

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 220

Department or Agency: Alabama Department of Conservation and Natural Resources

Rule No.: 220-2-.167

Rule Title: Chronic Wasting Disease Management Zone Rule

Intended Action Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making 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 an 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 Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Christopher M. Blankenship
Chris Blankenship

Date

Thursday, December 18, 2025

REC'D & FILED
DEC 18, 2025
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.167 Chronic Wasting Disease Management Zone Rule

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This rule is being revised in accordance with Ala. Code 9-11-30 which requires the department to establish criteria to allow licensed game breeders to transport cervids outside of a Chronic Wasting Disease Management Zone under certain circumstances and to allow antemortem testing prior to transport or release. The amendment specifies the antemortem testing for cervids approved by the State Veterinarian and the criteria for postmortem testing in a captive cervid facility as directed by Ala. Code 9-11-30.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries Division, and then personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Wednesday, February 4, 2026.

If ADA accommodations are needed, please contact Heidi Bowers at (334) 242-3165 or heidi.bowers@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:

Wednesday, February 4, 2026

CONTACT PERSON AT AGENCY:

Chris Lewis, Director
Wildlife & Freshwater Fisheries
5th Floor, 64 N. Union Street
Montgomery, Alabama 36130
334-242-3465

Christopher M. Blankenship

Chris Blankenship

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) Hunters **SHALL** submit samples for chronic wasting disease (CWD) testing from all deer harvested on any Wildlife Management Area (WMA), Special Opportunity Area (SOA), Community Hunting Area (CHA), State Waterfowl Refuges, or Physically Disabled Hunting Area (PHDA) located within a CWD High Risk Zone (HRZ) or Buffer Zone (BZ) at the WMA Check Station, or Drop-off Sampling freezer locations, or a scheduled DCNR Mobile Sampling location.

(2) Hunters **SHALL** submit samples for CWD testing from all deer harvested within ~~the~~a High Risk Zone (HRZ) of ~~the~~a Chronic Wasting Disease Management Zone (CMZ) at DCNR mobile sampling locations or Drop-off Sampling freezer locations on scheduled dates announced by press release and posted to the website below. All other days, hunters are encouraged to submit samples for CWD testing. www.outdooralabama.com/CWD-Info. As an incentive to increase CWD samples submitted for testing on scheduled dates, hunters shall receive a CWD Sampling Permit to harvest one additional antlered deer from within a CMZ for each CWD sample submitted for testing from deer harvested within ~~the~~a HRZ. No more than two additional CWD Sampling Permits will be issued per hunter above the season bag limit, combined for ~~the~~a HRZ and BZ. CWD Sampling Permits are non-transferrable. CWD Sampling Permits are only available at WMA Check Stations and DCNR Mobile sampling locations on scheduled ~~testing-days~~dates.

(3) Hunters **SHALL** submit samples for CWD testing from all deer harvested within ~~the~~a Buffer Zone (BZ) of ~~the~~a CMZ at DCNR mobile sampling locations or Drop-off Sampling freezer locations on scheduled dates announced by press release and posted to the website below. All other days, hunters are encouraged to submit samples for CWD testing. www.outdooralabama.com/CWD-Info. As an incentive to increase CWD samples submitted for testing on scheduled dates, hunters shall receive a CWD Sampling Permit to harvest one additional antlered deer from within a CMZ for each CWD sample submitted for testing from deer harvested within ~~the~~a BZ. No more than two additional CWD Sampling Permits will be issued per hunter above the season bag limit, combined for the HRZ and BZ. CWD Sampling Permits are non-transferable. CWD Sampling Permits are only available at WMA Check Stations and DCNR Mobile sampling locations on scheduled ~~testing-days~~dates.

(4) All deer harvested in ~~the~~a CMZ must be properly recorded and reported through the Game Check System pursuant to Regulation 220-2-.146.

(5) No cervid or cervid body parts taken from ~~the~~a HRZ shall be transported outside of ~~the~~a HRZ. This restriction shall not

apply to meat of a cervid species that has been completely deboned; cleaned skull plates with attached bare antlers, if no visible brain or spinal cord tissue is present; unattached bare antlers or sheds; raw capes, if no visible brain or spinal cord tissue is present; upper canine teeth, if no root structure or other soft tissue is present; and finished taxidermy products or tanned hides.

