

By: Senator(s) Posey, Dawkins, Michel

To: Wildlife and Fisheries

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2682

1 AN ACT TO DECLARE A TEMPORARY MORATORIUM ON THE IMPORTATION
2 OF CERTAIN CERVIDS SUSCEPTIBLE TO CHRONIC WASTING DISEASE; TO
3 AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS, THE
4 DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS, THE COMMISSIONER OF
5 AGRICULTURE, THE BOARD OF ANIMAL HEALTH, AND THE STATE
6 VETERINARIAN TO IMPLEMENT SUCH MORATORIUM; TO REQUIRE SUCH
7 AGENCIES TO COOPERATE AND COORDINATE EFFORTS TO PREVENT THE
8 INTRODUCTION OF CHRONIC WASTING DISEASE INTO THE STATE; TO EMPOWER
9 SUCH AGENCIES TO INSPECT, MONITOR AND TEST ANIMALS IN ENCLOSURES
10 FOR CHRONIC WASTING DISEASE; TO PROVIDE A PENALTY FOR VIOLATIONS
11 OF THE MORATORIUM; TO AMEND SECTION 69-15-9, 69-15-109 AND
12 49-1-29, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
13 49-7-54 MISSISSIPPI CODE OF 1972 TO INCREASE THE PENALTY FOR
14 ILLEGAL IMPORTATION OF WHITE TAILED DEER, AND FOR RELATED
15 PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** The Legislature finds Chronic Wasting Disease
18 (CWD) is a transmissible spongiform encephalopathy currently known
19 to infect free ranging deer and elk in Colorado, Wyoming,
20 Nebraska, New Mexico and Wisconsin. The disease has also infected
21 farmed elk herds in South Dakota, Montana, Nebraska, Colorado,
22 Kansas and Oklahoma. With the discovery of CWD in free-ranging
23 deer on the east side of the Mississippi River and the transport
24 of CWD-exposed elk to numerous states, CWD has become a national
25 concern.

26 Little is known about the biology and pathogenesis of CWD,
27 including how the disease agent enters the animal, how it
28 multiplies in the body, how it causes disease and how it is
29 transmitted. These significant research and knowledge gaps
30 regarding the fundamental characteristics of the disease greatly
31 impede plans to control the disease. The only effective control
32 has been the destruction of captive cervids and the depopulation
33 of wild cervids in large geographical areas. Because of the



34 urgency of the situation and the potential devastating effects on
35 the native wildlife and recreational economies of the states, the
36 United States Department of Agriculture had formed a task force to
37 control and eradicate this disease. Enhancing early detection is
38 a major emphasis of the task force. Diagnostic testing,
39 monitoring of enclosures, inspections of farmed cervids and
40 sampling of cervid populations are critical components of the
41 detection program. In addition, many states have imposed
42 emergency statewide moratoriums on the importation of cervids.
43 Because of the potential devastating effect on native wildlife and
44 the recreational economy dependent on wildlife and the urgency of
45 the situation, the Legislature finds that to ensure the health and
46 safety of native wildlife and domestic animals that a temporary
47 emergency moratorium is warranted and in the public interest and
48 that certain state agencies be empowered with inspection,
49 monitoring, and sampling authority to effectively combat chronic
50 wasting disease.

51 **SECTION 2.** (1) (a) In addition to the ban on importing
52 white-tailed deer under Section 49-7-54, there is hereby imposed a
53 temporary moratorium on the importation of elk, red deer, mule
54 deer, black-tailed deer and other cervids designated as
55 susceptible to chronic wasting disease by the State Veterinarian
56 and crosses of any such animals into the State of Mississippi.
57 The moratorium on importing such animals shall end upon the
58 adoption of chronic wasting disease regulations by the United
59 States Department of Agriculture.

60 (b) Any person who possesses, buys, imports or
61 transports any cervid that has been imported in the state in
62 violation of the moratorium shall be subject to a Class I penalty
63 under Section 49-7-141. Any person that imports any exotic animal
64 into the state in violation of entry requirements or regulations
65 of the Board of Animal Health or the Department of Wildlife shall
66 be subject to a Class I penalty under Section 49-7-141. The



67 agency issuing a permit for cervids or exotic animals within an
68 enclosure shall revoke the permit of any person found in violation
69 of the moratorium. If any cervid in an enclosure tests positive
70 for chronic wasting disease or if any cervids within the enclosure
71 have been imported from an area diagnosed with chronic wasting
72 disease, then all cervids in the enclosure shall be deemed a
73 threat to native wildlife and to public health and may be killed
74 and disposed of by the state.

