



Province of Alberta

## LIVESTOCK INDUSTRY DIVERSIFICATION ACT

# DOMESTIC CERVID INDUSTRY REGULATION

**Alberta Regulation 188/2014**

### Extract

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(no amdt)

**ALBERTA REGULATION 188/2014**

**Livestock Industry Diversification Act  
and Other Statutes Referred to  
in Section 44**

**DOMESTIC CERVID INDUSTRY REGULATION**

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**Introductory Provisions****Establishment of some provisions by  
Lieutenant Governor in Council**

**1** The following provisions are established by the Lieutenant Governor in Council:

- (a) this section and sections 6, 9, 44 and 45(1);
- (b) jointly with the Minister, sections 3, 4(1), 5, 46 and 47.

**Establishment of remainder by the Minister**

**2** Subject to section 1, this Regulation, including the enactments referred to in section 1(b) jointly with the Lieutenant Governor in Council, is established by the Minister.

**Construction of Act and application of this Regulation**

**3** This Regulation applies only to the extent that the diversified livestock animals in question are domestic cervids and, to the extent that this Regulation applies, the Act is to be construed, generally and except in construing this section and section 5 of this Regulation and section 1(1)(m.2) of the Act, as if references to diversified livestock animals were references only to domestic cervids.

**Interpretation for Act purposes**

**4(1)** For the purposes of the Act, “hunt”, with respect to an animal to which section 18.01 of the Act applies, has the meaning assigned to it in the *Wildlife Act*, but does not include the capturing or killing of a stray to the extent that it is done in accordance with section 27 or, with respect only to a domestic cervid that is lawfully in confinement, any activity that constitutes an accepted agricultural practice.

**(2)** In section 34(1)(a.3) of the Act,

- (a) “consideration” does not include the receiving by an operator of a carcass under section 27(2)(b) or (5);
- (b) “any person associated with an operator” means, where the operator is
  - (i) an individual, a member of the operator’s family, whether related by blood, marriage or adoption or by virtue of an adult interdependent relationship, or
  - (ii) a corporation, a shareholder, director, officer or agent of the corporation or, if that person is an individual, an individual who is so related to that individual.

**Interpretation — this Regulation**

**5** In this Regulation,

- (a) “accepted agricultural practice” means a farm practice that
  - (i) is in conformity with the Act and this Regulation,
  - (ii) is standard in the management of traditional livestock operations,

- (iii) is a reasonable and generally accepted practice of animal management and husbandry in the treatment of all domestic cervids, and
- (iv) does not constitute any act that is directly related to the business of what is commonly known as hunt farming or the operation of a hunt farm;
- (b) “calf” means a prospective domestic cervid that is not identified and is under the age of 1 year;
- (c) “cut hard antler” means antler that would be hard antler but only for its having been cut without the skull or skull plate attached;
- (d) “domestic cervid” means a diversified livestock animal of a species specified in section 6;
- (e) “domestic cervid farm” or “farm” means a farm within the meaning of section 1(1)(d.02) of the Act, with “diversified livestock animals” being treated as replaced by the term “domestic cervids”;
- (f) “ear-tag” means a tag referred to in section 22(1)(a) or (c)(i) and includes a replacement referred to in section 23(1);
- (g) “elk” means
  - (i) *Cervus canadensis manitobensis* [Elk (Wapiti) (Manitoban Elk)],
  - (ii) *Cervus canadensis nannodes* [Elk (Wapiti) (Tule Elk)],
  - (iii) *Cervus canadensis nelsoni* [Elk (Wapiti) (Rocky Mountain Elk)],
  - (iv) *Cervus canadensis roosevelti* [Elk (Wapiti) (Roosevelt Elk)], or
  - (v) *Cervus canadensis asiaticus* [Elk (Altai Elk)],and includes crossbreeds of domestic cervids specified in subclauses (i) to (v);
- (h) “federal health certificate” means a certificate referred to in paragraph 19(1)(b) of the *Health of Animals Act* (Canada);