(6) No cervid or cervid body parts taken from ~~the~~a BZ shall be transported outside ~~the~~a CMZ. This restriction shall not apply to meat of a cervid species that has been completely deboned; cleaned skull plates with attached bare antlers, if no visible brain or spinal cord tissue is present; unattached bare antlers or sheds; raw capes, if no visible brain or spinal cord tissue is present; upper canine teeth, if no root structure or other soft tissue is present; and finished taxidermy products or tanned hides.

(7) Deer processors or taxidermists shall apply for a DCNR Carcass Disposal Transport permit when transporting outside of the designated zones, as applicable. www.outdooralabama.com/CWD-Info

(8) Cervid rehabilitation shall not be permitted within a CMZ nor shall Cervid be transported out of a CMZ for rehabilitation purposes.

(9) Hunters may find DCNR Best Management Practices for carcass disposal at the following link: www.outdooralabama.com/CWD-Info.

(10) There shall be no baiting or supplemental feeding of wildlife within ~~the~~a CMZ. Grain, salt products, minerals, or consumable natural and manufactured products may not be placed or put out for wildlife with the following exceptions:

(a) Seed or grain used solely for normal agricultural, forest management, or wildlife food plot production purposes.

(b) Feed solely placed inside an active hog trap.

(c) Feed for attracting birds and squirrels with common bird and squirrel feeders placed within 100 feet of a residence or occupied building.

(d) Feed as permitted by the Commissioner of the Department of Conservation and Natural Resources.

(e) Following any positive that results in a new CMZ or an expanded area within an existing CMZ, deer hunting by the aid

of bait shall be allowed within ~~the new~~ CMZ or expanded area until the last day of the current CMZ deer season.

(11) Any licensed game breeder facility, permitted propagator, or the holder of a public display of captive wildlife permit within a CMZ will be placed on non-movement qualified status to areas outside that CMZ. Movement will be allowed within that CMZ only, unless CWD is detected within a captive cervid facility.

(12) A licensed game breeder is prohibited from transferring or releasing captive cervids outside a CMZ unless all of the following are met pursuant to Ala. Code § 9-11-30(e):

(a) Compliance with all postmortem testing requirements defined in regulation 220-2-.138 and all conditions set forth in the CWD Monitoring Program designated by the Alabama Department of Agriculture and Industries (ADAI).

(b) Compliance with all antemortem diagnostic testing requirements through one of the four following options:

I. Single Fence Only and No GEBV— For licensed game breeder facilities with a single fence, as defined in regulation 220-2-.138, and each cervid in the facility does not have an U.S. Department of Agriculture (USDA) established genetically estimated breeding value (GEBV) score less than -0.056: All cervids 12 months of age or older in the facility, within 2 years preceding the transport or release date, shall have results of "not-detected" from the State Veterinarian approved CWD diagnostic antemortem test.

II. Double Fence Only and No GEBV— For licensed game breeder facilities with a double fence, as defined in 220-2-.138, in place for one year or more, and each cervid on hand does not have a USDA established GEBV score less than -0.056:

Not less than fifty percent (50%) of cervids 12 months of age or older in the facility, within 3 years preceding the transport or release date, shall have results of "not-detected" from the State Veterinarian approved CWD diagnostic antemortem test. Any specific cervids requested for transport shall have results of "not-detected" from the State Veterinarian approved CWD diagnostic antemortem test within 3 years preceding the transport or release date.

*Cervids in a double fenced facility shall at all times be contained within the inner most fence unless the

cervids are being moved between pens or structures within the facility.

III. **Single Fence plus GEBV**– For licensed game breeder facilities with a single fence, as defined in regulation 220-2-.138, and each cervid in the facility has a USDA established GEBV score less than -0.056:

Not less than fifty percent (50%) of cervids 12 months of age or older in the facility, within 3 years preceding the transport or release date, shall have results of “not-detected” from the State Veterinarian approved CWD diagnostic antemortem test. Any specific cervid requested for transport shall have results of “not-detected” from the State Veterinarian approved CWD diagnostic antemortem test within 3 years preceding the transport or release date.

