
ASSEMBLY BILL NO. 378—ASSEMBLYMAN ATKINSON

MARCH 21, 2011

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Authorizes a charitable organization to possess and transport the carcass of a game mammal for inspection and processing under certain circumstances. (BDR 45-52)

FISCAL NOTE: Effect on Local Government: No.
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 wildlife; requiring the Board of Wildlife Commissioners to adopt certain regulations concerning the possession and transportation of a carcass of a game mammal by a charitable organization; authorizing a game warden, sheriff or other peace officer to issue a written authorization to a representative of a charitable organization to allow the representative to possess and transport the carcass of a game mammal under certain circumstances; authorizing certain persons to possess the carcass of a game mammal without a tag attached to the carcass; requiring a person who takes possession of a carcass of a game mammal to transport the carcass to an official establishment for processing under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person may not possess the carcass of certain game
2 mammals unless a tag issued by the Department of Wildlife is attached to the
3 carcass. (NRS 502.150) This bill provides an exception to this prohibition. **Section**
4 **2** of this bill authorizes a game warden, sheriff or other peace officer investigating a
5 scene at which a game mammal has been killed to notify a charitable organization
6 of the availability of the carcass of the game mammal and to allow a representative
7 of the charitable organization to take possession of the carcass. **Section 2** also
8 authorizes the officer to provide to the representative written authorization for the



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9 representative to possess and transport the carcass. **Section 5** of this bill requires
10 the representative to take the carcass to be processed at a business that processes
11 meat for human consumption. **Section 3** of this bill authorizes a representative of a
12 charitable organization or an owner or employee of a business that processes meat
13 to possess the carcass of a game mammal without a tag attached to the carcass.
14 **Section 1** of this bill requires the Board of Wildlife Commissioners to adopt
15 regulations concerning the possession and transportation of a carcass of a game
16 mammal by a charitable organization, including, without limitation, regulations
17 specifying the form for the written authorization for possession of a carcass without
18 a tag.

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

1 **Section 1.** NRS 501.181 is hereby amended to read as follows:
2 501.181 The Commission shall:
3 1. Establish broad policies for:
4 (a) The protection, propagation, restoration, transplanting,
5 introduction and management of wildlife in this State.
6 (b) The promotion of the safety of persons using or property
7 used in the operation of vessels on the waters of this State.
8 (c) The promotion of uniformity of laws relating to policy
9 matters.
10 2. Guide the Department in its administration and enforcement
11 of the provisions of this title and of chapter 488 of NRS by the
12 establishment of such policies.
13 3. Establish policies for areas of interest including:
14 (a) The management of big and small game mammals, upland
15 and migratory game birds, fur-bearing mammals, game fish, and
16 protected and unprotected mammals, birds, fish, reptiles and
17 amphibians.
18 (b) The control of wildlife depredations.
19 (c) The acquisition of lands, water rights and easements and
20 other property for the management, propagation, protection and
21 restoration of wildlife.
22 (d) The entry, access to, and occupancy and use of such
23 property, including leases of grazing rights, sales of agricultural
24 products and requests by the Director to the State Land Registrar for
25 the sale of timber if the sale does not interfere with the use of the
26 property on which the timber is located for wildlife management or
27 for hunting or fishing thereon.
28 (e) The control of nonresident hunters.
29 (f) The introduction, transplanting or exporting of wildlife.
30 (g) Cooperation with federal, state and local agencies on wildlife
31 and boating programs.



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1 (h) The revocation of licenses issued pursuant to this title to any
2 person who is convicted of a violation of any provision of this title
3 or any regulation adopted pursuant thereto.

4 4. Establish regulations necessary to carry out the provisions of
5 this title and of chapter 488 of NRS, including:

6 (a) Seasons for hunting game mammals and game birds, for
7 hunting or trapping fur-bearing mammals and for fishing, the daily
8 and possession limits, the manner and means of taking wildlife,
9 including, but not limited to, the sex, size or other physical
10 differentiation for each species, and, when necessary for
11 management purposes, the emergency closing or extending of a
12 season, reducing or increasing of the bag or possession limits on a
13 species, or the closing of any area to hunting, fishing or trapping.
14 The regulations must be established after first considering the
15 recommendations of the Department, the county advisory boards to
16 manage wildlife and others who wish to present their views at an
17 open meeting. Any regulations relating to the closure of a season
18 must be based upon scientific data concerning the management of
19 wildlife. The data upon which the regulations are based must be
20 collected or developed by the Department.

