

Feral Swine Control Act

Title 2, Chapter 1, Article 6 of the Oklahoma Statutes

Section 6-601 - Short Title

This act shall be known and may be cited as the "Feral Swine Control Act."

Section 6-602 – Purpose

The purpose of the Feral Swine Control Act is to provide aggressive measures to reduce the number of feral swine in Oklahoma. Feral swine are a nonnative invasive species in Oklahoma that are detrimental to the natural resources of Oklahoma and agriculture production, and a disease risk. As the feral swine population increases, the citizens of Oklahoma continue to see increased damage to crops, livestock, and wildlife habitat. As carriers of diseases like brucellosis, pseudorabies, tuberculosis, anthrax, and trichinosis, feral swine pose an increasing health risk to humans, livestock, companion animals, pets, and native wildlife.

Section 6-603 – Definitions

As used in the Feral Swine Control Act:

1. **"Daylight"** means the period of time beginning when the sun rises and ending when the sun sets;
2. **"Feral swine"** means any hog, pig, or swine species (*Sus scrofa*) including, but not limited to, Russian and European wild boar that are running at large, free roaming, or wild upon public or private lands in this state;
3. **"Owner"** means any person with title to the real property or a person that has obtained a right to the possession and use of a certain space, property, or subsurface right for a definite period of time through a contractual lease. In the event a person is permitted to come upon the real property to perform some specific act including, but not limited to, hunting, removing feral swine, or fishing, that person has no "lease" but only a "license" to do that act;
4. **"Remove"** means to change the location of, eliminate, or attempt to eliminate feral swine by a variety of methods including, but not limited to, hunting, killing, taking, trapping, and catching; and
5. **"Judas pig tagging system"** means a population control technique where a radio-collared feral swine is released into a control area and, after a sufficient period to allow it to join other feral swine, it is tracked down and all swine associated with the collared swine are removed.

Section 6-604 - Removal and Killing of Feral Swine

- A. Except as otherwise specified in the Feral Swine Control Act, any person with permission of the owner may remove feral swine from private or public property during daylight hours.
- B. Any person who intends to kill or attempt to kill feral swine at night shall obtain a permit issued by the Department of Wildlife Conservation pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes and promulgated rules.

Section 6-605 - Special Permit for Private Property Owner to Kill Feral Swine During Certain Season - Other Licenses and Tags

- A. During designated deer hunting seasons for primitive firearms and guns as specified in rules promulgated by the Department of Wildlife Conservation, an owner of private property shall not kill or attempt to kill feral swine during daylight hours that is damaging the property of the owner without first obtaining a special permit from the local game warden or other authorized employee of the Department of Wildlife Conservation. The special permit shall allow the owner and one person of lineal or collateral descent to kill feral swine on the property of the owner. The special permit shall be provided at no cost.
- B. All other persons shall be required to obtain licenses and tags as required by the Oklahoma Wildlife Conservation Code and rules promulgated thereto.
- C. Any person with a valid license to hunt deer is exempt from the requirements of this section during the appropriate licensed season.

Section 6-606 - Swine Taken on Department of Wildlife Conservation Lands - No Removal During Period of License Revocation

- A. Feral swine may be taken on lands owned or managed by the Department of Wildlife Conservation in accordance with rules promulgated thereto.
- B. No person whose hunting license is revoked may remove feral swine during the time the license is revoked.

Section 6-607 - Promulgation of Rules

- A. The State Board of Agriculture is authorized to promulgate rules necessary, expedient, or appropriate for the performance, enforcement, or carrying out of any of the purposes, objectives, or provisions of the Feral Swine Control Act.
- B. Rules shall be promulgated pursuant to the Administrative Procedures Act.

Section 6-608 - Importing Live Feral Swine into State - Disease Testing

- A. No person shall import live feral swine into this state unless the live feral swine are going directly to a slaughter facility in a sealed trailer and accompanied by a USDA VS 1-27 permit for the movement of restricted animals. All feral swine in this state that test positive for brucellosis or pseudorabies shall be immediately sent directly to slaughter or slaughtered on the premises pursuant to an order issued by the State Veterinarian.