75 (2) It shall be the duty of the Commissioner of Agriculture
76 and Commerce, the Board of Animal Health, the State Veterinarian,
77 the Commission on Wildlife, Fisheries and Parks, and the
78 Department of Wildlife, Fisheries and Parks to consult and
79 coordinate efforts on matters related to chronic wasting disease,
80 the prevention of the introduction of chronic wasting disease in
81 the state and to ensure the health and safety of the public and
82 wildlife.

83 (3) The Commission on Wildlife, Fisheries and Parks and the
84 Department of Wildlife, Fisheries and Parks shall have plenary
85 authority in matters related to the importation of white-tailed
86 deer, white-tailed deer in enclosures, and prevention of the
87 introduction of chronic wasting disease into the native wildlife
88 population.

89 **SECTION 3.** Section 69-15-9, Mississippi Code of 1972, is
90 amended as follows:

91 69-15-9. (1) The Board of Animal Health shall have plenary
92 power to deal with all contagious and infectious diseases of
93 animals as in the opinion of the board may be prevented,
94 controlled or eradicated, and with full power to make, promulgate
95 and enforce such rules and regulations as in the judgment of the
96 board may be necessary to control, eradicate and prevent the
97 introduction and spread of anthrax, tuberculosis, hog cholera,
98 Texas and splenic fever and the fever-carrying tick (*margaropus*
99 *annulatus*), cattle brucellosis, anaplasmosis, infectious bovine



100 rhinotracheitis, muscosal disease, cattle viral diarrhea, cattle
101 scabies, sheep scabies, hog cholera, swine erysipelas, swine
102 brucellosis, equine encephalomyelitis, rabies, vesicular diseases,
103 salmonella group, newcastle disease, infectious laryngotracheitis,
104 ornithosis-psittacosis, mycoplasma group, chronic wasting disease
105 and any suspected new and/or foreign diseases of livestock and
106 poultry and all other diseases of animals in this state, and the
107 board is hereby vested with full authority to establish and
108 maintain quarantine lines and to quarantine by county, supervisors
109 district, parcel of land or herd. The State Veterinarian shall
110 appoint as many inspectors and range riders as may be deemed
111 necessary, and the funds at his disposal will permit, and shall
112 delegate authority to said inspectors and range riders, to enter
113 premises to inspect and disinfect livestock and premises, and
114 enforce quarantine including counties, farms, pens, stables and
115 other premises.

116 (2) No officer or agent of the State Veterinarian may enter
117 the actual enclosures of any person except (1) with the consent of
118 the person lawfully in possession thereof or (2) in the absence of
119 such consent, with a proper writ obtained as in other cases of
120 searches and seizures under constitutional law. When such
121 officers and agents are lawfully on the premises, either by
122 permission or writ, they shall be authorized to inspect the
123 premises and the livestock and animals found thereon by entering
124 the enclosures and buildings and they are authorized to check
125 livestock and poultry found therein for any contagious diseases
126 and take proper action to control or eradicate any such diseases
127 that may be found. While such officers and agents are performing
128 their duties hereunder, they shall not be personally liable except
129 for gross negligence. The refusal without lawful reason of any
130 person to give the consent aforesaid shall be deemed a misdemeanor
131 and shall be punishable as for violations of Article 5 of this
132 chapter as provided for in Section 69-15-115.



133 The Board of Animal Health shall administer the special fund
134 created in Section 69-15-19.

135 (3) (a) The Board of Animal Health shall have plenary power
136 to control, prevent, eradicate, inspect and monitor chronic
137 wasting disease or other contagious disease of exotic cervids or
138 other exotic livestock. It shall be the duty of the board to
139 develop an inspection, testing and monitoring program for such
140 diseases.

