

## HB0045S03 compared with HB0045

~~{deleted text}~~ shows text that was in HB0045 but was deleted in HB0045S03.

inserted text shows text that was not in HB0045 but was inserted into HB0045S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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#### LONG TITLE

~~{Committee Note:~~

~~— The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.~~

~~— Legislative Vote: 14 voting for 0 voting against 4 absent~~

~~{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

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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

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

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

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

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

As used in this chapter:

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

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

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

(i) at a sale;

(ii) during transportation;

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(iii) during artificial insemination; or

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

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

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

(b) "Domesticated elk facility" includes ~~fa harvest facility~~ an elk ranch.

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

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

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

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

(i) unofficial test results;

(ii) laboratory evidence; or

(iii) clinical signs; and

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

(i) are inconclusive; or

(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

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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}~~ 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 ~~domesticated elk facility~~ 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}~~ before the ~~{date}~~ day on which the state veterinarian begins the investigation; or

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

(c) restrict the movement of a domesticated elk ~~{destined for a harvest facility}~~ in transport to an elk ranch 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.

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(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; ~~and~~ 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}~~ **an elk ranch** for use in the ~~{harvest facility}~~ **elk ranch**; 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.

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(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}~~ determines necessary to ~~{carry out}~~ conduct 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 September 2023 interim committee meeting.

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

(i) shall include recommendations:

(A) for or against eastern ~~{importation}~~ import, including recommendations for how to implement eastern ~~{importation}~~ import, if any; and

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

(ii) may include recommendations for legislation.

(6) If the committee decides to recommend legislative action based on the report and recommendations described in Subsection (5), the committee shall prepare legislation for

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consideration by the Legislature in the 2024 General Session.

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

4-39-503. Grounds for denial, suspension, or revocation of licenses for domestic elk facilities.

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

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

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

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

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

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

(c) violates the import requirements of Section 4-39-303.

(2) The department may deny, revoke, or suspend a license to operate a domestic elk facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:

(a) provides:

(i) an unfinished application or incorrect application information; or

(ii) incorrect records or fails to maintain required records;

(b) fails to:

(i) notify the department of movement of elk onto or off of the facility;

(ii) identify elk as required;

(iii) notify the department concerning an escape of an animal from a domestic elk facility;

(iv) maintain a perimeter fence that prevents escape of domestic elk or ingress of wild cervids into the facility;

(v) participate with the department in a cooperative wild cervid removal program;

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

(vii) have the minimum proper equipment necessary to safely and humanely handle

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animals in the facility;

(c) moves imported elk onto a facility without getting a Certificate of Veterinary

Inspection that has an import permit number from the department;

(d) imports animals that are prohibited or controlled by the division; or

(e) handles animals in a manner that violates acceptable animal husbandry practices.