Section 6-609 - Promulgation of Rules for Testing and Intrastate Movement of Feral Swine - Transporter License

- A. The State Board of Agriculture shall promulgate rules for the testing and intrastate movement of live feral swine.
- B. All persons that transport live feral swine in this state shall be required to obtain a transporter license from the Oklahoma Department of Agriculture, Food, and Forestry.
- C. Live feral swine shall only be transported to the following:
 - 1. A licensed sporting facility;
 - 2. A licensed handling facility;
 - 3. Directly to an approved slaughter facility; or
 - 4. Pursuant to an order issued by the State Veterinarian.

Section 6-610 - Prohibited Acts - Administrative Penalties and Fines

- A. It shall be unlawful and a violation of the Feral Swine Control Act for any person:
 - 1. To refuse an inspection;
 - 2. To fail to comply with importation, testing, permitting, licensing, or transportation requirements;
 - 3. To fail to pay any fee, administrative fine, or penalty;
 - 4. To fail to comply with any Oklahoma Department of Agriculture, Food, and Forestry order; or
 - 5. To violate any provision of the Oklahoma Feral Swine Control Act, Oklahoma Agricultural Code, or Oklahoma Wildlife Conservation Code.
- B. Any person that violates the Feral Swine Control Act shall be assessed a penalty or an administrative fine pursuant to Section 2-18 of Title 2 of the Oklahoma Statutes. Section 6-611 - Felony Violations - Punishment and Fines
 - A. No person shall intentionally or knowingly release or engage in, sponsor, instigate, assist, or profit from the release of any hog, boar, swine, or pig to live in a wild or feral state upon public or private lands, except for:
 - 1. Release into a licensed sporting facility pursuant to the Feral Swine Control Act; or
 - 2. When utilizing the Judas pig tagging system, release onto the same private land on which a feral hog was trapped or caught. In order to come under the release authorization of this paragraph, the release must occur within twenty-four (24) hours of the capture of the hog.

B. No person shall knowingly or intentionally violate the importation, testing, permitting, licensing, and transportation requirements contained in the Feral Swine Control Act and rules promulgated thereto.

C. Any person violating the provisions of this section is guilty of a felony and subject to a maximum punishment of two (2) years in prison, a fine of Two Thousand Dollars (\$2,000.00), or both fine and imprisonment.

Section 6-612 - Owner Responsible for Damages Caused by Unrestrained Feral Swine

All feral swine shall be restrained by the owner at all times and seasons of the year from running at large in this state. Any damages caused by feral swine trespassing upon lands of another shall be recovered in any manner provided by law.

Section 6-613

A person shall not be considered the owner of a feral swine if, within a twenty-four-hour period, the person catches, tags, and releases the feral swine in the same location that it was caught.

Section 6-614

Recognizing the success of other states, like Mississippi and New Mexico, utilizing the Judas pig tagging system, the Legislature encourages using the Judas pig tagging system as an effective technique of hunting and controlling the feral swine population.

Feral Swine Control Act – Administrative Rules

Title 35, Chapter 15, Subchapter 34 of the Oklahoma Administrative Code

35:15-34-1. Purpose

The purpose of these rules is to implement the provisions of the Feral Swine Control Act and to adopt aggressive measures for the eradication of all feral swine in the State of Oklahoma. Feral swine are a non-native invasive species to Oklahoma that detrimentally impact agricultural production and natural resources in Oklahoma. As feral swine populations increase, citizens of Oklahoma suffer damage to crops, livestock and wildlife habitat. Feral swine pose a health risk to humans, livestock, companion animals and native wildlife. The Department's goal is to render the State of Oklahoma free of feral swine. The Department shall investigate and implement new population control methods, technologies, and toxicants as they become available to achieve this goal.

35:15-34-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Feral swine" means any hog, pig, or swine species (*Sus scrofa*) including, but not limited to, Russian and European wild boar that are running at large, free roaming, or wild upon public or private lands in this state, and shall also include any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or wild. The term feral swine shall also include any feral phenotype swine, whether or not running at large, free roaming, or wild.