141 (b) An officer or agent of the State Veterinarian is
142 authorized to enter any facility containing cervids or other
143 exotic livestock to inspect the premises and the cervids or exotic
144 livestock. Such officer or agent may inspect, monitor or test any
145 cervid or exotic livestock for disease and may take proper action
146 to control or eradicate any diseases found. While such officers
147 or agents are performing their duties, they shall not be
148 personally liable, except for gross negligence.

149 (c) As a condition of maintaining a permit for a cervid
150 or other exotic livestock facility, it shall be the duty of the
151 permittee to allow the agents of the State Veterinarian to enter
152 the facility and to conduct inspections and tests.

153 (4) As a condition of maintaining a permit for a cervid or
154 other exotic livestock facility, the permittee shall immediately
155 notify the State Veterinarian upon discovery of the escape of a
156 cervid or exotic livestock. Any such animal shall be treated as
157 an escaped wild animal and may be disposed of accordingly.

158 **SECTION 4.** Section 69-15-109, Mississippi Code of 1972, is
159 amended as follows:

160 69-15-109. (1) The Governor of the State of Mississippi,
161 when advised by the Board of Animal Health that an emergency
162 exists due to the presence of foot and mouth disease, rinderpest,
163 contagious pleuropneumonia, or other contagious or infectious
164 diseases of animals, or European fowl pest and similar diseases
165 among poultry, in this state, or chronic wasting disease in any



166 cervids, is hereby authorized to declare a state of emergency and
167 to order all animals or poultry quarantined or slaughtered that
168 may be affected with, or possible carriers of such diseases.

169 (2) The Governor is hereby authorized and empowered to
170 cooperate with any department of the federal government engaged in
171 the combating and control of any such disease mentioned in
172 subsection (1) and to this end the Governor is authorized and
173 empowered to do any and all things in cooperation with the federal
174 government necessary to the control and extermination of any such
175 diseases mentioned in subsection (1) among animals or poultry that
176 may be affected therewith.

177 (3) For the purposes of this section, the Governor shall
178 have full and complete police power, and shall exercise same
179 anywhere in the State of Mississippi, and if an emergency should
180 exist to such an extent that such becomes necessary the Governor
181 may employ such personnel to enforce such police powers and
182 quarantine that may be necessary to control and prevent the
183 spreading of any such diseases mentioned in subsection (1) among
184 animals or poultry in this state. Such personnel when appointed
185 by the Governor shall work under the direction of the Mississippi
186 Board of Animal Health, or its representative, and shall be paid
187 such compensation as the Governor may determine out of any money
188 made available for the enforcement of this section.

189 (4) When any animals or poultry or materials are ordered to
190 be destroyed, under the provisions of this section, the owner of
191 same shall be paid for each such animal or poultry or materials
192 destroyed an amount not exceeding the amount authorized to be paid
193 by the federal government in matching funds expended for the
194 destruction of each such animal or poultry or materials infected
195 with any such diseases mentioned in subsection (1).

196 (5) In the event of the happening of an outbreak of any such
197 diseases mentioned in subsection (1) in Mississippi, the Governor
198 is hereby authorized to borrow not to exceed two hundred thousand



199 dollars (\$200,000.00) to carry out the terms and provisions of
200 this section.

201 **SECTION 5.** Section 49-1-29, Mississippi Code of 1972, is
202 amended as follows:

203 49-1-29. The commission may promulgate rules and
204 regulations, inaugurate studies and surveys, and establish any
205 services it deems necessary to carry out wildlife laws. A
206 violation of any rules or regulations promulgated by the
207 commission shall constitute a misdemeanor and shall be punished as
208 provided in Section 49-7-101.

209 The executive director shall have authority with commission
210 approval:

211 (a) To close or shorten the open season as prescribed
212 by law in cases of urgent emergency on any species of game birds,
213 game or fur-bearing animals, reptiles, fish or amphibians, in any
214 locality, when it finds after investigation and public review that
215 the action is reasonably necessary to secure the perpetuation of
216 any species of game birds, game or fur-bearing animals, reptiles,
217 fish or amphibians and to maintain an adequate supply in the
218 affected area. The statutes shall continue in full force and
219 effect, except as restricted and limited by the rules and
220 regulations promulgated by the commission.