- (i) “federal movement permit” means a permit referred to in section 76 of the *Health of Animals Regulations* (Canada), (CRC, c. 296);
- (j) “hard antler with skull plate attached” or “hard antler” means domestic cervid hard antler or antlers with the skull or skull plate, or both, attached to the antler or both antlers, as the case may be;
- (k) “present domestic cervid” means a present diversified livestock animal that is a domestic cervid;
- (l) “prospective domestic cervid” means a prospective diversified livestock animal that is a domestic cervid;
- (m) “registration certificate” means, with respect to a registered domestic cervid, a valid and subsisting certificate issued under section 21(2);
- (n) “resident” means an individual who is a resident within the meaning of the *Wildlife Act*;
- (o) “tag”,
  - (i) used with respect to antlers, means the tag required by section 38 or the tag or other form of approved identification required by section 39, as the case may be, and
  - (ii) used in the context of identification, means the ear-tag or ear-tags,  
  
and “tagged” means tagged with such a tag or tags in a form and manner approved by the Director;
- (p) “temporary holding facility” means any place, including a farm but excluding a zoo, in any jurisdiction where live domestic cervids generally, or specific live domestic cervids in particular, are kept for some temporary purpose only (including slaughter at an abattoir) and that meets the requirements of section 14(a) of the Act.

#### **Present diversified livestock animal definition in Act**

**6** The following species of animals are established with reference to section 1(1)(m.2) of the Act:

- (a) *Odocoileus hemionus* (Mule Deer);
- (b) *Odocoileus virginianus* (White-tailed Deer);
- (c) *Alces alces* (Moose);

- (d) elk;
- (e) the progeny of any animal, other than elk, that, as at the end of July 1991, was registered as an elk under section 5 of the repealed *Captive Wildlife (Ministerial) Regulation* (AR 96/87) and was held in possession at that time on premises covered by a big game farm permit issued under that Regulation;
- (f) any hybrid offspring resulting from the crossing of 2 animals, where the dam is a domestic cervid specified in any of clauses (a) to (e).

**Interpretation — in containment**

**7(1)** The circumstances referred to in section 1(3) of the Act are, provided that the activities are performed in accordance with the laws of the applicable jurisdiction and the additional requirements of subsection (2) are met,

- (a) in the case of a species animal other than (in Alberta) a stray, that it is being
  - (i) held on a domestic cervid farm or, if outside Alberta, held on premises that the Minister considers to be the equivalent in the jurisdiction in question to a domestic cervid farm,
  - (ii) transported, or
  - (iii) held in a temporary holding facility,  
and is held for purposes that are consistent with accepted agricultural purposes and, if it was ever outside Alberta, it was on each occasion lawfully imported into Alberta and lawfully exported from the outside jurisdiction, or
- (b) in the case of a stray, it is
  - (i) identified, or
  - (ii) a calf that is accompanied by an identified female domestic cervid on which the calf is dependent.

**(2)** The additional requirements referred to in subsection (1) are that

- (a) the species animal has been in one or more of the conditions referred to in subsection (1)(a) or (b) or any combination of those conditions, for the whole of its life, and

- (b) the licence for the farm in which it is or was normally held has not been cancelled or, if the farm is being operated under section 9 of the Act, the period allowed by that section has not expired.

(3) The period referred to in section 1(3) of the Act is, beginning with the time the species animal initially strayed,

- (a) if that animal is and remains an identified domestic cervid, the remainder of its life,
- (b) if that animal is a calf, the period ending at the earlier of
  - (i) the time when it ceases to be accompanied as referred to in subsection (1)(b)(ii), and
  - (ii) if the accompaniment referred to in subsection (1)(b)(ii) remains in effect at the end of May in the year following the year of its birth, the end of that May,

or

- (c) in the case of any species animal not covered by clause (a) or (b), including a calf that was not so accompanied when it initially strayed, no time at all.

(4) For the purposes of subsection (3), the onus of proving when the beginning of the straying occurred is on the operator.

#### **Application in relation to dead animals and meat legislation**

**8** Nothing in this Regulation applies with respect to a dead animal where all applicable provisions of the Act and the *Meat Inspection Act* or the *Meat Inspection Act* (Canada) have been or are being met concerning the animal.

#### **Change to wildlife status**

**9(1)** A live stray that ceases to be in containment as a result of its not meeting the conditions required for retaining its containment status in section 7 and section 1(3) of the Act becomes wildlife immediately on its ceasing to be in containment.

**(2)** A live stray that loses its identification immediately ceases to be a stray and a domestic cervid and becomes wildlife.