"Feral swine facility" means a handling facility, holding pen, or sporting facility.

"Feral Swine Free Zone" means any region of the state defined by the Board of Agriculture where hunting feral swine or taking feral swine from the region is restricted and the licensing of feral swine facilities or movement of feral swine into or across the region is prohibited.

"Handling facility" means any premises maintaining feral swine in captivity for the purpose of temporary holding, breeding, slaughter, re-sale, dog training, competition, exhibition, personal use, or any other purpose.

"Sporting facility" means any premises maintaining feral swine in captivity intended for hunting and feral swine are only removed from the premises through hunting.

"Transport" means intrastate or interstate movement of one or more feral swine.

35:15-34-3. Importation and transportation of feral swine

(a) No person shall import live feral swine into the State of Oklahoma unless the live feral swine are transported directly to a slaughter facility in a sealed trailer and are accompanied by a written consent order to enter the state signed by the State Veterinarian and a USDA vs 1-27 permit for the movement of restricted animals.

(b) No person shall transport feral swine within the State of Oklahoma without first obtaining both a transporter license and a 24 hour permit issued by the Department.

(c) Any person who knowingly assists with the illegal importation or transportation of feral swine or who knowingly purchases or receives feral swine illegally imported or transported shall be in violation of this section.

35:15-34-5. Transporter license

(a) All persons that transport live feral swine in this state shall be required to obtain a transporter license from the Department.

(b) Transporter licenses shall be active for a period of one (1) year and shall not be transferable.

(c) Transporter licenses shall expire each June 30 but may be renewed. Five-year licenses issued by the Department prior to the effective date of these rules shall not be grandfathered and shall expire on June 30, 2017.

(d) Application for a transporter license shall be on a form prescribed by the Department and shall include the following:

- (1) Name, mailing address, physical address, email address, and telephone number of the applicant,
- (2) Drivers license number of the transporter;
- (3) A brief statement describing the area for which the applicant typically transports feral swine, and
- (4) A description of the vehicles, used to transport feral swine, including any license tag numbers.

(e) Live feral swine shall not be removed from the transport vehicle until released or unloaded pursuant to subsection (f) of this section.

(f) Any person transporting feral swine pursuant to a valid 24 hour permit may park the transport vehicle at a location specified in the 24 hour permit, so long as a new 24 hour permit is obtained prior to further transport of the feral swine to a location specified in subsection (g) of this section.

(g) Live feral swine shall only be released or unloaded at the following locations:

- (1) A licensed sporting facility;
- (2) A licensed handling facility;
- (3) A slaughter facility, or
- (4) A location designated in an order issued by the State Veterinarian.

(h) Feral swine shall not be commingled with any domestic livestock species at any point during transportation. Common cages or enclosures, water sources or food sources accessible by both domestic livestock species and feral swine shall be prohibited.

35:15-34-5.1. 24 hour permit

(a) A transporter shall apply for a 24 hour permit to transport feral swine using an online system provided by the Department or by phone during regular business hours. The transporter may either request immediate approval or request advance approval by specifying the 24 hour period that the transporter intends to transport feral swine.

(b) If the transporter requests immediate approval, the 24 hour permit shall be valid for twenty-four (24) hours following approval by the Department. The online system shall provide automatic approval for 24 hour permits after the following information is provided:

- (1) The date feral swine are transported;
- (2) The number of feral swine transported;
- (3) The name of the county in which the feral swine were acquired;
- (4) The name of the owner of the property on which the feral swine were acquired;
- (5) A description of the acquisition method (capture or purchase); and
- (6) The name and license number of destination facility or consignee.

(c) If the transporter requests advance approval, the 24 hour permit shall specify the 24 hour period in which the transporter is authorized to transport feral swine.

(d) The 24 hour permit shall describe the number and destination of feral swine transported.

(e) The transporter shall carry paper copy of the approved 24 hour permit in the vehicle transporting feral swine or carry an electronic device capable of accessing and displaying an electronic version of the approved 24 hour permit.