221 (b) To designate wildlife refuges, with the consent of
222 the property owner or owners, in any localities it finds necessary
223 to secure perpetuation of any species of game birds, game or
224 fur-bearing animals, reptiles, fish or amphibians and to maintain
225 an adequate supply for the purpose of providing a safe retreat
226 where the animals may rest and replenish adjacent hunting,
227 trapping or fishing grounds or waters.

228 (c) To acquire and hold for the state by purchase,
229 condemnation, lease, or agreement as authorized from time to time
230 by the Legislature, and to receive by gifts or devise, lands or
231 water suitable for fish habitats, game and bird habitats, state



232 parks, access sites, wildlife refuges, or for public shooting,
233 trapping or fishing grounds or waters, to provide areas on which
234 any citizen may hunt, trap or fish under any special regulations
235 as the commission may prescribe.

236 (d) To extend and consolidate lands or waters suitable
237 for the above purposes by exchange of lands or waters under its
238 jurisdiction.

239 (e) To capture, propagate, transport, sell or exchange
240 any species of game birds, game or fur-bearing animals, reptiles,
241 fish or amphibians needed for stocking or restocking any lands or
242 waters of the state.

243 (f) To enter into cooperative agreements with persons,
244 firms, corporations or governmental agencies for purposes
245 consistent with this chapter.

246 (g) To regulate the burning of rubbish, slashings and
247 marshes or other areas it may find reasonably necessary to reduce
248 the danger of destructive fires.

249 (h) To conduct research in improved wildlife and
250 fisheries conservation methods and to disseminate information to
251 the residents of the state through the schools, public media and
252 other publications.

253 (i) To have exclusive charge and control of the
254 propagation and distribution of wild birds, animals, reptiles,
255 fish and amphibians, the conduct and control of hatcheries,
256 biological stations and game and fur farms owned or acquired by
257 the state; to expend for the protection, propagation or
258 preservation of game birds, game or fur-bearing animals, reptiles,
259 fish and amphibians all funds of the state acquired for this
260 purpose arising from licenses, gifts or otherwise; and shall have
261 charge of the enforcement of all wildlife laws.

262 (j) To grant permits and provide regulations for field
263 trials and dog trainers.



264 (k) To prohibit and to regulate the taking of nongame
265 gross fish, except minnows.

266 (l) To enter into agreements with landowners to trap
267 and purchase quail on the premises of the landowner and to provide
268 for the distribution of quail.

269 (m) To operate or lease to third persons concessions or
270 other rights or privileges on lakes owned or leased by the
271 department. Owners of land adjoining land owned or leased by the
272 department shall have priority to the concessions or rights or
273 privileges, if the owners meet the qualifications established by
274 the commission.

275 (n) To implement a beaver control program and to charge
276 fees, upon the recommendation of the Beaver Control Advisory
277 Board, to landowners participating in the beaver control program
278 described in Section 49-7-201.

279 (o) To apply for, receive and expend any federal, state
280 or local funds, contributions or funds from any other source for
281 the purpose of beaver control or eradication.

282 (p) To require the department to divide the districts
283 into zones if necessary, and periodically survey the districts or
284 zones to obtain information that is necessary to properly
285 determine the population and allowable harvest limits of wildlife
286 within the district or zone.

287 (q) To require Chronic Wasting Disease (CWD) testing of
288 white-tailed deer harvested within any enclosure; to grant
289 wildlife personnel authority to access the property and depopulate
290 white-tailed deer within an enclosure where CWD has been
291 diagnosed; and to grant wildlife personnel authority to access the
292 property and utilize lethal collection methods to obtain tissue
293 samples for testing where CWD has been diagnosed within five (5)
294 miles of the enclosure.

295 **SECTION 6.** Section 49-7-54, Mississippi Code of 1972, is
296 amended as follows:



297 49-7-54. (1) It is unlawful to import and translocate live
298 white-tailed deer into this state, except that university research
299 facilities may import live white-tailed deer upon prior approval
300 of the commission. The commission shall establish regulations
301 governing the importation of white-tailed deer with emphasis on
302 preventing the introduction of diseases.

303 (2) A person who violates this section is guilty of a Class
304 I violation and shall be punished as provided in Section 49-7-141.

305 **SECTION 7.** This act shall take effect and be in force from
306 and after its passage.

