

1 **DOMESTICATED ELK HARVESTING**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Leonard M. Blackham**

5 AN ACT RELATING TO AGRICULTURE; DELETING THE PROHIBITION AGAINST
6 HUNTING DOMESTICATED ELK; AND PROVIDING RULEMAKING AUTHORITY TO
7 THE DEPARTMENT OF AGRICULTURE AND FOOD GOVERNING THE POSSESSION,
8 TRANSPORTATION, AND ACCOMPANYING DOCUMENTATION OF DOMESTICATED
9 ELK CARCASSES.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **4-39-105**, as enacted by Chapter 302, Laws of Utah 1997

13 **4-39-106**, as enacted by Chapter 302, Laws of Utah 1997

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

15 Section 1. Section **4-39-105** is amended to read:

16 **4-39-105. Prohibited activities.**

17 (1) Except as provided in this title or in the rules of the department made pursuant to this
18 title, a person may not:

19 (a) acquire, import, or possess domesticated elk intended for use in a domesticated elk
20 facility;

21 (b) transport domesticated elk to or from a domesticated elk facility;

22 (c) propagate domesticated elk in a domesticated elk facility; or

23 (d) harvest, transfer, possess, or sell domesticated elk or domesticated elk products from
24 a domesticated elk facility.

25 ~~[(2) Hunting of domesticated elk is prohibited.]~~

26 ~~[(3)]~~ (2) Releasing domesticated elk into the wild is prohibited.

27 Section 2. Section **4-39-106** is amended to read:

28 **4-39-106. Department to make rules.**

29 (1) The department shall make rules in accordance with Title 63, Chapter 46a, Utah
30 Administrative Rulemaking Act, after considering the recommendations of the advisory council:

31 (a) specifying procedures for the application and renewal of licenses for operating a
32 domesticated elk facility;

33 (b) governing the disposal or removal of domesticated elk from a domesticated elk facility
34 for which the license has lapsed or been revoked;

35 (c) setting standards and requirements for operating a domesticated elk facility; [and]

36 (d) setting health requirements and standards for health inspections[-]; and

37 (e) governing the possession, transportation, and accompanying documentation of
38 domesticated elk carcasses.

39 (2) The department may make other rules consistent with its responsibilities set forth in
40 Section 4-39-103.

Legislative Review Note
as of 1-27-99 12:47 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel