

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 15. ANIMAL INDUSTRY

A summary of all rule changes can be found on the Notice of Rulemaking Intent for Chapter 15. Animal Industry at the following link <http://app.ag.ok.gov/proposedrules/default.aspx>

SUBCHAPTER 5. BIOLOGICAL PRODUCTS AND LABORATORIES

35:15-5-1. Biological products

(a) No biological product used in the treatment of livestock or any other species of animals shall be manufactured, produced, transported, distributed, sold, offered for sale, or used in Oklahoma unless the biological product has been:

(1) Licensed or permitted by the United States Veterinary Biologics Division of the United States Department of Agriculture; and

~~(2) Produced in an establishment licensed by the United States Veterinary Biologics Division of the United States Department of Agriculture; and~~

~~(3)~~(2) Approved by the Oklahoma Department of Agriculture, Food, and Forestry.

(b) Biological products prepared by any person solely for the treatment of livestock or any other species of animals of such person or prepared solely for treatment of livestock or any other species of animals under a veterinary-client-patient relationship during the state licensed professional practice of veterinary medicine by such person shall be exempt from (a) and (d) of this section if used as follows:

(1) Permission is obtained from the State Veterinarian in the form of a one (1) year memorandum of understanding between the Department and the persons owning the livestock or any other species of animals;

(2) An authorized agent of the Board may inspect and monitor the application of the product and verify the proper handling, cleaning, and disinfection of equipment utilized in the application.

(c) Johne's (Paratuberculosis) vaccine is expressly prohibited in Oklahoma without prior approval of the Department. This approval may be obtained only after a written agreement is developed between the producer, attending veterinarian, and state regulatory officials. A plan of herd management, vaccination, and any restrictions shall be a part of this agreement.

(d) Each biological product manufactured, produced, distributed, sold, offered for sale, or used in Oklahoma or delivered for transportation or transported in intrastate or interstate commerce shall be registered with the Department on an annual basis.

(e) Each person registering biological products shall pay an annual registration fee of Two Hundred Dollars (\$200.00) for each biological product registered.

(1) The Department may require the submission of the complete formula of any biological product.

(2) Trade secrets and formulations submitted with the registration shall be kept confidential.

(3) Autogenous biologics shall be registered individually by the specific microorganisms (seed) which make up the composition of the vaccine.

(f) If it appears to the Department that the composition of the biological product is adequate to warrant the proposed claims and if the biological product, its labeling, and other material

required to be submitted comply with the requirements of this section, then the biological product shall be registered.

(g) Additional registration of a biological product shall not be required in the case of a biological product shipped from one location within Oklahoma to another location within Oklahoma if the location is operated by the same person.

(h) All biological product registrations shall expire on March 20 of each year but may be renewed by the Department. Any person who fails to renew a biological product by March 20 of each year shall pay a penalty of an additional Two Hundred Dollars (\$200.00).

(i) No person shall sell or offer for sale an unregistered biological product or an expired biological product.

(j) The term "biological product" shall mean all viruses, serums, toxins (excluding substances that are selectively toxic to microorganisms, including antibiotics), or analogous products at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals and which act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response. The term biological products includes but is not limited to vaccines, bacterins, allergens, antibodies, antitoxins, toxoids, immunostimulants, certain cytokines, antigenic or immunizing components of live organisms, and diagnostic components that are of natural or synthetic origin, or that are derived from synthesizing or altering various substances or components of substances such as microorganisms, genes or genetic sequences, carbohydrates, proteins, antigens, allergens, or antibodies. The term shall not include any product identified and regulated as a pesticide by the Department.

(1) A product's intended use shall be determined through an objective standard dependent upon factors such as representations, oral or written claims, packaging, labeling, or appearance.

(2) The term "analogous products" shall include the following:

(A) Substances, at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals and which are similar in function to biological products in that they act, or are intended to act, through the stimulation, supplementation, enhancement, or modulation of the immune system or immune response;

(B) Substances, at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of livestock or any other species of animals through the detection or measurement of antigens, antibodies, nucleic acids, or immunity; or

(C) Substances, at any stage of production, shipment, distribution, or sale, which resemble or are represented as biological products intended for use in the treatment of livestock or any other species of animals through appearance, packaging, labeling, claims (either oral or written), representations, or through any other means.

(k) The term "treatment" shall mean the prevention, diagnosis, management, or cure of diseases of livestock or any other species of animals.

(l) The term "unregistered biological product" shall mean a biological product that has not been registered with the Department or a biological product that has been previously registered with the Department but the registration has lapsed.

(m) The term "expired biological product" shall mean a biological product which exceeds the expiration date established by the manufacturer.