IV. **Double Fence plus GEBV**– For licensed game breeder facilities with a double fence, as defined in regulation 220-2-.138, in place for one year or more, and each cervid in the facility has a USDA established GEBV score less than -0.056:

Each specific cervid to be transported or released shall have the results of “not-detected” from the State Veterinarian approved CWD diagnostic antemortem test within 3 years preceding the transport or release date.

*Cervids in a double fenced facility shall at all times be contained within the inner most fence unless the cervids are being moved between pens or structures within the facility.

(c) Written authorization is received from DCNR.

(13) Pursuant to Ala. Code § 9-11-30(e), the State Veterinarian has designated a rectal anal mucosal associated lymphoid tissue (RAMALT) biopsy tested by immunohistochemistry (IHC) as the approved CWD diagnostic antemortem test. In order for a sample to be valid, the antemortem CWD test shall be taken by an accredited veterinarian in accordance with USDA CWD Program Standards antemortem collection procedures and submitted within seven (7) days of collection to an ADAI diagnostic laboratory, the USDA National Veterinary Services Laboratory (NVSL), or a diagnostic laboratory authorized by the State Veterinarian. Any cervid requested for transfer or release must have results of “not-detected” from the State Veterinarian approved diagnostic antemortem CWD test prior to movement.

(14) If the postmortem testing requirements in regulation 220-2-.138 have not been met, annual postmortem testing compliance may be achieved by the following:

(a) If a cervid 12 months of age or older dies and is submitted within 7 days of death for postmortem testing and the ADAI lab determines the sample was of poor quality and was not suitable for testing, a licensed game breeder may submit three State Veterinarian approved CWD diagnostic antemortem tests from cervids 12 months of age or older for each missed postmortem test and receive a "not-detected" result for those antemortem tests to be considered postmortem testing compliant.

(b) If a cervid 12 months of age or older dies and no sample was submitted to an ADAI lab:

I. The licensed game breeder facility may submit three State Veterinarian approved CWD diagnostic antemortem tests from cervids 12 months of age or older for each missed postmortem test and receive a "not-detected" result for those antemortem tests to be considered postmortem testing compliant for purposes of movement for the following license year beginning October 1; or

II. Demonstrate compliance with all postmortem testing for the remainder of current license year and the subsequent license year to be considered as compliant with postmortem testing requirements.

(15) If CWD is detected in a licensed game breeder facility, all captive cervid facilities will be placed on non-movement qualified status. The process of trace-back and trace-forward will be performed to identify potential CWD-exposed animals, herds, captive cervid facilities or deer enclosures that will require CWD testing. Any facility or enclosure identified as CWD-exposed will be placed on non-movement qualified status until testing can confirm CWD prevalence. Pursuant to Ala. Code § 9-11-30(d), the department may require the postmortem testing of a captive cervid if CWD has been detected in a cervid possessed by the licensee or a cervid has been transferred to the licensee from another licensee and is epidemiologically linked to a CWD detected cervid possessed by the transferring licensee. Each CWD-exposed facility will be treated as an individual population and a CMZ. The population for a facility will be estimated as the average of the last two inspection counts for the facility, and the average of the last two inventories reported for such facility. If a facility has been operating for less than two years, then the current inventory will be used as the estimated population count. Pursuant to Ala. Code 9-11-30(d), an initial

sample of approximately ten percent (10%) of the estimated population of the facility or a sample target, as otherwise recommended on a case-by-case basis through consultation with the Southeastern Cooperative Wildlife Disease Study (SCWDS) and the State Veterinarian, will be used to determine CWD prevalence within the facility. The 10% prevalence sample must be taken within 60 days after a CWD positive detection. Captive cervids considered eligible for sampling must be at least 12 months of age or older and must have been reported on the facility's prior year inventory.

[headings are for informational purposes only]

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §§9-2-2, 9-2-6, 9-2-7, 9-2-12, 9-11-30, 9-11-244.

History: **New Rule:** Published May 31, 2022; effective July 15, 2022. **Amended:** Published November 30, 2023; effective January 14, 2024. **Amended:** Published May 30, 2025; effective July 14, 2025. **Amended:** Published ; effective .

Penalty: As provided by law.

