

SENATE BILL NO. 192—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

MARCH 17, 2005

Referred to Committee on Natural Resources

SUMMARY—Prohibits importation into Nevada of certain live animals to protect State from effects of chronic wasting disease. (BDR 50-648)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to animals; prohibiting the importation of certain live animals to protect this State from the effects of chronic wasting disease; revising provisions governing alternative livestock; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain requirements concerning the importation of animals from other states. Generally, if there is no special quarantine imposed by a governmental entity, animals may be brought into the State in a manner which complies with regulations of the State Quarantine Officer. (NRS 571.210) Under existing law, a person who violates provisions relating to the control and suppression of disease in animals is guilty of a misdemeanor, and is further required to pay an administrative fine of not more than \$1,000 per violation to the State Department of Agriculture. (NRS 571.250)

This bill prohibits a person from bringing Rocky Mountain elk, mule deer or white-tailed deer into Nevada, as well as any other animal prohibited from importation by the State Quarantine Officer, to protect the State from the effects of chronic wasting disease. Because this provision relates to the control and suppression of disease in animals, a person who violates this prohibition is guilty of a misdemeanor and must pay an administrative fine.

Under existing law, fallow deer, reindeer and Rocky Mountain elk are included in the definition of "alternative livestock," which are certain animals born and raised in captivity on private property to produce meat or other by-products of



animals or that are used as breeding stock for certain purposes. (NRS 501.003) The term "alternative livestock" is used in provisions concerning the importation, possession and propagation of alternative livestock. (NRS 576.012, 576.129) The term is also used in various other statutory provisions, including statutes concerning the regulation of wildlife, branding and marks, estrays and livestock, diseased animals and public sales of livestock. (For example, NRS 503.242, 564.010, 565.010, 569.006, 571.012)

This bill removes Rocky Mountain elk from the definition of alternative livestock. Thus, Rocky Mountain elk are not included within that definition for purposes of any of those statutory provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 571.210 is hereby amended to read as follows:

571.210 1. ~~{Animals}~~ *Except as otherwise provided in this section, a person, his agent or employee may bring into this State any animal* not under special quarantine by the State of Nevada, the Federal Government, or the state, territory or district of origin ~~{may enter the State of Nevada}~~ in compliance with regulations adopted by the State Quarantine Officer.

2. Notice that an animal is in transit is not required unless the animal remains in ~~{the}~~ *this* State, or is to be unloaded *in this State* to feed and rest for longer than 48 hours.

3. A person, his ~~{agents or employees}~~ *agent or employee* shall not bring any animal into this State unless he has obtained a health certificate showing that the animal is free from contagious, infectious or parasitic diseases or exposure thereto. This requirement does not apply to ~~{animals}~~ *any animal* whose accustomed range is on both sides of the Nevada state line and which ~~{are}~~ *is* being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon. The State Quarantine Officer shall adopt regulations concerning the form of the certificate.

4. A person, *his agent or employee* shall not:

(a) Alter a health certificate; or

(b) Divert any animal from the destination described on the health certificate without notifying the State Quarantine Officer within 72 hours after the diversion of the animal.

5. *To protect this State from the effects of chronic wasting disease, a person, his agent or employee shall not bring into this State any live:*

(a) *Rocky Mountain elk (Cervus elaphus nelsoni);*

(b) *Mule deer (Odocoileus hemionus);*

(c) *White-tailed deer (Odocoileus virginianus); or*



1 (d) Other animal that the State Quarantine Officer has, by
2 regulation, declared to be susceptible to chronic wasting disease
3 and prohibited from importation into this State.

4 6. Any animal brought into this State ~~without complying with~~
5 in violation of this section may be seized, destroyed or sent out of
6 this State by the State Quarantine Officer within 48 hours. The
7 expense of seizing, destroying or removing the animal must be paid
8 by the owner or his agent in charge of the animal and the expense is
9 a lien on the animal, unless it was destroyed, until paid.

10 Sec. 2. NRS 501.003 is hereby amended to read as follows:

11 501.003 As used in this title, "alternative livestock" means the
12 following species, including subspecies, of the family Cervidae, if
13 they are born and reared in captivity and raised on private property
14 to produce meat or other by-products of animals or as breeding
15 stock to produce alternative livestock:

16 1. Fallow deer (*Dama dama*).

17 2. Reindeer (*Rangifer tarandus*).

18 ~~[3. Rocky Mountain Elk (*Cervus elaphus nelsoni*) that have~~
19 ~~been certified not to be hybrids with other cervid species or~~
20 ~~subspecies using the most current and scientifically accepted genetic~~
21 ~~tests available.]~~

22 Sec. 3. This act becomes effective upon passage and approval.