**(3)** A stray that is killed or otherwise dies retains its status as a domestic cervid after its death.

**Delegation of operator powers and duties**

**10(1)** An operator may delegate any specific powers conferred (other than the power to kill a stray) or duties imposed on the operator by any provision of the Act or this Regulation to an individual

- (a) whom the operator has placed in charge of the farm, or
- (b) who, if the operator is an individual, is to be in charge of the farm in the operator's temporary absence.

**(2)** Nothing in subsection (1) relieves the operator from any liability imposed on operators by the Act or this Regulation.

**Licences and Permits****Qualifications for obtaining and holding farm licences**

**11** A person is qualified to acquire or to hold a licence if, and only if, in addition to qualifying under section 4(2)(a), (b) or (c) of the Act, the Minister, after reviewing and taking into account

- (a) that person's licensing history,
- (b) that person's involvement in any farm operation on behalf of any other licence holder, and
- (c) any other criteria specified in a submitted application form,

considers that that person would be a fit and proper licence holder.

**Fees for licences and permits**

**12** The fees for, and for any other service relating to, a licence or for a permit issuable under the Act are those set in writing by the Minister.

**Form of licences and permits**

**13** Permits issuable under the Act and, subject to section 14, licences are to be issued in the form set by the Director, with each being allocated a unique number.

**Stray kill permit exemption inclusions in farm licence**

**14(1)** Subject to subsection (2), if an operator wishes to have the potential to use the exemption from the requirement of a stray kill permit given by section 27(3), the licence must name and otherwise identify one (and only one) individual, being a resident who is identified in the licence as responsible for the day-to-day operation

and management of the farm, as the only individual who is to be entitled to operate under that exemption.

(2) The licence need not name and identify an individual who is both the sole operator and a resident, and such an individual is eligible for the exemption under section 27(3).

#### **Term of licences**

15 The term of a licence is 5 years.

#### **Applications for licences and issuable permits**

16(1) Applications for permits issuable under the Act and for licences are to be submitted in the manner required by the Minister, except that an application for a stray kill permit may be made orally (including by telephone).

(2) The Minister may issue a stray kill permit on an oral application only if the Minister considers that an emergency situation exists.

#### **Permits — general provisions**

17(1) The permits issuable under the Act, for the purpose of section 10.1(1) of the Act, are

- (a) import permits authorizing the importation into Alberta of live prospective domestic cervids of the kinds specified in the permits,
- (b) export permits authorizing the exportation from Alberta of the hard antler with skull plate attached of present domestic cervids, and
- (c) stray kill permits authorizing the killing of strays in compliance with section 27.

(2) The Minister may also issue export permits authorizing the exportation from Alberta of present domestic cervids, other than hard antler, if applied for (voluntarily) by an exporter.

(3) For the purposes of sections 10.1(3) and 19(2)(b) of the Act, the combination, so far as applicable, of the following instruments constitute permits with respect to the exportation from Alberta requirements of the Act, namely,

- (a) in the case of the exportation of a live present domestic cervid, the registration certificate and

- (i) the federal movement permit in the case of exportation to another jurisdiction within Canada, or
  - (ii) the federal movement permit and the federal health certificate in the case of exportation out of Canada,
- (b) with respect to the exportation of semen, ova, embryos, blood or blood by-products, hides or other non-meat parts incidental to slaughter or death from natural causes, written proof that the live animal from which it or they derived was a present domestic cervid and that is sufficient to establish the identity of that particular domestic cervid, or
- (c) with respect to the exportation of velvet antler, written evidence of its tag number, the registration number of the live domestic cervid from which it derived and the licence number of the farm where that animal was normally kept,

and, in the case of any exportation, if there are any applicable laws of the importing jurisdiction that require a document allowing the importation, a document issued by the relevant authority for that jurisdiction that satisfies those laws.

#### **Term of issued permits**

**18** The term of a permit issued under the Act expires 30 days after the permit is issued.

#### **Non-transferability of permits**

**19** A permit, or any right given to any person by a permit, may not be transferred to any other person.

#### **Stray kill permits**

**20(1)** In this section, “delegate” means an individual to whom a current delegation has been made under section 10(1) specifically to act under this section.

