Mink	Mustela vison
2		
3	Striped Skunk	Mephitis mephitis
4		
5	River Otter	Lutra canadensis
6		

7 (2) wildlife not native to this State that originated from a state or
8 other jurisdiction where it is legal to sell or purchase that wildlife
9 and the wildlife was sold or purchased in accordance with the laws
10 of that state or other jurisdiction, may be sold or purchased in this
11 State unless prohibited by federal law, rule or regulation; provided
12 that the wildlife is labeled with the state or other jurisdiction of
13 origin, the name and address of the exporter, and all applicable
14 permit numbers until the expected final retail transaction has been
15 made.

16 e. The division shall adopt, pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules
18 and regulations as may be necessary to implement this section and
19 to otherwise provide for the control and regulation of the sale and
20 purchase of wildlife, including but not limited to wildlife not
21 specifically listed in this section.

22 f. In addition to any penalties that may be prescribed by any
23 other applicable law:

24 (1) a person who violates this section shall be:

25 (a) subject to a civil penalty of not less than \$200 and not more
26 than \$1,000 for the first offense, and not less than \$500 and not
27 more than \$3,000 for each subsequent offense. If the violation
28 involves the sale or purchase of a black bear (*Ursus americanus*),
29 turkey (*Meleagris gallapavo*), white-tailed deer (*Odocoileus*
30 *virginianus*), bobcat (*Felis rufus*), or illegally taken river otter
31 (*Lutra canadensis*), the civil penalty shall be not less than \$1,000
32 and not more than \$2,000 for the first offense, and not less than
33 \$1,500 and not more than \$3,000 for each subsequent offense; and

34 (b) assessed the replacement value of the animal, as prescribed
35 by section 10 of P.L.1990, c.29 (C.23:3-22.2); and

36 (2) a person who purposely violates this section when the total
37 value of the sale or purchase is:

38 (a) less than \$200 shall be guilty of a disorderly persons offense;

39 (b) \$200 or more, but less than \$500, shall be guilty of a crime
40 of the fourth degree;

41 (c) \$500 or more shall be guilty of a crime of the third degree.

42 g. For the purposes of this section, "sell or purchase" means to
43 sell or offer for sale, possess for sale, purchase or agree to purchase,
44 receive compensation, barter or offer to barter, trade or offer to
45 trade, or transfer or offer to transfer, or conspire for any of those
46 purposes.

47 (cf: P.L.1997, c.291, s.2)

1 4. This act shall take effect immediately.

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STATEMENT

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6 The bill directs the Division of Fish and Wildlife in the
7 Department of Environmental Protection, in conjunction with the
8 Fish and Game Council, to develop and establish, within six months
9 after the date of enactment of this act, requirements and procedures
10 for the commercial harvesting of deer, and establish a commercial
11 deer harvesting license. The bill also directs the Department of
12 Health to establish guidelines and adopt regulations, providing for:

13 1) the proper and safe harvesting, handling, distribution, and
14 storage of commercially harvested deer meat;

15 2) the granting of licenses to meat processing facilities to handle
16 commercially harvested deer meat; and

17 3) the form and content of the business plan required for
18 obtaining a commercial deer harvesting license.

19 In addition to the requirements and procedures to be developed
20 by the Division of Fish and Wildlife, the bill establishes
21 qualifications for obtaining a commercial deer harvesting license,
22 enumerated in subsection b. of section 1 of the bill, including a
23 business plan establishing a relationship with a meat processing
24 facility that has proper food safety oversight and no record of
25 violations concerning the handling of wildlife or other animals, and
26 proof of various types of insurance, training, and education
27 connected with hunting and handling meat in the field.

28 The bill provides for certain details and the adoption of
29 regulations addressing a number of issues enumerated in the bill.
30 The holder of a commercial deer harvesting license would be
31 required to report to the division the number of deer harvested,
32 identified by the license holder's license number and, for each deer
33 harvested:

34 1) the date of harvest;

35 2) the location of harvest;

36 3) the sex and age of the deer;

37 4) the tag number for the deer; and

38 5) the disposition of the deer.

39 Finally, only licensed meat processing facilities would be able to
40 sell or distribute for commercial sale or use deer meat harvested by
41 the holder of a commercial deer harvesting license.