35:15-34-6. Sporting facilities

(a) No new sporting facilities shall be licensed by the Department. The Department may issue a license to an unlicensed sporting facility in operation prior to January 27, 2015 and holding a Commercial Hunting Area license issued by the Oklahoma Department of Wildlife Conservation. Licenses for existing sporting facilities shall be renewable and transferrable.

(b) The owner or operator of a sporting facility shall comply with the following requirements:

- (1) The owner or operator of a sporting facility shall maintain a perimeter fence at least forty-eight (48) inches tall made of solid walls, game fence, or other material constructed in a manner adequate to reasonably prevent the escape of enclosed feral swine, and the unsolicited additions of feral swine from outside the enclosure.

(2) The owner or operator of a sporting facility shall keep the following records using forms provided by the Department:

(A) The name and license number for each consignor releasing feral swine into the sporting facility with the corresponding date and number of feral swine released; and

(B) The name of each captive hog hunter killing a feral hog at the sporting facility with the corresponding date and number of feral swine killed.

(3) Any person renewing or procuring a sporting facility license shall provide the following information on a form prepared by the Department:

(A) Name, mailing address, email address, and telephone number of the owner;

(B) Name, mailing address, email address, and telephone number of the operator, if different from the owner;

(C) Name, physical address, and county of the sporting facility;

(D) Legal description to the nearest quarter section and GPS coordinates, if available, of the sporting facility;

(E) A map showing topography of the area with a diagram of the facility structures, fencing plan, and perimeter clearly marked;

(F) Whether the applicant has been convicted of a felony, misdemeanor, administrative, or civil violation of any natural resources requirements, including but not limited to wildlife, forestry, fisheries, environment, or animal health within the past three (3) years in Oklahoma or any other jurisdiction;

(G) Whether the property where the sporting facility is located is owned or leased;

(H) Driving directions from the nearest town; and

(I) Signature under oath "I certify under penalty of law this document, all attachments, and information submitted are to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for knowingly submitting false, inaccurate, or incomplete information, including the possibility of fines for each violation."

(4) The owner or operator of a sporting facility shall submit a report describing all feral swine released into or killed at the sporting facility in a month by the 10th day of the following month using forms provided by the Department.

(c) Sporting facilities may have a gate device installed in the perimeter fence that allow for the ingress of additional feral swine but does not allow the egress of captive feral swine. These devices shall be inspected and approved by the Department within seven (7) days of installation.

(d) Sporting facilities shall be licensed for a one year terms beginning July 1 of each calendar year and ending on June 30 of the following calendar year. Applications for the renewal of a sporting facility license shall be due on April 1 of each calendar year.

(e) Feral swine shall not be commingled with any domestic livestock species in any sporting facility. Common pens, water sources or food sources accessible by both domestic livestock species and feral swine shall be prohibited. This subsection is not intended to prohibit a licensee from constructing a feral swine facility along the licensee's property line.

(f) Live feral swine shall not be transported from a sporting facility to any other location.

(g) The sporting facility shall collect a captive hog hunter's fee from each hunter using the sporting facility and remit fees collected to the Department on the 10th day of the month following the hunter's visit. The captive hog hunter's fee:

(1) Shall be collected only once from each hunter during a calendar year;

(2) Shall be valid for the calendar year in which it is purchased;

(3) Shall not restrict the number feral swine the hunter is permitted to kill; and

(4) Shall not restrict the number of visits a hunter may make to any sporting facility.

35:15-34-7. Handling facilities

(a) An owner or operator shall obtain a handling facility license prior to operation of any new handling facility.