**(2)** A person is qualified to obtain or to hold a stray kill permit if, and only if, that person is the operator from or otherwise in relation to whose farm the domestic cervid has strayed or that person’s delegate and the Minister is satisfied that

- (a) the killing will be either
  - (i) an accepted agricultural practice, or
  - (ii) necessary in the public interest as a result of an emergency situation, taking into account the health

and safety of individuals and animals potentially affected, the danger to property and the genetic integrity of wildlife,

- (b) the applicable provisions of section 27 will be observed, and
- (c) all persons authorized to kill under the permit are residents and have the ability to kill the stray in compliance with section 27.

(3) Only residents referred to in subsection (4) are authorized to kill strays under the stray kill permit.

(4) A stray kill permit must include the names and addresses of all residents (including the permit holder or delegate, or both, if applicable) who are authorized to kill the stray under the authorization of the permit.

(5) Residents referred to in subsection (4) are authorized to kill the strays only in the number, kind and manner, and during the periods, specified in the permit.

(6) A stray kill permit must also specify any conditions under which residents named in it may act and the time when the permit expires.

### **Registration and Identification**

#### **Registration**

**21(1)** An operator applies for registration of a prospective domestic cervid by providing to the Director a completed registration form in the form and manner required by the Director.

(2) On the animal's being registered by the Director, the Director shall issue a certificate acknowledging the registration.

#### **Mode of identification**

**22(1)** A domestic cervid is identified, for the purposes of the Act,

- (a) where the animal is a stray, if it is tagged in at least one of its ears with a tag that meets the requirements of clause (c)(i) or if another method of identification that is approved by the Minister and notified to the operator in writing by the Director is met,
- (b) if it was imported into Alberta and is to be or is being transported directly to its farm in accordance with all applicable laws, or

- (c) in the case of any other domestic cervid, if
  - (i) it is tagged in each ear with a tag and the identifying figures or letters on neither of the ear-tags is defaced or altered and other tags, brands or recognition methods, if any, on the animal do not interfere with either of the ear-tags, or
  - (ii) if another method of identification that is approved by the Minister and notified to the operator in writing by the Director is met.

**(2)** A domestic cervid remains identified if an ear-tag has become accidentally lost or separated from the ear and the 30-day period referred to in section 23(1) has not expired without the operator's having notified the Director under that subsection.

**(3)** The onus of proving that a domestic cervid is identified lies on the person claiming that it is identified, and if the identification cannot be proved, the animal is not identified.

#### **Separation or loss and replacement of ear-tags**

**23(1)** Subject to subsection (3), where an ear-tag becomes separated from a domestic cervid or is otherwise lost, the operator shall notify the Director of that fact within 30 days of discovery of the separation or loss and the Director, if so notified and if satisfied that the separation or loss has occurred, shall forthwith provide the operator with a replacement tag in the form decided by the Director.

**(2)** On receipt of the replacement ear-tag, the operator shall re-tag the domestic cervid forthwith.

**(3)** Where the domestic cervid referred to in subsection (1) is a stray,

- (a) if only one of the 2 ear-tags has become separated or is lost and the animal is captured, the operator shall ensure that that ear-tag is replaced and the ear re-tagged within 30 days after the animal's capture, or
- (b) if it is the sole remaining ear-tag that is separated or lost, that ear-tag may not be replaced and, consequently, the stray immediately ceases to be identified.

**(4)** If a replacement tag is issued for the purposes of subsection (3)(a), the stray remains identified during the period between the notification under subsection (1) and the re-tagging under that clause.

**Dates for registration and identification**

**24** The dates prescribed for the purposes of section 11(2) of the Act are, where the mother is

- (a) an elk, January 1, and
- (b) any other domestic cervid, April 1

following the birth.

**Possession and Related Incidences****Minimum area for farm enclosures**

**25** The aggregate area to be enclosed by a farm's enclosures, pens and handling facilities referred to in section 14 of the Act must be not less than 10 acres.

**Exits from farm**

**26** With respect to section 15(1) of the Act, an operator may allow a live prospective domestic cervid to leave the farm if

- (a) the animal is identified or is a calf,
- (b) the animal is being lawfully transported directly
  - (i) for a lawful sale in or exportation from Alberta, or
  - (ii) to a temporary holding facility to be lawfully held there,
- (c) the operator has recorded in writing the date and purpose of the exit from the farm and the animal's destination, and
- (d) the individual actually transporting the animal out of the farm is in compliance with section 30(2).

