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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1965

03/04/2019 Authored by Poppe and Swedzinski The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division

1.1 A bill for an act
1.2 relating to natural resources; modifying requirements for saltwater aquatic farms;
1.3 amending Minnesota Statutes 2018, sections 17.494; 17.4982, by adding
1.4 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 17.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 17.494, is amended to read:

1.7 17.494 AQUACULTURE PERMITS; RULES.

1.8 (a) The commissioner shall act as permit or license coordinator for aquatic farmers and
1.9 shall assist aquatic farmers to obtain licenses or permits.

1.10 By July 1, 1992, (b) A state agency issuing multiple permits or licenses for aquaculture
1.11 shall consolidate the permits or licenses required for every aquatic farm location. The
1.12 Department of Natural Resources transportation permits are exempt from this requirement.
1.13 State agencies shall adopt rules or issue commissioner's orders that establish permit and
1.14 license requirements, approval timelines, and compliance standards. Saltwater aquatic farms,
1.15 as defined in section 17.4982, subdivision 20b, and processing facilities for saltwater aquatic
1.16 life, as defined in section 17.4982, subdivision 20c, must be classified as agricultural
1.17 operations for purposes of any construction, discharge, or other permit issued by the Pollution
1.18 Control Agency.

1.19 Nothing in this section modifies any state agency's regulatory authority over aquaculture
1.20 production.

2.1 Sec. 2. Minnesota Statutes 2018, section 17.4982, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 20a. **Saltwater aquaculture.** "Saltwater aquaculture" means the commercial  
2.4 propagation and rearing of saltwater aquatic life, including but not limited to crustaceans,  
2.5 primarily for consumption as human food.

2.6 Sec. 3. Minnesota Statutes 2018, section 17.4982, is amended by adding a subdivision to  
2.7 read:

2.8 Subd. 20b. **Saltwater aquatic farm.** "Saltwater aquatic farm" means a facility used for  
2.9 saltwater aquaculture, including but not limited to artificial ponds, vats, tanks, raceways,  
2.10 and other facilities that an aquatic farmer owns or has exclusive control of for the sole  
2.11 purpose of producing saltwater aquatic life.

2.12 Sec. 4. Minnesota Statutes 2018, section 17.4982, is amended by adding a subdivision to  
2.13 read:

2.14 Subd. 20c. **Saltwater aquatic life.** "Saltwater aquatic life" means aquatic species that  
2.15 are saltwater obligates or perform optimally when raised in salinities closer to that of natural  
2.16 seawater and need salt water to survive.

2.17 Sec. 5. **[17.499] TRANSPORTATION OR IMPORTATION OF SALTWATER**  
2.18 **AQUATIC LIFE; QUARANTINE REQUIREMENT.**

2.19 Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase  
2.20 private saltwater aquaculture production and processing in this state under the coordination  
2.21 of the commissioner of agriculture. Additional private production will reduce dependence  
2.22 on foreign suppliers and benefit the rural economy by creating new jobs and economic  
2.23 activity.

2.24 Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section  
2.25 17.4985, saltwater aquatic life transportation and importation requirements are governed  
2.26 by this section. A transportation permit is required prior to any importation or intrastate  
2.27 transportation of saltwater aquatic life not exempt under subdivision 3. A transportation  
2.28 permit may be used for multiple shipments within the 30-day term of the permit if the source  
2.29 and the destination remain the same. Transportation permits must be obtained from the  
2.30 commissioner prior to shipment of saltwater aquatic life.

2.31 (b) An application for a transportation permit must be made in the form required by the  
2.32 commissioner. The commissioner may reject an incomplete application.

3.1 (c) An application for a transportation permit must be accompanied by satisfactory  
3.2 evidence, as determined by the commissioner, that the shipment is free of any nonindigenous  
3.3 species of animal other than the saltwater aquatic species and either:

3.4 (1) the facility from which the saltwater aquatic life originated has provided  
3.5 documentation of 36 or more consecutive months of negative testing by an approved  
3.6 laboratory as free of any disease listed by OIE - the World Organisation for Animal Health  
3.7 for that species following the testing guidelines outlined in the OIE Aquatic Animal Health  
3.8 Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate;  
3.9 or

3.10 (2) the saltwater aquatic life to be imported or transported includes documentation of  
3.11 negative testing for that specific lot by an approved laboratory as free of any disease listed  
3.12 by OIE - the World Organisation for Animal Health for crustaceans or in the AFS Fish  
3.13 Health Blue Book for other species, as appropriate.

3.14 If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic  
3.15 life that originated in a foreign country, the shipment must be quarantined at the receiving  
3.16 facility according to a quarantine plan approved by the commissioner. A shipment authorized  
3.17 by the commissioner under clause (2) must be quarantined at the receiving facility according  
3.18 to a quarantine plan approved by the commissioner.

3.19 (d) For purposes of this subdivision, "approved laboratory" means a laboratory approved  
3.20 by the commissioner or the United States Department of Agriculture, Animal and Plant  
3.21 Health Inspection Services.

3.22 (e) The commissioner must approve or deny a transportation permit application no later  
3.23 than 14 calendar days after a completed transportation permit application is received.

3.24 (f) A copy of the transportation permit must accompany a shipment of saltwater aquatic  
3.25 life while in transit and must be available for inspection by the commissioner.

3.26 (g) A vehicle used by a licensee for transporting aquatic life must be identified with the  
3.27 license number and the licensee's name and town of residence as it appears on the license.  
3.28 A vehicle used by a licensee must have identification displayed so that it is readily visible  
3.29 from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and  
3.30 three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed  
3.31 on removable plates or placards placed on opposite doors of the vehicle or on the tanks  
3.32 carried on the vehicle.

4.1 (h) An application to license a vehicle for brood stock or larvae transport or for use as  
4.2 a saltwater aquatic life vendor that is received by the commissioner is a temporary license  
4.3 until approved or denied by the commissioner.

4.4 Subd. 3. Exemptions. (a) A transportation permit is not required to transport or import  
4.5 saltwater aquatic life:

4.6 (1) previously processed for use as food or other purposes unrelated to propagation;

4.7 (2) transported directly to an outlet for processing as food or for other food purposes if  
4.8 accompanied by shipping documents;

4.9 (3) that is being exported if accompanied by shipping documents;

4.10 (4) that is being transported through the state if accompanied by shipping documents;

4.11 or

4.12 (5) transported intrastate within or between facilities licensed for saltwater aquaculture  
4.13 by the commissioner if accompanied by shipping documents.

4.14 (b) Shipping documents required under paragraph (a) must include the place of origin,  
4.15 owner or consignee, destination, number, species, and satisfactory evidence, as determined  
4.16 by the commissioner, of the disease-free certification required under subdivision 2, paragraph  
4.17 (c), clauses (1) and (2).