

APA-1
Revised 4/2018

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.161

Rule Title: Cervid Urine Ban

New Amend Repeal (of Existing Rule) Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have any economic impact? YES
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer _____

Ryan W. Corley
Secretary of Administrative Procedure

Date _____

11/14/18

Department of Conservation and Natural Resources
Wildlife and Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.161 Cervid Urine Ban

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: To prohibit the use or possession of natural cervid urine from cervids outside of Alabama while hunting. Urine products that are fully synthetic are allowed.

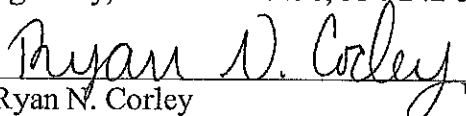
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife and Freshwater Fisheries, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, January 4, 2018.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, January 4, 2019

CONTACT PERSON AT AGENCY: Charles F. Sykes, Director, Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-.161 Cervid Urine Ban

The use or possession of natural cervid urine from cervids outside of Alabama while hunting is prohibited. Nothing in this regulation shall prohibit the use, collection, or sale of cervid urine products originating from within the State of Alabama.

This regulation shall not apply to those urine products which are fully synthetic in composition.

Author: Christopher M. Blankenship

Statutory Authority: §§ 9-2-7, 9-2-8, and 9-2-12,
Code of Alabama, 1975.

Penalty: As provided by law.

History: **New Rule:** 11/14/18.

ECONOMIC IMPACT
STATEMENT FOR APA RULE
(Section 41-22-23(f))

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.161

Rule Title: Cervid Urine Ban

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule prohibits the use or possession of natural cervid urine from cervids outside of Alabama while hunting. Chronic Wasting Disease (CWD), which is always fatal, can be transmitted through urine. CWD would be detrimental to Alabama's cervid population. This rule is necessary to help prevent the spread of CWD or other detrimental diseases.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

There are no additional costs associated with this rule. The new rule prohibits the use or possession of natural cervid urine from cervids outside of Alabama while hunting. Fully synthetic urine products are allowed as well as cervid urine products originating from within Alabama.

3. EFFECT OF THIS RULE ON COMPETITION:

There will likely be no effect on competition. However, we could see an increase in the use of fully synthetic urine products if hunters choose to use them.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This rule should have a minimal impact, if any, on the cost of doing business. There should be no impact on the cost-of-living.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

There should be no impact on employment in the geographical area.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

The Wildlife and Freshwater Fisheries Division is already enforcing current hunting regulations. There should be no additional costs associated with enforcing this regulation. However, any costs incurred will be paid for from Division funds.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The short-term economic impact is that those wishing to use or possess natural cervid urine while hunting must use/possess fully synthetic cervid urine products or natural cervid urine originating from within Alabama. The long-term economic impact of this rule is that the public as a whole will feel less of an economic impact by helping to prevent the spread of CWD. The State of Alabama and the public will benefit from this rule.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

This rule would require those wishing to use or possess natural cervid urine while hunting must use/possess fully synthetic cervid urine products or natural cervid urine originating from within Alabama. Natural cervid urine from outside of Alabama puts Alabama's cervid population at risk for infection of CWD or another detrimental disease. Prohibiting the use or possession of natural cervid urine from cervids outside of Alabama while hunting aids in disease prevention and helps to protect Alabama's cervid population.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

This rule will improve the environment and public health by helping to prevent the spread of CWD and other detrimental diseases to Alabama Cervids.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Without this rule, natural cervid urine from other states that are potentially infect with CWD or another detrimental disease may be used or possessed while hunting in Alabama. That natural cervid urine from other states may then spread CWD or another detrimental disease to Alabama's Cervid population. CWD is a very destructive disease that is always fatal and could have detrimental effects on Alabama's deer population.