**Straying**

**27(1)** Where a domestic cervid strays, the operator

- (a) shall forthwith report the fact of the straying (with the number of domestic cervids straying) to the Director,
- (b) shall then make every reasonable attempt, at the earliest possible time following the reporting under clause (a), to ensure
  - (i) its capture in accordance with subsection (7),

- (ii) its killing under the authorization of a stray kill permit or, if applicable, the exemption under subsection (3) and otherwise in accordance with this section, or
- (iii) both such lawful capture followed by such lawful killing,

and

- (c) shall, if applicable, report the fact of the killing to the Director forthwith after the killing.

**(2)** A resident named in a stray kill permit as authorized to kill a stray

- (a) is subject to all the terms and conditions of that permit, and
- (b) shall, if that resident does kill the stray and forthwith after the killing, ensure that the carcass, with the complete hide, skull plate and antlers intact, is delivered to the operator.

**(3)** A stray kill permit is not required to have a stray whose straying has been reported under subsection (1)(a) killed if

- (a) the killing will be and is an accepted agricultural practice,
- (b) one (and only one) resident has been named under section 14(1) or the killing will be and is done by the resident referred to in section 14(2),
- (c) that resident has the ability to kill the stray in compliance with this section,
- (d) the attempt to kill and the killing will be and are done by, and only by, that resident,
- (e) that resident kills strays only in the number reported under subsection (1)(a), and
- (f) that resident complies with subsection (7).

**(4)** Only one resident, under either section 14(1) or (2), is entitled to operate under the subsection (3) exemption.

**(5)** A resident who kills a stray pursuant to subsection (3) shall, forthwith after the killing, ensure that the carcass, with the complete hide, skull plate and antlers intact, is delivered to the operator.

(6) The operator, on receiving the carcass under subsection (2)(b) or (5), shall

- (a) forthwith report the killing (unless already reported) and the dead domestic cervid's tag number to the Director, and
- (b) ensure that none of the carcass is given to or received by any other person who in any way assisted in the killing.

(7) An attempt to capture or kill a stray under this section must be made by means not involving trapping within the meaning of the *Wildlife Act*, and the actions involved in the attempt must

- (a) be reasonable and effected efficiently and in accordance with all applicable laws,
- (b) use reasonable and generally accepted methods of humane capture or killing, as the case may be, that constitute accepted agricultural practices,
- (c) be done in a manner that does not cause, or is not likely to cause, danger to wildlife,
- (d) not involve the entering on to privately owned land without the prior consent of the person in possession of that land, and
- (e) otherwise be such that, if the stray were wildlife,
  - (i) the methodology used would not involve anything that would constitute a contravention of any of sections 27, 28, 29, 30, 31, 32, 33, 36, 40, 44 or 45, or any applicable provision of any such section, of the *Wildlife Act*, and
  - (ii) no part of the action would be in an area where section 38 or 39 of the *Wildlife Act* establishes a prohibition.

(8) With respect to the killing or capturing of a stray,

- (a) an operator shall not receive any consideration from any person, and
- (b) a person associated with an operator shall not receive any consideration from any person other than from the operator.

(9) Notwithstanding anything in this section, a person shall not capture or kill a stray calf unless

- (a) the calf is accompanied by an identified female domestic cervid on which the calf is dependent, and
- (b) that female domestic cervid is captured or killed at or around the same time.

**(10)** If a person in possession of land finds a stray on that land and reports that finding to the Director, the Director shall forthwith notify the operator of that finding and, if the operator does not deal with the stray in accordance with this Regulation, may then

- (a) capture or kill or attempt to capture or kill the stray,
- (b) take all necessary steps to remove it from the land, and
- (c) assess against the operator the costs directly or indirectly incurred by the Crown in capturing or killing or attempting to capture or kill and removing or attempting to remove it, including any damage caused by the stray or by efforts to capture, kill or remove it.

**(11)** Notwithstanding anything in this section, any person who kills a stray shall report the killing to the Director forthwith after the killing.

