

Part 1 General Provisions

4-39-101 Title.

This chapter is known as the "Domesticated Elk Act."

Enacted by Chapter 302, 1997 General Session

4-39-102 Definitions.

As used in this chapter:

- (1) "Domesticated elk" means elk of the genus and species *cervus elaphus*, held in captivity and domestically raised for commercial purposes.
- (2) "Domesticated elk facility" means a facility where domesticated elk are raised.
- (3) "Domesticated elk product" means any carcass, part of a carcass, hide, meat, meat food product, antlers, or any part of a domesticated elk.

Enacted by Chapter 302, 1997 General Session

4-39-103 Department's responsibilities.

The department is responsible for enforcing laws and rules relating to:

- (1) the importation, possession, or transportation of domesticated elk into the state or within the state;
- (2) the inspection of domesticated elk facilities;
- (3) preventing the outbreak and controlling the spread of disease-causing pathogens among domesticated elk in domesticated elk facilities;
- (4) preventing the spread of disease-causing pathogens from domesticated elk to wildlife, other animals, or humans; and
- (5) if necessary, quarantining any domesticated elk pursuant to Chapter 31, Control of Animal Disease.

Amended by Chapter 331, 2012 General Session

4-39-104 Domesticated Elk Act advisory council.

- (1) The department shall establish a Domesticated Elk Act advisory council to give advice and make recommendations on policies and rules adopted pursuant to this chapter.
- (2) The advisory council shall consist of 10 members appointed by the commissioner of agriculture to four-year terms as follows:
 - (a) one member, recommended by the executive director of the Department of Natural Resources, shall represent the Department of Natural Resources;
 - (b) two members shall represent the Department of Agriculture, one of whom shall be the state veterinarian;
 - (c) one member shall represent the livestock industry;
 - (d) one member, recommended by the executive director of the Department of Natural Resources from a list of candidates submitted by the Division of Wildlife Resources, shall represent wildlife interests;
 - (e) five members, recommended by the Department of Agriculture, shall represent the domesticated elk industry.

- (3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (5)
 - (a) A majority of the advisory council constitutes a quorum.
 - (b) A quorum is necessary for the council to act.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 19, 2016 General Session

4-39-105 Prohibited activities.

- (1) Except as provided in this title or in the rules of the department made pursuant to this title, a person may not:
 - (a) acquire, import, or possess domesticated elk intended for use in a domesticated elk facility;
 - (b) transport domesticated elk to or from a domesticated elk facility;
 - (c) propagate domesticated elk in a domesticated elk facility; or
 - (d) harvest, transfer, possess, or sell domesticated elk or domesticated elk products from a domesticated elk facility.
- (2) Releasing domesticated elk into the wild is prohibited.

Amended by Chapter 378, 1999 General Session

4-39-106 Department to make rules.

- (1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, after considering the recommendations of the advisory council:
 - (a) specifying procedures for the application and renewal of licenses for operating a domesticated elk facility;
 - (b) governing the disposal or removal of domesticated elk from a domesticated elk facility for which the license has lapsed or been revoked;
 - (c) setting standards and requirements for operating a domesticated elk facility;
 - (d) setting health requirements and standards for health inspections; and
 - (e) governing the possession, transportation, and accompanying documentation of domesticated elk carcasses.
- (2) The department may make other rules consistent with its responsibilities set forth in Section 4-39-103.

Amended by Chapter 382, 2008 General Session

4-39-107 Powers of state veterinarian.

- The state veterinarian shall:
- (1) set up periodic or ongoing surveillance programs considered necessary for:
 - (a) the recognition, control, monitoring, and elimination of infectious diseases and parasites; and

- (b) monitoring genetic purity; and
- (2) quarantine or make any disposition of diseased animals that he or she considers necessary for the control or eradication of that disease.

Enacted by Chapter 302, 1997 General Session

4-39-108 Deposit of fees.

The department shall deposit all fees collected under this chapter into the Utah Livestock Brand and Anti-Theft Account created in Section 4-24-24.

Enacted by Chapter 302, 1997 General Session