

**DOMESTICATED ELK PROGRAM AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill makes changes to the Domesticated Elk Act.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to:
  - the state veterinarian's powers related to the investigation, quarantine, and destruction of domesticated elk that may be infected with a disease spreading pathogen;
  - importing domesticated elk into the state; and
  - tracking imported domesticated elk;
- ▶ requires the Department of Agriculture and Food to study the importation of domesticated elk into the state, including from east of the 100 degree meridian;
- ▶ provides rulemaking authority;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**4-39-102**, as last amended by Laws of Utah 2017, Chapter 345

**4-39-107**, as last amended by Laws of Utah 2017, Chapter 345

**4-39-303**, as enacted by Laws of Utah 1997, Chapter 302

**ENACTS:**

**4-39-308**, Utah Code Annotated 1953

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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **4-39-102** is amended to read:

35 **4-39-102. Definitions.**

36 As used in this chapter:

37 (1) (a) "Commingle" means maintaining animals in a manner in which physical contact  
38 among animals could occur.

39 (b) "Commingle" includes maintaining animals in the same pasture or enclosure.

40 (c) "Commingle" does not include holding animals:

41 (i) at a sale;

42 (ii) during transportation;

43 (iii) during artificial insemination; or

44 (iv) in other circumstances involving limited contact among animals for a short period  
45 of time.

46 ~~[(+)]~~ (2) "Domesticated elk" means elk of the genus and species cervus elaphus, held in  
47 captivity and domestically raised for commercial purposes.

48 ~~[(+)]~~ (3) (a) "Domesticated elk facility" means a facility where only domesticated elk  
49 are raised.

50 (b) "Domesticated elk facility" includes a harvest facility.

51 ~~[(+)]~~ (4) "Domesticated elk product" means any carcass, part of a carcass, hide, meat,  
52 meat food product, antlers, or any part of a domesticated elk.

53 (5) "Harvest facility" means a facility where domesticated elk are harvested through  
54 typical hunting methods.

55 (6) "Suspect domesticated elk" means a domesticated elk for which:

56 (a) the state veterinarian has determined that the following suggest that the  
57 domesticated elk may be infected with a disease spreading pathogen:

58 (i) unofficial test results;

59 (ii) laboratory evidence; or

60 (iii) clinical signs; and

61 (b) official laboratory results for a disease spreading pathogen:

62 (i) are inconclusive; or

63 (ii) have not been conducted.

Section 2. Section **4-39-107** is amended to read:

**4-39-107. Powers of state veterinarian.**

(1) The state veterinarian shall:

~~[(1)]~~ (a) set up periodic or ongoing surveillance programs considered necessary for:

~~[(a)]~~ (i) the recognition, control, monitoring, and elimination of infectious diseases and parasites; and

~~[(b)]~~ (ii) monitoring genetic purity; and

~~[(2)]~~ (b) quarantine or make any disposition of diseased animals that the state veterinarian considers necessary for the control or eradication of that disease.

(2) In carrying out the state veterinarian's duties under this section, the state veterinarian may impose reasonable restrictions, as determined by the department, on the transfer of domesticated elk to or from a domesticated elk herd for a limited time for the purpose of conducting a health risk assessment for the domesticated elk herd.

(3) Notwithstanding anything to the contrary in Utah law, within 30 calendar days after the day on which the state veterinarian begins an animal disease traceability investigation for a domesticated elk herd, the state veterinarian shall provide written notice to an owner of the domesticated elk facility of:

(a) the status of the animal disease traceability investigation, including any findings;  
and

(b) the owner's right to appeal.

(4) The state veterinarian may not:

(a) quarantine a domesticated elk facility unless a domesticated elk at the domesticated elk facility has, within the previous 60 months:

(i) tested positive for a disease spreading pathogen; or

(ii) commingled with a domesticated elk in a quarantined domesticated elk facility;

(b) continue a previously ordered quarantine if an animal disease traceability investigation finds that:

(i) a suspect domesticated elk was not commingled with a domesticated elk that has tested positive for a disease spreading pathogen in the 60 months prior to the date on which the state veterinarian begins the investigation; or

(ii) no suspect domesticated elk resides at the domesticated elk facility;

(c) restrict the movement of a domesticated elk destined for a harvest facility or slaughter facility; or

(d) deny an application for a new domesticated elk facility if the facility meets all the requirements of this chapter.

Section 3. Section **4-39-303** is amended to read:

**4-39-303. Importation of domesticated elk.**

(1) A person may not import domesticated elk into the state for use in domesticated elk facilities without first obtaining:

(a) an entry permit from the state veterinarian's office; and

(b) a domesticated elk facility license from the department.

(2) The entry permit shall include the following information and certificates:

(a) a health certificate with an indication of the current health status;

(b) proof of genetic purity as required in Section 4-39-301;

(c) the name and address of the consignor and consignee;

(d) proof that the elk are:

(i) tuberculosis [~~and brucellosis~~] free; or

(ii) enrolled in a tuberculosis herd monitoring accreditation program administered by the United State Department of Agriculture or the Canadian Food Inspection Agency;

(e) the origin of shipment;

(f) the final destination;

(g) the total number of animals in the shipment; and

(h) any other information required by the state veterinarian's office or the department.

(3) No domesticated elk will be allowed into the state that originates east of the 100 degree meridian, to prevent introduction of the meningeal worm.

(4) A person who imports domesticated elk into the state from an international herd:

(a) may only import domesticated elk:

(i) that are male; and

(ii) to a harvest facility for use in the harvest facility; and

(b) shall ensure that the domesticated elk are harvested in the same season in which the domesticated elk enter the state.

(5) For the purpose of enforcing Subsection (4), the department may make rules in

accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the use of radio frequency identification tags to track male elk imported into the state from an international herd.

Section 4. Section **4-39-308** is enacted to read:

**4-39-308. Study of importation of domesticated elk.**

(1) As used in this section:

(a) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee.

(b) "Eastern importation" means the importation into the state of domesticated elk originating east of the 100 degree meridian.

(2) (a) The department shall conduct a study of domesticated elk importation.

(b) The department shall coordinate with the Division of Wildlife Resources and relevant stakeholders that have an interest in domesticated elk importation to conduct the study described in Subsection (2)(a).

(3) The study described in Subsection (2) shall:

(a) evaluate the risk to domesticated elk in the state of meningeal worm infection related to eastern importation;

(b) evaluate strategies to mitigate meningeal worm infection related to eastern importation, including:

(i) tracking;

(ii) testing;

(iii) vaccination; and

(iv) treatment;

(c) study avenues for importation of domesticated elk breeding stock other than eastern importation, including potential risks and strategies for mitigating risks; and

(d) include a study or evaluation of any other factors the department deems necessary to carry out the study described in Subsection (2).

(4) The study described in Subsection (2) may include:

(a) review of relevant literature; and

(b) surveys of other states' disease mitigation strategies and practices.

(5) (a) The department shall report to the committee on or before the committee's

157 September 2023 interim committee meeting.  
158 (b) The report described in Subsection (5)(a):  
159 (i) shall include recommendations:  
160 (A) for or against eastern import, including recommendations for how to implement  
161 eastern import, if any; and  
162 (B) for importation of domesticated elk breeding stock, including recommendations for  
163 implementation and disease mitigation strategies; and  
164 (ii) may include recommendations for legislation.  
165 (6) If the committee decides to recommend legislative action based on the report and  
166 recommendations described in Subsection (5), the committee shall prepare legislation for  
167 consideration by the Legislature in the 2024 General Session.