**(12)** Where a stray is killed under the circumstances set out in section 53.1 of the *Wildlife Act*, the operator, forthwith after learning about the killing, shall have the domestic cervid's carcass collected and dealt with according to law.

#### **Exceptions to possession prohibition**

**28** With respect to section 18.02(1) of the Act, a person may be in possession of

- (a) a live domestic cervid that is lawfully held in containment,
- (b) velvet antler or hard antler with skull plate attached that is held by
  - (i) the operator who has removed or otherwise taken possession of it, or
  - (ii) a person other than that operator if
    - (A) the antler is tagged, and
    - (B) that person has proof that the antler derives from a domestic cervid whose identity can be specifically determined by its ear-tags and registration numbers and by reference to the

licence number of the farm where the domestic cervid was kept,

- (c) other non-meat parts if the person has the proof of their derivation specified in clause (b)(ii)(B),
- (d) a former stray, if that person has complied with section 27, or
- (e) a domestic cervid that has died in circumstances where, in the period leading up to its death, it was being held and otherwise treated lawfully and where the manner of its death did not involve any illegal activities on the part of anyone.

#### **Possession and confinement — zoo animals**

**29(1)** Notwithstanding section 28 or any other provision of this Regulation, an operator shall not take possession of, or have in confinement,

- (a) a domestic cervid if that operator knows or has reason to suspect that that animal has ever been held in a zoo anywhere in the world, or
- (b) a species animal held in such a zoo.

**(2)** For the purposes of subsection (1), an animal is deemed not to be or have been in a zoo if its only presence in a zoo is or was in a vehicle transporting it without its ever being let out of that vehicle.

#### **Transportation**

**30(1)** Section 18.1 of the Act does not apply to cut hard antler.

**(2)** The individual actually transporting a domestic cervid shall be in physical possession of a true copy of the report referred to in section 35.

#### **Importation**

**31(1)** An import permit may be obtained or held only by

- (a) the operator on whose farm the live prospective domestic cervid is to be held,
- (b) a resident who is legally authorized to possess such an animal in Alberta on its importation, or
- (c) a non-resident or a non-resident alien who is authorized by the laws of the jurisdiction from which such an animal

is to be exported to possess the animal in, and to export it from, that jurisdiction.

(2) In subsection (1)(c), “non-resident” and “non-resident alien” have the respective meanings assigned to them in section 3 of the *Wildlife Regulation* (AR 143/97).

(3) A person shall not import into Alberta a live prospective domestic cervid unless that animal has been in containment for the whole of its life and has never been held in a zoo anywhere.

(4) A person shall not import into Alberta the hard antler with skull plate attached or the velvet antler of a prospective domestic cervid unless

- (a) the animal was in containment on premises referred to in section 7(1)(a)(i),
- (b) in the case of hard antler, that person produces a document that is the equivalent of an export permit from the jurisdiction from which the animal was exported, and
- (c) the antler bears what the Director considers is the equivalent of an identification of it under this Regulation or, if such an equivalent does not exist, the person receives from the Director some form of labelling created by the Director that the Director regards as the equivalent of an antler tag.

### **Exportation**

**32(1)** A person shall not export from Alberta a live present domestic cervid unless the importation requirements of the jurisdiction to which that animal is being exported have been complied with.

(2) A person shall not export from Alberta the hard antler with skull plate attached of a present domestic cervid unless the operator has obtained an export permit with respect to that hard antler.

(3) A person who intends to export from Alberta a live present domestic cervid shall submit to the Director all the applicable documents comprising the permit and allowing that exportation forthwith after the time when all those documents have been obtained.

(4) The individual actually exporting a domestic cervid from Alberta shall be in physical possession of the original or a true copy of the documents comprising the permit and allowing that exportation.

**Temporary holding facilities**

**33** An operator shall not have a live domestic cervid held in a temporary holding facility for a period exceeding 30 days unless the operator has submitted to the Director a written report indicating that intention and specifying

- (a) the animal's registration certificate and tag numbers,
- (b) the licence number for the farm where it is normally kept, and
- (c) the contact information for the operator and the owner of the temporary holding facility.

**Records and Reports****Acquisition and disposition records**

**34(1)** With respect to section 16(1) of the Act, an operator shall, in respect of domestic cervids normally kept on the farm, keep up-to-date records, in the manner and form required by the Director, of all acquisitions and dispositions, including births, deaths, importations, exportations and strayings (including deaths and captures of strays), and shall keep all receipts evidencing, or any other written evidence of, any such transactions or events.

