

(Reprinted with amendments adopted on April 16, 2019)

FIRST REPRINT

S.B. 85

SENATE BILL NO. 85—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the importation into this State of certain live animals or parts of the carcass of certain animals. (BDR 45-206)

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.

~

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

AN ACT relating to animals; making it unlawful for a person or any agent or employee of a person to knowingly bring into or knowingly possess in this State the carcass or any part of the carcass of any elk, mule deer, white-tailed deer, moose, alternative livestock or certain other animals; prohibiting a person or the person's agent or employee from knowingly bringing any live moose or alternative livestock into this State; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person or the person's agent or employee from
2 bringing certain live animals into this State which are susceptible to chronic
3 wasting disease, including, without limitation, any Rocky Mountain elk, mule deer
4 or white-tailed deer. An animal brought into this State in violation of that
5 prohibition may be seized, destroyed or sent out of this State by the State
6 Quarantine Officer. (NRS 571.210) A person who violates that prohibition is guilty
7 of a misdemeanor and, in addition to any criminal penalty, is required to pay an
8 administrative fine of not more than \$1,000 per violation. (NRS 571.250) **Section 2**
9 of this bill expands the list of animals which are prohibited from importation into
10 this State to include any live elk, moose or alternative livestock. **Section 2** also
11 provides that a person must knowingly violate that prohibition before he or she may
12 be found guilty of committing the violation. Similarly, **section 1** of this bill makes



* S B 8 5 R 1 *

13 it unlawful for a person or any agent or employee of a person to knowingly: (1)
14 bring into this State the carcass or any part of the carcass of certain animals,
15 including, without limitation, any elk, mule deer, white-tailed deer, moose or
16 alternative livestock; or (2) possess the carcass or part of the carcass of such an
17 animal in this State. **Section 1** also provides an exception from that prohibition for
18 certain parts of the carcass of such an animal and authorizes a game warden of the
19 Department of Wildlife or any other law enforcement officer to seize, destroy or
20 send the carcass or part of the carcass out of this State. A person who violates that
21 prohibition is guilty of a misdemeanor and is subject to the payment of certain civil
22 penalties for the violation. (NRS 501.385, 501.3855)

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 *1. Except as otherwise provided in this section, it is unlawful*
4 *for a person or any agent or employee of a person to knowingly:*

5 *(a) Bring into this State the carcass or any part of the carcass*
6 *of any of the following animals which were obtained in another*
7 *state, territory or country:*

8 *(1) An elk (Cervus elaphus);*

9 *(2) A mule deer (Odocoileus hemionus);*

10 *(3) A white-tailed deer (Odocoileus virginianus);*

11 *(4) A moose (Alces alces);*

12 *(5) Any alternative livestock; or*

13 *(6) Any other animal which the State Quarantine Officer*
14 *has, by regulation, declared to be susceptible to chronic wasting*
15 *disease and prohibited from importation into this State; or*

16 *(b) Possess any carcass or part of the carcass of any elk, deer,*
17 *moose, alternative livestock or other animal brought into this State*
18 *in violation of paragraph (a).*

19 *2. A person or any agent or employee of a person may bring*
20 *into this State the following parts of the carcass of any elk, deer,*
21 *moose, alternative livestock or other animal specified in*
22 *subsection 1:*

23 *(a) The meat of the elk, deer, moose, alternative livestock or*
24 *other animal with no part of the spinal column, brain tissue*
25 *or head attached, except that one or more bones of the legs or*
26 *shoulders may be attached.*

27 *(b) The hide or cape of the elk, deer, moose, alternative*
28 *livestock or other animal with no part of the spinal column, brain*
29 *tissue or head attached.*

30 *(c) The clean skull plate of the elk, deer, moose, alternative*
31 *livestock or other animal with antlers attached and no part of the*
32 *brain tissue attached.*



1 (d) *The antlers of the elk, deer, moose, alternative livestock or*
2 *other animal with no meat or tissue other than antler velvet*
3 *attached.*

4 (e) *The taxidermy mount of the elk, deer, moose, alternative*
5 *livestock or other animal with no meat or tissue other than antler*
6 *velvet attached.*

7 (f) *The upper canine teeth of the elk, deer, moose, alternative*
8 *livestock or other animal, including, without limitation, the bugler,*
9 *whistler and ivory teeth.*

10 3. *Any carcass or part of the carcass of an elk, deer, moose,*
11 *alternative livestock or other animal knowingly brought into this*
12 *State or knowingly possessed in this State in violation of this*
13 *section may be seized, destroyed or sent out of this State by a game*
14 *warden or any other law enforcement officer within 48 hours. The*
15 *expense of seizing, destroying or removing the carcass or part of*
16 *the carcass must be paid by the person or his or her agent or*
17 *employee who knowingly brought the carcass or part of the*
18 *carcass into this State or knowingly possessed the carcass or part*
19 *of the carcass in this State.*

20 **Sec. 2.** NRS 571.210 is hereby amended to read as follows:

21 571.210 1. Except as otherwise provided in this section, a
22 person, or the person's agent or employee may bring into this State
23 any animal not under special quarantine by the State of Nevada, the
24 Federal Government, or the state, territory or district of origin in
25 compliance with regulations adopted by the State Quarantine
26 Officer.

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

30 3. A person, or the person's agent or employee shall not bring
31 any animal into this State unless he or she has obtained a health
32 certificate showing that the animal is free from contagious,
33 infectious or parasitic diseases or exposure thereto. This requirement
34 does not apply to any animal whose accustomed range is on both
35 sides of the Nevada state line and which is being moved from one
36 portion to another of the accustomed range merely for pasturing and
37 grazing thereon. The State Quarantine Officer shall adopt
38 regulations concerning the form of the certificate.

39 4. A person, or the person's agent or employee shall not:

40 (a) Alter a health certificate; or

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



1 5. To protect this State from the effects of chronic wasting
2 disease, a person, or the person's agent or employee shall not
3 *knowingly* bring into this State any live:

4 (a) ~~[Rocky Mountain elk] Elk~~ (Cervus ~~[elaphus nelsoni];~~
5 *elaphus*);

6 (b) Mule deer (Odocoileus hemionus);

7 (c) White-tailed deer (Odocoileus virginianus); ~~[or]~~

8 (d) *Moose* (Alces alces);

9 (e) *Alternative livestock, unless in accordance with a permit*
10 *obtained pursuant to NRS 576.129; or*

11 (f) Other animal that the State Quarantine Officer has, by
12 regulation, declared to be susceptible to chronic wasting disease and
13 prohibited from importation into this State.

14 6. Any animal *knowingly* brought into this State in violation of
15 this section may be seized, destroyed or sent out of this State by the
16 State Quarantine Officer within 48 hours. The expense of seizing,
17 destroying or removing the animal must be paid by the owner or the
18 owner's agent in charge of the animal and the expense is a lien on
19 the animal, unless it was destroyed, until paid.

20 **Sec. 3.** This act becomes effective upon passage and approval.

