

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

33 **4-39-503**, Utah Code Annotated 1953



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

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

37 **4-39-102. Definitions.**

38 As used in this chapter:

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

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

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

43 (i) at a sale;

44 (ii) during transportation;

45 (iii) during artificial insemination; or

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

48 ~~[(1)]~~ (2) "Domesticated elk" means elk of the genus and species cervus elaphus, held in
49 captivity and domestically raised for commercial purposes.

50 ~~[(2)]~~ (3) (a) "Domesticated elk facility" means a facility where only domesticated elk
51 are raised.

52 (b) "Domesticated elk facility" includes an elk ranch.

53 ~~[(3)]~~ (4) "Domesticated elk product" means any carcass, part of a carcass, hide, meat,
54 meat food product, antlers, or any part of a domesticated elk.

55 (5) "Elk ranch" means a facility where domesticated elk are harvested through typical
56 hunting methods.

57 (6) "Suspect domesticated elk" means a domesticated elk for which:
58 (a) the state veterinarian has determined that the following suggest that the
59 domesticated elk may be infected with a disease spreading pathogen:

- 60 (i) unofficial test results;
- 61 (ii) laboratory evidence; or
- 62 (iii) clinical signs; and
- 63 (b) official laboratory results for a disease spreading pathogen:
 - 64 (i) are inconclusive; or
 - 65 (ii) have not been conducted.

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

67 **4-39-107. Powers of state veterinarian.**

68 (1) The state veterinarian shall:

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

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

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

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

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

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

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

83 and

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

85 (4) The state veterinarian may not:

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

- 88 (i) tested positive for a disease spreading pathogen; or
- 89 (ii) commingled with a domesticated elk in a quarantined domesticated elk facility;
- 90 (b) continue a previously ordered domesticated elk facility quarantine if an animal
- 91 disease traceability investigation finds that:

92 (i) a suspect domesticated elk was not commingled with a domesticated elk that tested

93 positive for a disease spreading pathogen in the 60 months before the day on which the state

94 veterinarian begins the investigation; or

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

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

97 facility.

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

99 **4-39-303. Importation of domesticated elk.**

100 (1) A person may not import domesticated elk into the state for use in domesticated elk

101 facilities without first obtaining:

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

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

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

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

110 (ii) enrolled in a tuberculosis herd monitoring accreditation program administered by

111 the United State Department of Agriculture or the Canadian Food Inspection Agency;

112 (e) the origin of shipment;

113 (f) the final destination;

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

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

116 (3) No domesticated elk will be allowed into the state that originates east of the 100

117 degree meridian, to prevent introduction of the meningeal worm.

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

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

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

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

129 **4-39-308. Study of importation of domesticated elk.**

130 (1) As used in this section:

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

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

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

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

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

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

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

144 (i) tracking;

145 (ii) testing;

146 (iii) vaccination; and

147 (iv) treatment;

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

150 (d) include a study or evaluation of any other factors the department determines
151 necessary to conduct the study described in Subsection (2).

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

153 (a) review of relevant literature; and

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

155 (5) (a) The department shall report to the committee on or before the committee's
156 September 2023 interim committee meeting.

157 (b) The report described in Subsection (5)(a):

158 (i) shall include recommendations:

159 (A) for or against eastern import, including recommendations for how to implement
160 eastern import, if any;

161 (B) for importation of domesticated elk breeding stock, including recommendations for
162 implementation and disease mitigation strategies; and

163 (ii) may include recommendations for legislation.

164 (6) If the committee decides to recommend legislative action based on the report and
165 recommendations described in Subsection (5), the committee shall prepare legislation for
166 consideration by the Legislature in the 2024 general session.

167 Section 5. Section **4-39-503** is enacted to read:

168 **4-39-503. Grounds for Denial, Suspension, or Revocation of Licenses for Domestic**
169 **Elk Facilities.**

170 (1) The department shall deny, suspend, or revoke a license to operate a domestic elk
171 facility if the licensee or applicant:

172 (a) fails, for two consecutive years, to:

173 (i) meet inventory requirements as required by the department;

174 (ii) submit chronic wasting disease test samples for at least 90% of mortalities over 12
175 months old;

176 (iii) notify the department that there are wild cervids inside a domestic elk farm or elk
177 ranch;

178 (b) fails to present animals for identification at the request of the department or allow
179 the department to have access to facility records; or

180 (c) violates the import requirements of Section [4-39-303](#).

- 181 (2) The department may deny, revoke, or suspend a license to operate a domestic elk
182 facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:
183 (a) provides:
184 (i) an unfinished application or incorrect application information; or
185 (ii) incorrect records or fails to maintain required records;
186 (b) fails to:
187 (i) notify the department of movement of elk onto or off of the facility;
188 (ii) identify elk as required;
189 (iii) notify the department concerning an escape of an animal from a domestic elk
190 facility;
191 (iv) maintain a perimeter fence that prevents escape of domestic elk or ingress of wild
192 cervids into the facility;
193 (v) participate with the department in a cooperative wild cervid removal program;
194 (vi) submit chronic wasting disease test samples for at least 90% of mortalities over 12
195 months old; or
196 (vii) have the minimum proper equipment necessary to safely and humanely handle
197 animals in the facility;
198 (c) moves imported elk onto a facility without getting a Certificate of Veterinary
199 Inspection that has an import permit number from the department;
200 (d) imports animals that are prohibited or controlled by the division; or
201 (e) handles animals in a manner that violates acceptable animal husbandry practices.