**(2)** The operator shall keep the records referred to in subsection (1) for a period of at least 10 years from the time they are made.

**Transportation records**

**35** The operator of a farm where live domestic cervids are or were normally held who has had live domestic cervids moved or transported anywhere outside a farm shall report to the Director in writing, with respect to each trip in the movement or transportation and within 7 days after each such trip,

- (a) the date or the beginning and end dates,
- (b) the name, address and telephone number of the operator and of any agent who arranged the trip,
- (c) the name and address of the consignor,
- (d) the place where those animals were picked up and received, including the farm licence number if either such place is a farm and the legal land description if either is not,
- (e) the licence number of the farm where the animals are or were normally kept,

- (f) the number of those animals transported,
  - (g) a statement that none of them were subject to any quarantine order that prohibited or restricted their movement,
  - (h) their ear-tag number (if and so far as applicable), and
  - (i) in the case of a prospective domestic cervid,
    - (i) the animal's birth date and sex, and
    - (ii) if the animal is a calf, that fact and the ear-tag number of its mother,
- and
- (j) if and so far as applicable, proof of their identification.

**Inventory and velvet antler reports**

**36(1)** An operator shall submit to the Director a completed report, in the manner and form required by the Director,

- (a) subject to clause (b), itemizing inventories of domestic cervids (other than strays) normally kept on the farm, wherever currently kept,
  - (i) in the case of elk and velvet antler, as of the end of the calendar year, on or before January 31 in the following year, and
  - (ii) in the case of all other domestic cervids, as of the end of March, on or before April 30 following,

and

- (b) if the operator has live domestic cervids held in a facility where animal semen is or ova and embryos are collected or processed, specifically itemizing inventories of those domestic cervids, as of and on or before the relevant dates, depending on the kind of domestic cervid, referred to in clause (a)(i) or (ii).

**(2)** Where there is any change in a farm inventory previously reported under this section, the operator shall report the change to the Director within 90 days after the change.

## Antler Provisions

### Removal of velvet antler

**37(1)** A person shall not remove velvet antler from a domestic cervid unless

- (a) that person is a registered veterinarian within the meaning of the *Veterinary Profession Act* or a person under the direct supervision of a registered veterinarian, or
- (b) that person is an operator who has been certified by Alberta Elk and the domestic cervid is an animal from that operator's farm.

**(2)** A person removing velvet antler shall ensure that it is removed humanely in accordance with the standards set out in the Velvet Antler Removal Certification Program as developed and approved by Alberta Elk and the Alberta Veterinary Medical Association.

**(3)** An operator referred to in subsection (1)(b) shall comply with all the terms and conditions of the certification referred to in that clause or on which that certification was given.

### Tagging of velvet antler

**38(1)** Where an operator proposes to transfer possession of velvet antler from a present domestic cervid or to move velvet antler out of the farm, the operator shall ensure that the velvet antler is tagged with a tag affixed to it immediately before the earlier of the transfer and the movement from the farm.

**(2)** A person shall not remove a tag affixed in accordance with subsection (1) before the velvet antler

- (a) is exported from Alberta, or
- (b) is lawfully altered in accordance with the *Food and Drugs Act* (Canada).

### Tagging of hard antler with skull plate attached

**39(1)** This section does not apply to cut hard antler.

**(2)** Except where section 31(4) applies, an operator who takes possession of, or who transfers to another person possession of, hard antler with skull plate attached from a domestic cervid shall ensure that the hard antler is immediately tagged with a tag affixed to the hard antler or otherwise identified with some other method of identification that is approved by the Minister and notified to the operator in writing by the Director.

(3) A person who has possession of hard antler that has been tagged under subsection (2) shall ensure that it remains so tagged until

- (a) it is exported from Alberta or is lawfully altered in accordance with the *Food and Drugs Act* (Canada),
- (b) that person lawfully ceases to be in possession of it, or
- (c) the Director allows otherwise.

#### **Tag requirements**

**40** Each tag must

- (a) be provided by, or be issued in Alberta and in the form approved by, the Director for the purpose covered by section 22, 38 or 39, as the case may be, and
- (b) be given a unique Alberta number.