- (b) The owner or operator of a handling facility shall maintain a perimeter fence at least forty-eight (48) inches tall made of solid walls, game fence, or other material constructed in a manner adequate to reasonably prevent the escape of enclosed feral swine, and the unsolicited additions of feral swine from outside the enclosure.
- (c) The owner or operator of a handling facility or operator shall keep the following records using forms provided by the Department:
- (1) The name and license number of each consignor or consignee releasing feral swine into or transporting feral swine from the handling facility and the corresponding date and number of feral swine released or transported;
 - (2) The number of feral swine that are killed at the facility and corresponding dates; and
 - (3) The number of feral hogs that die of natural causes at the facility and corresponding dates.
- (d) The owner or operator of a handling facility shall submit a report describing all feral swine released into, killed, or dying by natural causes at the handling facility in a month by the 10th day of the following month using forms provided by the Department.
- (e) Any person applying for a handling facility license shall provide the following information on a form prepared by the Department:
- (1) Name, mailing address, email address and telephone number of the owner;
 - (2) Name, mailing address, email address, and telephone number of the operator, if different from the owner;
 - (3) Name, physical address, and county of the handling facility;
 - (4) Legal description to the nearest quarter section and GPS coordinates, if available, of the handling facility;
 - (5) A map showing topography of the area with a diagram of the facility structures, fencing plan, and perimeter clearly marked;
 - (6) Method of carcass disposal for the facility, including carcass storage sites, carcass burial areas, incineration approval, rendering company, composting plan, or landfill.
 - (7) Whether the applicant has been convicted of a felony, misdemeanor, administrative, or civil violation of any natural resources requirements, including but not limited to wildlife, forestry, fisheries, environment, or animal health within the past three (3) years in Oklahoma or any other jurisdiction;
 - (8) Whether the property where the handling facility is located is owned or leased;
 - (9) Driving directions from the nearest town; and
 - (10) Signature under oath "I certify under penalty of law this document, all attachments, and information submitted are to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for knowingly submitting false, inaccurate, or incomplete information, including the possibility of fines for each violation."
- (f) Handling facilities shall be licensed for a one year terms beginning July 1 of each calendar year and ending on June 30 of the following calendar year. Applications for the renewal of a handling facility license shall be due on April 1 of each calendar year.
- (g) Feral swine shall not be commingled with any domestic livestock species in a handling facility. Common pens, water sources or food sources accessible by both domestic livestock species and feral swine shall not be permitted. This subsection is not intended to prohibit a licensee from constructing a feral swine facility along the licensee's property line.

35:15-34-10. Carcass disposal

- (a) Owners and operators of feral swine facilities shall comply with all carcass disposal requirements.
- (b) The following methods may be used for disposal of carcasses from a feral swine facility:
- (1) Rendering, or composting are the preferred methods of disposal; and
 - (2) If rendering or composting are impractical, the owner or operator may use incineration, burial or landfill as disposal methods.
- (c) Carcass disposal areas shall be located a minimum of thirty (30) feet from any live swine.

- (d) The owner or operator shall comply with Title 2, Section 2-18.1 and Title 21, Sections 1222, 1223, and 1224 at all times.
- (e) At the request of the Department, licensees shall make carcasses available for disease testing at the Department's expense.

35:15-34-11. Inspections

- (a) Each licensed feral swine facility shall be inspected by the Department at least annually.
- (b) Any sporting facility that is licensed by the Oklahoma Department of Wildlife Conservation as a commercial hunting area may be exempt from the annual inspection upon Department approval.
- (c) Prelicensing inspections:
 - (1) Upon submission of a complete application, the Department shall schedule an onsite meeting and inspection to review the feral swine facility.
 - (2) The Department shall review the location of the feral swine facility, including perimeter fencing, gates, carcass disposal areas, and any other facilities for the location.
 - (3) The Department may request appropriate changes to the feral swine facility design.
 - (4) In no case shall a license for a feral swine facility be granted unless the Department has conducted a prelicensing inspection and the Department has approved the facility based on that inspection.
 - (5) The license shall be revoked for any facility that does not construct or operate the facility in accordance with the approved prelicensing inspection.

35:15-34-12. Complaint and compliance investigations

- (a) Upon receipt of a written complaint, the Department notifies the person filing the complaint in writing of its receipt and status within five (5) working days. The party whom the complaint is filed against, if known, is notified within five (5) working days. The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies to the extent possible by the Department. The complainant and owner shall be notified in writing within seven (7) working days after resolution of the complaint.
- (b) Department initiated investigations may occur at any time.