21 (b) The manner of using, attaching, filling out, punching,
22 inspecting, validating or reporting tags.

23 (c) The delineation of game management units embracing
24 contiguous territory located in more than one county, irrespective of
25 county boundary lines.

26 (d) The number of licenses issued for big game and, if
27 necessary, other game species.

28 5. Adopt regulations requiring the Department to make public,
29 before official delivery, its proposed responses to any requests by
30 federal agencies for its comment on drafts of statements concerning
31 the environmental effect of proposed actions or regulations affecting
32 public lands.

33 6. Adopt regulations:

34 (a) Governing the provisions of the permit required by NRS
35 502.390 and for the issuance, renewal and revocation of such a
36 permit.

37 (b) Establishing the method for determining the amount of an
38 assessment, and the time and manner of payment, necessary for the
39 collection of the assessment required by NRS 502.390.

40 7. *Adopt regulations to carry out the provisions of NRS*
41 *501.375 and section 5 of this act concerning the possession and*
42 *transportation of a carcass of a game mammal by a charitable*
43 *organization, including, without limitation, regulations:*



1 ***(a) Prescribing the form for a written authorization to possess***
2 ***a carcass of a game mammal pursuant to paragraph (c) of***
3 ***subsection 2 of NRS 501.375; and***

4 ***(b) Providing for making the form available upon request by a***
5 ***person.***

6 **8.** Designate those portions of wildlife management areas for
7 big game mammals that are of special concern for the regulation of
8 the importation, possession and propagation of alternative livestock
9 pursuant to NRS 576.129.

10 **Sec. 2.** NRS 501.375 is hereby amended to read as follows:

11 501.375 1. Every game warden, sheriff and other peace
12 officer of this State and its political subdivisions shall enforce the
13 provisions of this title and seize any wildlife taken or held in
14 possession in violation of those provisions.

15 2. Such an officer may:

16 (a) With or without a warrant, conduct a reasonable search of
17 any camp, structure, aircraft, vessel, vehicle, box, game bag or other
18 package where the officer has reason to believe any wildlife taken or
19 held in violation of any of the provisions of this title is to be found,
20 and, for the purpose of such a search, may detain any aircraft, vessel
21 or vehicle for a reasonable time.

22 (b) Seize any such wildlife and any gun, ammunition, trap,
23 snare, tackle, or other device or equipment whose presence indicates
24 that a violation of any provision of this title has occurred. Except for
25 property described in NRS 501.3857, property seized pursuant to
26 this subsection may be held only for evidence and may be recovered
27 by the owner within 1 year after it is no longer needed for that
28 purpose. The Department shall, within 30 days after the property is
29 no longer needed, send a written notice to the owner of the property
30 that informs the owner of the owner's right to recover the property.

31 ***(c) If the officer investigates the scene of a vehicle accident or***
32 ***the scene of a crime and at the scene is a game mammal which***
33 ***has been killed or is so severely injured that it must be killed,***
34 ***notify a charitable organization of the availability of the carcass of***
35 ***the game mammal and allow a representative of the charitable***
36 ***organization to take possession of the carcass. If, after receiving***
37 ***the notice, the representative wishes to take possession of the***
38 ***carcass, the officer may provide to the representative, on a form***
39 ***prescribed by the Commission and signed by the officer, written***
40 ***authorization for the representative to possess the carcass and***
41 ***transport it pursuant to section 5 of this act. As used in this***
42 ***paragraph, "charitable organization" means an organization***
43 ***which:***

44 ***(1) Provides food to an indigent person free of charge;***



1 (2) *The Secretary of the Treasury has determined is an*
2 *exempt organization pursuant to section 501 (c) of the Internal*
3 *Revenue Code; and*

4 (3) *Holds a current certificate of organization or is*
5 *currently qualified by the Secretary of State to do business in this*
6 *State.*

7 3. A dwelling house may be searched only pursuant to a
8 warrant or as otherwise provided by law.

