

OFFICE OF THE ATTORNEY GENERAL OF OKLAHOMA

Question Submitted by: The Honorable Scott Fetgatter, Oklahoma House of Representatives, District 16

2026 OK AG 3 · Decided March 5, 2026

SUMMARY

This document is Oklahoma Attorney General Opinion 2026 OK AG 3, addressing limitations on releasing white-tailed deer bred under the Chronic Wasting Disease Genetic Improvement Act pilot program. The opinion concludes that eligible deer may be released only by properly licensed and registered farmed cervid producers, must satisfy specified Oklahoma-origin, tagging, genetic, and age requirements, and may be released between February 1 and April 15 onto qualifying private land. The opinion is signed by Oklahoma Attorney General Gentner Drummond and Deputy General Counsel Ethan Shaner.

CASE DETAILS

COURT	Office of the Attorney General of Oklahoma
DECIDED	March 5, 2026
DISPOSITION	other
PROCEDURAL POSTURE	The Oklahoma House of Representatives requested an official Attorney General Opinion concerning limitations on releasing white-tailed deer bred under the Chronic Wasting Disease Genetic Improvement Act pilot program.
PRECEDENTIAL VALUE	Published Oklahoma Attorney General Opinion; persuasive authority rather than a judicial precedent.

TOPICS

- administrative law
- statutory interpretation
- rulemaking
- environmental law

PRACTICE AREAS

- administrative law
- environmental law
- statutory interpretation
- animal and wildlife regulation

QUESTIONS PRESENTED

1. What limitations apply to the release of white-tailed deer bred under the Chronic Wasting Disease Genetic Improvement Act pilot program?

2. Whether the pilot program operates as a narrow exception to the more general restrictions of the Oklahoma Farmed Cervidae Act and associated administrative rules.

HOLDINGS

1. Only farmed cervid producers licensed under the Oklahoma Farmed Cervidae Act and registered with the Oklahoma Department of Agriculture, Food, and Forestry under the Chronic Wasting Disease Genetic Improvement Act may participate in and release deer pursuant to the pilot program.
2. Released deer must satisfy the codon 96 and genomic estimated breeding value requirements established by the Act and ODAFF, be born and raised in Oklahoma, be appropriately tagged, and, if bucks, be less than 24 months old.
3. Eligible pilot-program deer may be released only between February 1 and April 15 each year and only onto private land, subject to any applicable landowner permit fee under the Act.
4. The pilot program is a narrow exception to the Oklahoma Farmed Cervidae Act and associated ODAFF rules, and the general OFCA restriction against intentionally commingling or integrating farmed cervidae with native cervidae does not independently bar releases authorized by the pilot program.

KEY QUOTATIONS

“White-tailed deer bred pursuant to the CWD Act pilot program may be released only by farmed cervid producers properly licensed by and registered with ODAFF.” (¶13)

“In short, the Pilot Program authorized by the CWD Act should be viewed as a narrow exception to the OFCA and associated ODAFF rules.” (¶12)

FACTUAL BACKGROUND

Oklahoma enacted the Chronic Wasting Disease Genetic Improvement Act in 2024 and directed the Oklahoma Department of Agriculture, Food, and Forestry to establish a pilot program involving genetically selected white-tailed deer. The statute and implementing rules address producer licensing, Oklahoma birth and origin, genetic and age requirements, tagging, release dates, private-land release, and a potential landowner permit fee. The Attorney General also considered the relationship between the pilot program and broader restrictions under the Oklahoma Farmed Cervidae Act, including restrictions on commingling farmed and native cervids.

PROCEDURAL HISTORY

The Attorney General issued an official opinion in response to a question submitted by Representative Scott Fetgatter. No judicial lower-court proceeding or appellate review is identified.

DISPOSITION

other

CASES CITED

- *Duncan v. Okla. Dep't of Corr.*, 2004 OK 58, 95 P.3d 1076

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