

By: Senator(s) Posey, Dawkins

To: Wildlife and Fisheries

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2780

1 AN ACT TO REGULATE ENCLOSURES PREVENTING THE FREE EGRESS OF
2 WHITE-TAILED DEER; TO REQUIRE OWNERS OF SUCH ENCLOSURES TO NOTIFY
3 THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS FOR THE PURPOSE OF
4 MONITORING CHRONIC WASTING DISEASE; TO REQUIRE SUCH OWNERS TO
5 COMPLY WITH ANY REQUIRED TESTING OF HARVESTED DEER; TO AUTHORIZE
6 THE DEPARTMENT TO DEPOPULATE DEER WITHIN AN ENCLOSURE IF CHRONIC
7 WASTING DISEASE IS DIAGNOSED; TO PROVIDE PENALTIES FOR FAILURE TO
8 COMPLY WITH ENCLOSURE RESTRICTIONS; TO REQUIRE OWNERS TO KEEP
9 RECORDS; TO AUTHORIZE THE DEPARTMENT OF WILDLIFE, FISHERIES AND
10 PARKS TO DISPOSE OF ANIMALS UNDER CERTAIN CONDITIONS; TO AMEND
11 SECTION 49-7-54, MISSISSIPPI CODE OF 1972, TO INCREASE PENALTIES
12 FOR THE ILLEGAL IMPORTATION OF LIVE WHITE-TAILED DEER; AND FOR
13 RELATED PURPOSES.

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

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

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



33 the native wildlife and recreational economies of the states, the
34 United States Department of Agriculture had formed a task force to
35 formulate a national control program for chronic wasting disease.
36 In addition, many states have imposed emergency statewide
37 moratoriums on the importation of cervids. Emphasis is being
38 placed preventing the introduction of the disease and extensive
39 diagnostic testing of free-ranging and enclosed deer. There is an
40 urgent need to know the location of enclosures that prevent the
41 free egress of deer. There has been a proliferation of enclosures
42 that prevent the free egress of white-tailed deer. Deer are also
43 being illegally imported into the state in violation of the ban on
44 importation of deer under Section 49-7-54. These imported deer
45 are usually placed in such enclosures.

46 Because of the potential devastating effect on native
47 wildlife and the recreational economy dependent on wildlife and
48 the urgency of the situation, the Legislature finds that to ensure
49 public health and safety and the health and safety of native
50 wildlife and domestic animals that immediate state action and
51 chronic wasting disease legislation is warranted and in the public
52 interest.

53 **SECTION 2.** (1) Any person who erects a fence that prevents
54 the free egress of white-tailed deer from an enclosed area shall
55 notify and register with the Department of Wildlife, Fisheries and
56 Parks. The person shall give his name, the location of the
57 enclosure, the acreage within the enclosure, and whether any deer
58 have been imported into the state and placed in the enclosure, and
59 any other information required by the Commissioner on Wildlife,
60 Fisheries and Parks.

61 (2) Persons who constructed an enclosure prior to July 1,
62 2003, shall have until January 1, 2004, to notify and provide the
63 information required under this section. The person shall use
64 acceptable hunting and wildlife management practices as may be
65 determined by the department.



66 (3) The owner of such an enclosure shall comply with any
67 testing of white-tailed deer harvested within the enclosure as may
68 be required by the department. The owner of such enclosure shall
69 allow department personnel to enter the enclosure to utilize
70 lethal collection methods to obtain tissue samples for CWD tests
71 if CWD has been diagnosed within five (5) miles of the enclosure.
72 If CWD is diagnosed within the enclosure, the owner shall allow
73 department personnel to enter the enclosure and depopulate the
74 white-tailed deer within the enclosure.

75 (4) A violation of this section is a Class II violation and
76 is punishable as provided in Section 49-7-143. A second or
77 subsequent violation of this section is a Class I violation and is
78 punishable as provided in Section 49-7-141.

79 **SECTION 3.** The Department of Wildlife, Fisheries and Parks
80 is authorized to require the chronic wasting disease testing of
81 white-tailed deer harvested within any enclosure. If chronic
82 wasting disease is diagnosed in white-tailed deer within an
83 enclosure, the department is authorized to enter the enclosure and
84 depopulate the white-tailed deer within the enclosure. If chronic
85 wasting disease is diagnosed within five (5) miles of the
86 enclosure, the department is authorized to enter the enclosure and
87 utilize lethal collection methods to obtain tissue samples.

88 **SECTION 4.** Section 49-7-54, Mississippi Code of 1972, is
89 amended as follows:

90 49-7-54. (1) It is unlawful to import and translocate live
91 white-tailed deer into this state, except that university research
92 facilities may import live white-tailed deer upon prior approval
93 of the commission. The commission shall establish regulations
94 governing the importation of white-tailed deer with emphasis on
95 preventing the introduction of diseases.

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



98 **SECTION 5.** This act shall take effect and be in force from
99 and after its passage.