#### **Miscellaneous**

##### **Onus of proof relative to enforcement of wildlife legislation**

**41** Section 151.4 of the *Wildlife Regulation* (AR 143/97) applies.

##### **Liability for strays**

**42(1)** In this section,

- (a) references to damage being done include any injury or other harm caused;
- (b) “person” includes, subject to section 25 of the Act, the Crown and any individual acting on the Crown’s behalf.

**(2)** If a domestic cervid strays and

- (a) damage is done to property (including wildlife)
  - (i) by the stray, or
  - (ii) by any person who is attempting to capture or kill the stray,

or

- (b) expense is reasonably incurred in lawfully attempting to capture or kill or in maintaining or transporting the stray,

the operator is, and if the operator did not own the animal immediately before it strayed, the operator and the owner of the animal at that time are jointly and severally, liable for that damage or expense or for both, except to the extent that it is due to the fault of the person suffering the damage or incurring the expense.

(3) In determining whether liability for any damage or expense is excluded by subsection (2), the damage or expense is not to be treated as due to the fault of the person suffering or incurring it by reason only that the person could have prevented it by fencing the person's land.

(4) If a person

- (a) opens and does not close or properly close a gate, or
- (b) tampers with, damages or destroys a gate or fence,

as a result of which a domestic cervid strays, the person is liable for any damage or expense referred to in subsection (2).

(5) Nothing in subsection (4) restricts any liability under subsections (2) and (3) and the liability may be apportioned among persons liable under this section.

(6) Where section 27(10)(c) applies, the operator and, if applicable the owner of the stray, have the liability referred to in subsection (2) to the Crown with respect to the costs referred to in section 27(10)(c).

(7) A person has a right of action under this section for damage or expense suffered by the person.

#### **Transitional provision**

**43(1)** A species animal that strayed before November 1, 2014 and that is proved to have borne at least one ear-tag issued under, and complying with, section 5 of the *Livestock Industry Diversification (Ministerial) Regulation* (AR 256/91) (repealed) is a domestic cervid for the purposes of this Regulation.

(2) Notwithstanding subsection (1), if the straying of the animal referred to in that subsection was reported to the Director before November 1, 2014, the animal is a wildlife animal for the purposes of this Regulation.

#### **Consequential amendments**

**44(1)** Pursuant to the *Agriculture Financial Services Act*, section 1(1)(q) of the *Agriculture Financial Services Regulation* (AR 99/2002) is amended by striking out "game-production

animals as defined in the *Livestock Industry Diversification Act*” **and substituting** “domestic cervids within the meaning of the *Domestic Cervid Industry Regulation*”.

**(2) Pursuant to the *Alberta Personal Property Bill of Rights*, the *Exemption Regulation (AR 125/99)* is amended by adding the following after section 4(h):**

- (i) section 33(2)(c) of the *Livestock Industry Diversification Act*, section 9 of the *Domestic Cervid Industry Regulation* and, generally, the acquisition by the Crown of ownership of a stray within the meaning of and as a result of that legislation.

**(3) Pursuant to the *Marketing of Agricultural Products Act*, section 1(k) of the *Alberta Elk Plan Regulation (AR 210/2002)* is amended by striking out “Game Farm Licence” and substituting “licence authorizing the operation of a domestic cervid farm”.**

**(4) Pursuant to the *Meat Inspection Act*, section 6(2)(b) of the *Meat Inspection Regulation (AR 42/2003)* is amended by striking out “but is not a present or prospective domestic cervid within the meaning of the *Livestock Industry Diversification Act*”.**

**(5) Pursuant to the *Veterinary Profession Act*, section 2(c) of the *Exemption Regulation (AR 43/86)* is repealed and the following is substituted:**

- (c) the removal of velvet antler in accordance with the *Domestic Cervid Industry Regulation* from a domestic cervid within the meaning of that Regulation

#### **Repeals**

**45(1)** The *Livestock Industry Diversification (Principal) Regulation (AR 255/91)* is repealed.

**(2)** The *Livestock Industry Diversification (Ministerial) Regulation (AR 256/91)* is repealed.

#### **Expiry**

**46** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2024.

#### **Commencement**

**47** This Regulation comes into force on November 1, 2014.





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