9 **Sec. 3.** NRS 502.150 is hereby amended to read as follows:

10 502.150 1. ~~[Whenever]~~ *Except as otherwise provided in*
11 *subsection 4, whenever* tags are required for any species of wildlife,
12 it is unlawful to have any of that species in possession without the
13 tag attached thereto and such possession without an attached tag is
14 prima facie evidence that the game is illegally taken and possessed.

15 2. It is unlawful to remove any tag from any wildlife for reuse
16 or to be in possession of excess tags or used tags.

17 3. Whenever tags are required for any species of fur-bearing
18 mammal, possession of a pelt of that species without the tag
19 attached thereto is prima facie evidence that such pelt is illegally
20 taken and possessed.

21 4. *A person may possess the carcass of a game mammal for*
22 *which tags are required without the tag attached thereto if:*

23 (a) *The person has taken possession pursuant to paragraph (c)*
24 *of subsection 2 of NRS 501.375; or*

25 (b) *The person is an owner or employee of an official*
26 *establishment and the carcass has been taken to the official*
27 *establishment pursuant to the provisions of section 5 of this act.*

28 5. *As used in this section, "official establishment" has the*
29 *meaning ascribed to it in NRS 583.375.*

30 **Sec. 4.** NRS 503.040 is hereby amended to read as follows:

31 503.040 1. Except as otherwise provided in this section, it is
32 unlawful for any person at any time to transport or offer for
33 transportation to any place within or outside of this State any game
34 mammal, raw furs, wild mammal taken by trapping, game bird or
35 game fish taken within this State.

36 2. Any person who has legally taken any game mammal, raw
37 furs, wild mammal taken by trapping, game bird or game fish within
38 this State may use his or her hunting license, trapping license or
39 fishing license or tag or stamp, when required, as a permit to
40 transport one possession limit to points within or outside the State.

41 3. Any person who legally acquires ownership or custody of
42 any game mammal, raw furs, wild mammal taken by trapping, game
43 bird or game fish not taken by the person through hunting, trapping
44 or fishing may transport such mammal, furs, bird or fish within the
45 State without a transportation permit if such shipment does not



1 exceed one possession limit and if such shipment is labeled with the
2 name, address, number and class of license of the hunter, trapper or
3 angler who legally took such mammal, furs, bird or fish and date
4 taken, if the mammal, furs, bird or fish is not required by law or
5 regulation to be tagged. Unless otherwise permitted by a regulation
6 of the Commission, when tagged shipments are involved, a
7 transportation permit is required as provided in this section.

8 4. ~~[Any]~~ *Except as otherwise provided in subsection 9, any*
9 other person who desires to transport any game mammal, raw furs,
10 wild mammal taken by trapping, game fish or game bird to a point
11 within or without the State may do so only under the authority of a
12 transportation permit as provided in this section.

13 5. The Department shall designate the form of the
14 transportation permit, and such permits may be issued for a fee of
15 \$1 by any game warden or other such persons as may be specifically
16 designated by the Department. The person legally in possession of
17 the game mammals, raw furs, wild mammals taken by trapping,
18 game birds or game fish to be transported must appear before the
19 issuing agent to obtain a transportation permit. The permit must
20 describe the wildlife to be transported and identify by name,
21 address, license number and class the person who legally took the
22 furs or wildlife and by name and address the person transporting it.
23 Whenever raw furs or wildlife is to be transported by the postal
24 service or by common carrier, freight or express agency, such an
25 agency may be designated by name alone.

26 6. Game mammals, raw furs, wild mammals taken by trapping,
27 game birds or game fish transported to another person shall be
28 deemed to be in the legal possession of the person making shipment
29 until actual delivery is made.

30 7. Any package or container in which game birds, raw furs,
31 wild mammals taken by trapping, game mammals or game fish are
32 being transported by common carrier must have the name and
33 address of the shipper and of the consignee and an accurate
34 statement of the number and kinds of game birds, raw furs, wild
35 mammals taken by trapping, game mammals or game fish contained
36 therein attached to the outside thereof.