SUBCHAPTER 34. FERAL SWINE

35:15-34-13. License fees

- (a) Sporting facilities:
 - (1) Application fee - \$325.
 - (2) Renewal fee -
 - (A) \$200; or
 - (B) \$25, if licensed by the Oklahoma Department of Wildlife Conservation(ODWC).
 - (C) \$400, if received after June 1.
- (b) Handling facility:
 - (1) Application fee - \$225.
 - (2) Renewal fee -
 - (A) \$125, if received on or before June 1; or
 - (B) \$250, if received after June 1.
- (c) Transporter: Application and renewal fee - \$25.
- (d) Captive feral swine hunter - \$25.

SUBCHAPTER 44. FARMED CERVIDAE

35:15-44-22. Chronic Wasting Disease Genetic Improvement Program (CWDGIP)

- (a) The CWDGIP is only available to white-tailed deer producers who are Oklahoma Farmed Cervidae licensees.
- (b) Producers choosing to participate in the CWDGIP shall register with the Animal Industry Services Division (AIS) of Oklahoma Department of Agriculture, Food, and Forestry (ODAFF or The Department) and remit a fee of \$100 per year, payable no later than January 1.
- (c) An inventory of all participating deer shall be submitted to AIS at the time of registration.
 - (1) Participating deer shall be identified with an official USDA ear tag.
 - (2) Genetic testing information for the individual deer shall be submitted at the time of registration.
 - (3) Details of the alleles at Codon 96 and the Genetically Estimated Breeding Value (GEBV) of offspring of participating does shall be submitted to AIS upon receipt of the testing results.
- (d) Beginning February 1, 2026 and ending April 15, 2026, white-tailed deer does of any age and bucks that are less than 24 months of age, born and raised in Oklahoma by registered CWDGIP producers may be released onto private land pursuant to the landowner meeting the requirements of Oklahoma Department of Wildlife Conservation's regulations as outlined in ~~Section 1-D. of 2024 Oklahoma House Bill 3462~~ O.S. § 6-520.
 - (1) White-tailed deer shall be released only if:
 - (A) Their genetic testing proves they have the SS alleles at Codon 96;
 - (B) Their GEBV is at or below -0.0560;
 - (C) They are identified with one (1) orange bangle ear tag in each ear that is at least 2" X 1 5/8" in size and the previously applied USDA official ear tag shall remain in place; and

(2) The White-tailed deer that meet the genetic traits in (1) of this section may be released during the same time frame in subsequent years.

(3) Deer meeting the above specifications shall be exempted from the requirements of 35:15-44-6(2).

(e) All White-tailed deer imported into Oklahoma Farmed Cervidae facilities or Oklahoma Department of Wildlife Conservation licensed Commercial Hunt Areas shall have the SS alleles at Codon 96 and have a Genomic Estimated Breeding Value meeting or exceeding -0.056.

(1) Male White-tailed deer imported into Oklahoma Department of Wildlife Conservation licensed Commercial Hunt Areas are exempt from the above requirements.

(2) A certificate verifying the SS alleles at Codone 96 and the GEBV meeting or exceeding -0.056 shall be attached to the import permit application.

SUBCHAPTER 51. Livestock in vehicular accidents

35:15-51-1. Definitions

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

“Assist” means to coordinate, designate, recommend or provide support with handling of such livestock involved in an accident.

“Emergency management organization” means the county emergency manager, employees or designated representatives.

“Livestock” means cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry including egg-producing poultry, llamas, alpacas, live fish, crawfish, bees, and other animals that are: part of a foundation herd including dairy producing cattle or offspring or purchased as part of a normal operation and not to obtain additional benefits under this section.”

“Wrecker or towing service” as defined in Section 951 of Title 47 of the Oklahoma Statutes.

“Wrecker services” as defined in Oklahoma Administrative Code 595:25-1-2.

35:15-51-2. Handling of livestock involved in vehicular accidents

(a) The Department shall develop policy with best practices in handling such livestock as defined by this subchapter.

(b) Policy for handling livestock involved in transportation accidents shall be developed with input from a committee made up of representatives from the Oklahoma Cattlemen’s Association, Livestock Marketing Association, Oklahoma Department of Emergency Management, Oklahoma Emergency Management Association, Oklahoma Department of Public Safety, Oklahoma Department of Transportation, Oklahoma Turnpike Authority, Inter-Tribal Emergency Management Coalition and Animal Industry Services within the Department.

(c) The Department will provide policy updates to the Oklahoma Emergency Management Association annually at scheduled training events and upon request by other local or state organizations.

(d) Disposal of livestock by the owners of the animals or the transporter shall comply with Oklahoma Administrative Code Title 35 Chapter 18 Carcass Disposal.