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

Control No:	<u>220</u>
Department or Agency:	<u>Alabama Department of Conservation and Natural Resources</u>
Rule No:	<u>220-2-.167</u>
Rule Title:	<u>Chronic Wasting Disease Management Zone Rule</u>
Intended Action:	<u>Amend</u>

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The rule is required to prevent/slow the transmission of CWD, a contagious, fatal, neurodegenerative disease that affects deer, elk, and other cervids. CWD has been detected in multiple deer in Lauderdale, Colbert, and Franklin Counties area which is defined as the "CMZ." CWD reduces the number of deer who survive to adulthood, thereby reducing deer population. In other states, it has caused a detrimental effect on the hunting industry once it becomes prevalent. Ala. Code § 9-11-244 specifically authorizes the Commissioner to suspend baiting in a disease outbreak. Moreover, all licensed deer breeders in Alabama acknowledged that all deer (even those deer that they bred, pen-raised, purchased, and sold) are the property of the State of Alabama. This rule allows the State to protect and manage the deer herd in Alabama to slow the progress of CWD which helps protect private hunting, subsistence hunting, and the commercial hunting industry in Alabama.

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

CWD spreads through contact with contaminated body fluids and tissue or indirectly through exposure to CWD in the environment (such as contaminated soil and bait food). Transport of live or harvested deer is a major cause of spreading CWD in new areas. Limiting the transport of deer, and congregate feeding through baiting, helps slow the spread of CWD and the introduction of CWD to other areas of the state. Introduction of CWD to other areas of the state (like transporting deer from a breeder in the CMZ to high fence or other

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breeder in Washington or Houston Counties) would negatively impact deer breeders, high fence owners, and hunters in those counties. In the absence of transport, it could take decades for deer in other counties to be exposed. With transport, it could take only months to expose the deer in other areas of the state. Prohibiting baiting within the CMZ and limiting the transport of deer outside the CMZ is the least restrictive means to help prevent/slow the spread of CWD.

3. EFFECT OF THIS RULE ON COMPETITION:

N/A

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

There will be no effect on cost of living. There is a possibility of increased cost of doing business. A licensed deer breeder within the CMZ may have to increase monitoring and testing of deer within their facility and will have to limit transport of deer from the CMZ to other un-exposed areas of the state.

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

N/A

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

Hunting licenses fees, Pittman-Robertson funds; and to a small extent, DCNR deer breeder permit fees.

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

The short term economic impact has already been experienced because the 2024/2025 deer season has ended. The long-term economic impact is as follows:

For hunters who purchased bait-feeding systems, those systems cannot be used next season.

For licensed deer breeders located in the CMZ, those breeders will have to increase monitoring of their facility and may have to increase testing of deer within their facility. Breeders located within the CMZ are prohibited from transporting deer outside the CMZ to prevent the introduction/exposure of CWD into other areas of the state. The prohibition of transport outside the CMZ may reduce or limit the market in which CMZ breeders can sell their deer. However, the market would likely self-regulate without the rule; high fence owners outside the CMZ would likely not purchase deer from breeders inside the CMZ

because of the possibility of introducing CWD to their existing herd and possible contamination of their property. Therefore, the economic impact is less a result of the proposed rule and more a natural result of potential purchasers choosing not to risk exposure of their current herd.

Licensed deer breeders within the CMZ will bear some of the costs of compliance with the rule. Those breeders acknowledged, at the time they entered the business, that the deer they breed, raise, and purchase or sell are property of the State of Alabama, and they assumed the risk of increased testing and regulatory compliance when they entered the market in exchange for profiting from the sale of a state resource.

Those who will benefit from the rule: all deer breeders located outside the CMZ high fence owners, private hunters, subsistence hunters, the commercial hunting industry and related businesses, the State of Alabama, and all other deer.

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

See response to number 7.

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

Environmental concern: CWD can persist in an area indefinitely and continue to spread and infect deer through a contaminated environment. This poses serious problems for wildlife managers and the implications for free-ranging deer are significant. The disease could substantially reduce deer populations by lowering adult survival rates.

Public health concern: No case of human disease has been directly linked to consuming venison harvested from a CWD-positive area. However, the CDC recommends that humans do not eat meat from a deer that has tested positive.

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

See response to number 9.

Signature of certifying officer

Christopher M. Blankenship

Chris Blankenship

Date

Thursday, December 18, 2025