37 8. The Commission may limit the number of shipments by any
38 one person in any one season of any kind of game bird, game
39 mammal or game fish.

40 9. *The provisions of this section do not apply to a*
41 *representative of a charitable organization who transports a game*
42 *mammal pursuant to paragraph (c) of subsection 2 of NRS*
43 *501.375 and section 5 of this act.*



1 **Sec. 5.** Chapter 583 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A representative of a charitable organization who takes*
4 *possession of a carcass of a game mammal pursuant to paragraph*
5 *(c) of subsection 2 of NRS 501.375 shall, as soon as practicable*
6 *after taking possession, transport the carcass to an official*
7 *establishment to be processed.*

8 **Sec. 6.** NRS 583.255 is hereby amended to read as follows:

9 583.255 As used in NRS 583.255 to 583.555, inclusive, *and*
10 *section 5 of this act*, unless the context otherwise requires, the
11 words and terms defined in NRS 583.265 to 583.429, inclusive,
12 have the meanings ascribed to them in NRS 583.265 to 583.429,
13 inclusive.

14 **Sec. 7.** NRS 583.435 is hereby amended to read as follows:

15 583.435 1. Meat, meat food products, and poultry products
16 are an important source of the supply of human food in this State
17 and legislation to assure that such food supplies are unadulterated
18 and otherwise fit for human consumption, and properly labeled, is in
19 the public interest. Therefore, it is hereby declared to be the policy
20 of this State to provide for the inspection of slaughtered livestock,
21 poultry and other animals, and the carcasses and parts thereof which
22 are used for human food, at certain establishments to prevent the
23 distribution in intrastate commerce, for human consumption, of
24 animal carcasses and parts thereof which are adulterated or
25 otherwise unfit for human food.

26 2. ~~The~~ *Except as otherwise provided in NRS 501.181, the*
27 *Health Division of the Department of Health and Human Services is*
28 *hereby designated as the single state agency primarily responsible*
29 *for the administration of the program established by NRS 583.255*
30 *to 583.555, inclusive [H], and section 5 of this act.*

31 **Sec. 8.** NRS 583.535 is hereby amended to read as follows:

32 583.535 1. ~~The~~ *Except as otherwise provided in NRS*
33 *501.181, the* State Board of Health shall promulgate such rules and
34 regulations as are necessary to carry out its responsibilities pursuant
35 to NRS 583.255 to 583.555, inclusive [H], *and section 5 of this act.*

36 2. The rules and regulations must establish:

- 37 (a) Procedures for hearings;
38 (b) Standards for licensure;
39 (c) Standards for ante mortem and postmortem inspections;
40 (d) Standards for inspection of products; and
41 (e) Fees for permits, licenses and inspections.

42 3. The rules and regulations must be in conformity with the
43 provisions of the Wholesome Meat Act and Wholesome Poultry
44 Products Act unless the Officer determines that a provision of the



1 Act is not in accord with the objectives of NRS 583.255 to 583.555,
2 inclusive ~~§~~, *and section 5 of this act.*

3 4. The Officer shall appoint such qualified personnel as are
4 necessary to carry out the Officer's responsibilities pursuant to NRS
5 583.255 to 583.555, inclusive ~~§~~, *and section 5 of this act.*

6 **Sec. 9.** NRS 583.549 is hereby amended to read as follows:

7 583.549 The district courts of this state are vested with
8 jurisdiction specifically to enforce and to prevent and restrain
9 violations of NRS 583.255 to 583.555, inclusive ~~§~~, *and section 5*
10 *of this act.*

11 **Sec. 10.** The Board of Wildlife Commissioners shall adopt any
12 regulations necessary to implement the provisions of this act on or
13 before October 1, 2011.

14 **Sec. 11.** This act becomes effective upon passage and approval
15 for the purpose of adopting regulations pursuant to the amendatory
16 provisions of section 1 of this act and on October 1, 2011, for all
17 other purposes.

