

SENATE BILL NO. 366—SENATOR BEERS

MARCH 19, 2007

Referred to Committee on Natural Resources

SUMMARY—Limits the authority of the Department of Wildlife over Australian red claw crayfish raised for sale as food for human consumption. (BDR 45-1328)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 wildlife; limiting the authority of the Department of Wildlife over Australian red claw crayfish that is raised in captivity on private property for sale as food for human consumption; prohibiting a person from importing, possessing or propagating freshwater lobster without a permit from the State Board of Agriculture; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides the Department of Wildlife with the jurisdiction to
2 administer the wildlife laws of this State. (NRS 501.331) This bill limits the
3 authority of the Department over Australian red claw crayfish that is raised in
4 captivity on private property for sale as food for human consumption.

5 Existing law makes it unlawful for a person to import, possess or propagate any
6 alternative livestock in this State without a permit issued by the State Board of
7 Agriculture. (NRS 576.129) This bill imposes a similar restriction upon the
8 importation, possession or propagation of Australian red claw crayfish.

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

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***As used in this title, "freshwater lobster" means Australian red***
4 ***claw crayfish (*Cherax quadricarinatus*) that is raised in captivity***
5 ***on private property for sale as food for human consumption.***



Sec. 2. NRS 501.379 is hereby amended to read as follows:

501.379 1. Except as otherwise provided in this section:

(a) It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.

(b) The importation and sale of products made from the meat of game mammals, game birds or game amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.

2. The provisions of this section do not apply to *freshwater lobster or to* alternative livestock and products made therefrom.

Sec. 3. NRS 503.590 is hereby amended to read as follows:

503.590 1. Except as otherwise provided in this section, a person may maintain a noncommercial collection of legally obtained live wildlife if:

(a) Such a collection is not maintained for public display nor as a part of or adjunct to any commercial establishment; and

(b) The wildlife contained in such a collection is of a species which may be possessed in accordance with regulations adopted by the Commission pursuant to subsection 2 of NRS 504.295.

2. The Commission may adopt reasonable regulations establishing minimum standards for the fencing or containment of any collection of wildlife.

3. The provisions of this section do not apply to *freshwater lobster or to* alternative livestock and products made therefrom.

Sec. 4. NRS 503.597 is hereby amended to read as follows:

503.597 1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.



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4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

The provisions of this section do not apply to *freshwater lobster or to* alternative livestock and products made therefrom.

Sec. 5. NRS 504.245 is hereby amended to read as follows:

504.245 1. Any species of wildlife, including *freshwater lobster and* alternative livestock, that:

(a) Is released from confinement without the prior written authorization of the Department; or

(b) Escapes from the possessor's control, may be captured, seized or destroyed by the Department if the Department determines that such actions are necessary to protect wildlife and the habitat of wildlife in this State.

2. The owner or possessor of such wildlife:

(a) Shall report its escape immediately after receiving knowledge of the escape; and

(b) Is liable for the costs incurred by the Department to capture, maintain and dispose of the wildlife and for any damage caused by the wildlife.

3. The Department is not liable for any damage to wildlife, or caused by wildlife, in carrying out the provisions of this section.

Sec. 6. NRS 504.295 is hereby amended to read as follows:

504.295 1. Except as otherwise provided in this section and NRS 503.590, or unless otherwise specified by a regulation adopted by the Commission, no person may:

(a) Possess any live wildlife unless he is licensed by the Department to do so.

(b) Capture live wildlife in this State to stock a commercial or noncommercial wildlife facility.

(c) Possess or release from confinement any mammal for the purposes of hunting.

2. The Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.

3. In accordance with the regulations of the Commission, the Department may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.

The provisions of this section do not apply to *freshwater lobster or to* alternative livestock and products made therefrom.



1 **Sec. 7.** Chapter 576 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***“Freshwater lobster” has the meaning ascribed to it in section***
4 ***1 of this act.***

5 **Sec. 8.** NRS 576.010 is hereby amended to read as follows:
6 576.010 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 576.0115 to 576.018,
8 inclusive, ***and section 7 of this act*** have the meanings ascribed to
9 them in those sections.