35:15-34-13. License fees

- (a) Sporting facilities that are not licensed as a commercial hunting area by the Oklahoma Department of Wildlife Conservation:
 - (1) Application fee - \$325.
 - (2) Renewal fee - \$200.
- (b) Handling facility:
 - (1) Application fee - \$200.
 - (2) Renewal fee - \$100.
- (c) Transporter: Application and renewal fee - \$25.
- (d) Captive hog hunter - \$25.

35:15-34-14. Modify, suspend, cancel, or revoke licenses

- (a) The license of any owner or operator may be revoked if the owner or operator is convicted of violating any provisions of the Oklahoma Agricultural Code.
- (b) In the event a license is denied, revoked, cancelled, or suspended, the owner or operator is not eligible to reapply until after the date the license would have expired.
- (d) The Department shall not issue a license in the following circumstances:
 - (1) The facility was not inspected by the Department.
 - (2) The owner or operator had any equivalent license denied, revoked, or suspended by any authority.
- (e) Using information from the application and from the State's files, the Department shall determine:
 - (1) The accuracy of all materials in the application;
 - (2) The applicant can reasonably be expected to comply with all legal requirements; and

(3) The proposed facility is adequate and complies with all legal requirements and would not result in harm to domestic swine.

35:15-34-16. Closure of the facility

- (a) The owner or operator may take up to sixty (60) days to dispose of all feral swine at the facility upon expiration of a license or if ordered to close by the Department.
- (b) In no case shall the feral swine be released into the wild.
- (c) Cleaning and disinfection of the premises shall be completed immediately upon closure of the facility if required by the Department.

35:15-34-18. Phenotypic descriptions of feral swine

The Department shall use the following phenotypic descriptions to help differentiate feral swine from domestic swine:

- (1) Bristle-top coloration: Feral swine exhibit bristle tips that are lighter in color than the rest of the hair shaft.
- (2) Dark point coloration: Feral swine exhibit dark brown to black coloration of the distal portions of the snout, ears, tail, and legs. These areas lack light-colored bristle tips.
- (3) Coat coloration: Feral swine exhibit a number of coat coloration patterns. Patterns most frequently observed among wild/feral/hybrid types are wild/grizzled, solid black, solid red/brown, black and white spotted, and black and red/brown spotted patterns.
- (4) Underfur: Feral swine exhibit the presence of underfur that is lighter in color than the overlying dark brown to black bristles/guard hairs.
- (5) Juvenile coat pattern: Juvenile feral swine exhibit striped coat patterns. This consists of a light grayish-tan to brown base coat, with a dark brown to black spinal stripe and three to four irregular longitudinal stripes with dark margins along the entire body.
- (6) Skeletal structure: Feral swine skeletal structure is distinct. Structures include skull morphology, dorsal profile and external body measurements including tail length, head-body length, hind foot length, ear length, snout length and shoulder height.
- (7) Tail structure: Feral swine exhibit straight tails. They contain muscle structure to curl their tails if needed, but the tails are typically held straight. Hybrids exhibit either curly or straight tail structure.
- (8) Ear structure: Feral swine exhibit erect ear structure. Hybrids exhibit either erect or folded/floppy ear structure.

35:15-34-19. Feral swine free zone

- (a) Cimarron, Texas, Beaver, Harper, Woods, Ellis, Woodward, Garfield, Grant, Alfalfa counties shall be a feral swine free zone.
- (b) Transportation of live feral swine into, through, or within a feral swine free zone is prohibited.
- (c) Transporting live feral swine out of a feral swine free zone shall be allowed subject to the other provisions of this subchapter.
- (d) Feral swine facilities are prohibited within any feral swine free zone established by the Board. Licenses for feral swine facilities existing within any feral swine free zone established by the Board shall not be renewed.
- (e) Any person may hunt or capture feral swine within a feral swine free zone pursuant to the provisions of the Feral Swine Control Act and these rules. To assist the Department with tracking and eliminating feral swine populations, a person shall report any feral swine activity to the Department, to include but not limited to any observation, capture, or kill.
- (f) The Board of Agriculture may employ private or public entities to eradicate feral swine anywhere in the State of Oklahoma.