

Representative Keven J. Stratton proposes the following substitute bill:

DOMESTICATED ELK PROGRAM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill makes changes to the Domesticated Elk Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ 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; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **4-39-102**, as last amended by Laws of Utah 2017, Chapter 345

29 **4-39-107**, as last amended by Laws of Utah 2017, Chapter 345

30 **4-39-303**, as enacted by Laws of Utah 1997, Chapter 302

31 ENACTS:

32 **4-39-308**, Utah Code Annotated 1953

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

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

36 **4-39-102. Definitions.**

37 As used in this chapter:

38 (1) "Animal ranch" means a facility where domesticated elk are harvested through
39 typical hunting methods.

40 (2) (a) "Commingle" means maintaining animals in a manner in which physical contact
41 among animals could occur.

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

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

44 (i) at a sale;

45 (ii) during transportation;

46 (iii) during artificial insemination; or

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

49 ~~[(1)]~~ (3) "Domesticated elk" means elk of the genus and species cervus elaphus, held in
50 captivity and domestically raised for commercial purposes.

51 ~~[(2)]~~ (4) (a) "Domesticated elk facility" means a facility where only domesticated elk
52 are raised.

53 (b) "Domesticated elk facility" includes an animal ranch.

54 ~~[(3)]~~ (5) "Domesticated elk product" means any carcass, part of a carcass, hide, meat,
55 meat food product, antlers, or any part of a domesticated elk.

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

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

59 (i) unofficial test results;

60 (ii) laboratory evidence; or

61 (iii) clinical signs; and

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

63 (i) are inconclusive; or

64 (ii) have not been conducted.

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

66 **4-39-107. Powers of state veterinarian.**

67 (1) The state veterinarian shall:

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

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

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

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

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

78 (3) Within 30 calendar days after the day on which the state veterinarian begins an
79 animal disease traceability investigation for a domesticated elk herd, the state veterinarian shall
80 provide written notice to an owner of the domesticated elk facility of:

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

83 (b) the owner's right to appeal.

84 (4) The state veterinarian may not:

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

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

88 (ii) commingled with a domesticated elk in a quarantined domesticated elk facility;
89 (b) continue a previously ordered domesticated elk facility quarantine if an animal
90 disease traceability investigation finds that:

91 (i) a suspect domesticated elk was not commingled with a domesticated elk that tested
92 positive for a disease spreading pathogen in the 60 months before the day on which the state
93 veterinarian begins the investigation; or

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

95 (c) restrict the movement of a domesticated elk in transport to an animal ranch or
96 slaughter facility.

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

98 **4-39-303. Importation of domesticated elk.**

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

- 101 (a) an entry permit from the state veterinarian's office; and
- 102 (b) a domesticated elk facility license from the department.

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

- 104 (a) a health certificate with an indication of the current health status;
- 105 (b) proof of genetic purity as required in Section [4-39-301](#);
- 106 (c) the name and address of the consignor and consignee;
- 107 (d) proof that the elk are:

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

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

111 (e) the origin of shipment;

112 (f) the final destination;

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

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

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

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

118 (a) may only import domesticated elk:

- 119 (i) that are male; and
- 120 (ii) to an animal ranch for use in the animal ranch; and
- 121 (b) shall ensure that the domesticated elk are harvested in the same season in which the
- 122 domesticated elk enter the state.

123 (5) For the purpose of enforcing Subsection (4), the department may make rules, in
124 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the use of
125 radio frequency identification tags to track male elk imported into the state from an
126 international herd.

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

128 **4-39-308. Study of importation of domesticated elk.**

129 (1) As used in this section:

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

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

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

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

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

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

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

143 (i) tracking;

144 (ii) testing;

145 (iii) vaccination; and

146 (iv) treatment;

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

149 (d) include a study or evaluation of any other factors the department determines

150 necessary to conduct the study described in Subsection (2).
151 (4) The study described in Subsection (2) may include:
152 (a) review of relevant literature; and
153 (b) surveys of other states' disease mitigation strategies and practices.
154 (5) (a) The department shall report to the committee on or before the committee's
155 September 2023 interim committee meeting.
156 (b) The report described in Subsection (5)(a):
157 (i) shall include recommendations:
158 (A) for or against eastern import, including recommendations for how to implement
159 eastern import, if any;
160 (B) for importation of domesticated elk breeding stock, including recommendations for
161 implementation and disease mitigation strategies; and
162 (ii) may include recommendations for legislation.
163 (6) If the committee decides to recommend legislative action based on the report and
164 recommendations described in Subsection (5), the committee shall prepare legislation for
165 consideration by the Legislature in the 2024 general session.