10 **Sec. 9.** NRS 576.129 is hereby amended to read as follows:
11 576.129 1. It is unlawful for any person to import, possess or
12 propagate any ***freshwater lobster or*** alternative livestock unless he
13 first obtains from the State Board of Agriculture a permit that
14 authorizes him to do so.

15 2. The State Board of Agriculture shall adopt regulations for
16 the importation, possession and propagation of alternative livestock.
17 The regulations must set forth requirements for:

18 (a) Facilities used to confine alternative livestock, including
19 minimum requirements for fencing to prevent the escape of
20 alternative livestock.

21 (b) The genetic testing of alternative livestock.

22 (c) Keeping and maintaining records related to the importation,
23 transfer, possession and propagation of alternative livestock.

24 (d) Identifying and marking alternative livestock.

25 (e) Marketing alternative livestock.

26 (f) The filing of any bonds which may be required by the State
27 Board of Agriculture.

28 3. In adopting the regulations required by subsection 2, the
29 State Board of Agriculture shall consult with the Department of
30 Wildlife and the Board of Wildlife Commissioners concerning the
31 provisions that are necessary to protect wildlife in this state and in
32 the areas designated as areas of special concern by the Board of
33 Wildlife Commissioners pursuant to NRS 501.181.

34 4. The State Board of Agriculture shall ***adopt regulations for***
35 ***the importation, possession and propagation of freshwater lobster.***
36 ***The regulations must set forth requirements for:***

37 ***(a) Facilities used to confine freshwater lobster, including the***
38 ***minimum requirements for any tank or pond for the freshwater***
39 ***lobster.***

40 ***(b) Keeping and maintaining records related to the***
41 ***importation, transfer, possession and propagation of freshwater***
42 ***lobster.***

43 ***(c) Marketing freshwater lobster.***

44 ***(d) The filing of any bonds which may be required by the State***
45 ***Board of Agriculture.***



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1 **5. The State Board of Agriculture shall** establish by regulation
2 a schedule of fees required to be paid for a permit issued pursuant to
3 this section. The fees established must not exceed the approximate
4 cost to the Board of carrying out the provisions of this section.

5 **Sec. 10.** NRS 576.131 is hereby amended to read as follows:

6 576.131 1. An owner of **freshwater lobster or** alternative
7 livestock may request assistance from the State Department of
8 Agriculture, the Department of Wildlife and local law enforcement
9 agencies to recapture any **freshwater lobster or** alternative livestock
10 that has escaped from confinement.

11 2. Any **freshwater lobster or** alternative livestock that is
12 recaptured may be impounded at a suitable facility until sufficient
13 repairs or improvements are made to the owner's facility to ensure
14 that the escape of the **freshwater lobster or** alternative livestock
15 does not recur.

16 3. The owner of the **freshwater lobster or** alternative livestock
17 is liable for:

18 (a) The costs incurred by the State Department of Agriculture,
19 the Department of Wildlife and any local law enforcement agency to
20 recapture the **freshwater lobster or** alternative livestock;

21 (b) The costs of impounding the **freshwater lobster or**
22 alternative livestock; and

23 (c) Any damages caused by the **freshwater lobster or** alternative
24 livestock during the escape.

25 **Sec. 11.** 1. Any commercial or noncommercial license for
26 the possession of freshwater lobster issued by the Department of
27 Wildlife remains valid until the earlier of:

28 (a) The date the State Board of Agriculture issues to the holder
29 of the license a permit for the importation, possession or
30 propagation of freshwater lobster pursuant to NRS 576.129, as
31 amended by section 9 of this act; or

32 (b) June 1, 2008.

33 2. As used in this section, "freshwater lobster" means
34 Australian red claw crayfish (*Cherax quadricarinatus*) that is raised
35 in captivity on private property for sale as food for human
36 consumption.

37 **Sec. 12.** This act becomes effective:

38 1. Upon passage and approval for the purpose of adopting
39 regulations by the State Board of Agriculture pursuant to section 9
40 of this act; and

41 2. On January 1, 2008, for all other purposes.

