

By: Senator(s) Whaley, Boyd

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2543

1 AN ACT TO BRING FORWARD SECTIONS 49-1-29, 49-7-37, 49-7-58,
2 49-7-58.1, 49-7-58.2, 49-7-58.6, 69-15-9 AND 69-15-109,
3 MISSISSIPPI CODE OF 1972, WHICH CONCERN CHRONIC WASTING DISEASE
4 (CWD), FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 49-1-29, Mississippi Code of 1972, is
8 brought forward as follows:

9 49-1-29. (1) The commission may promulgate rules and
10 regulations, inaugurate studies and surveys, and establish any
11 services it deems necessary to carry out wildlife laws. A
12 violation of any rules or regulations promulgated by the
13 commission shall constitute a misdemeanor and shall be punished as
14 provided in Section 49-7-101.

15 (2) The executive director shall have authority with
16 commission approval:

17 (a) To close or shorten the open season as prescribed
18 by law in cases of urgent emergency on any species of game birds,
19 game or fur-bearing animals, reptiles, fish or amphibians, in any



20 locality, when it finds after investigation and public review that
21 the action is reasonably necessary to secure the perpetuation of
22 any species of game birds, game or fur-bearing animals, reptiles,
23 fish or amphibians and to maintain an adequate supply in the
24 affected area. The statutes shall continue in full force and
25 effect, except as restricted and limited by the rules and
26 regulations promulgated by the commission.

27 (b) To designate wildlife refuges, with the consent of
28 the property owner or owners, in any localities it finds necessary
29 to secure perpetuation of any species of game birds, game or
30 fur-bearing animals, reptiles, fish or amphibians and to maintain
31 an adequate supply for the purpose of providing a safe retreat
32 where the animals may rest and replenish adjacent hunting,
33 trapping or fishing grounds or waters, and to approve land
34 suitable for such purposes as eligible for the income tax credit
35 authorized under Section 27-7-22.22.

36 (c) To acquire and hold for the state by purchase,
37 condemnation, lease, or agreement as authorized from time to time
38 by the Legislature, and to receive by gifts or devise, lands or
39 water suitable for fish habitats, game and bird habitats, state
40 parks, access sites, wildlife refuges, or for public shooting,
41 trapping or fishing grounds or waters, to provide areas on which
42 any citizen may hunt, trap or fish under any special regulations
43 as the commission may prescribe, and to approve lands suitable for



44 such purposes as eligible for the income tax credit authorized
45 under Section 27-7-22.22.

46 (d) To extend and consolidate lands or waters suitable
47 for the above purposes by exchange of lands or waters under its
48 jurisdiction.

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

53 (f) To enter into cooperative agreements with persons,
54 firms, corporations or governmental agencies for purposes
55 consistent with this chapter.

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

59 (h) To conduct research in improved wildlife and
60 fisheries conservation methods and to disseminate information to
61 the residents of the state through the schools, public media and
62 other publications.

63 (i) To have exclusive charge and control of the
64 propagation and distribution of wild birds, animals, reptiles,
65 fish and amphibians, the conduct and control of hatcheries,
66 biological stations and game and fur farms owned or acquired by
67 the state; to expend for the protection, propagation or
68 preservation of game birds, game or fur-bearing animals, reptiles,



69 fish and amphibians all funds of the state acquired for this
70 purpose arising from licenses, gifts or otherwise; and shall have
71 charge of the enforcement of all wildlife laws.

72 (j) To grant permits and provide regulations for field
73 trials and dog trainers.

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

76 (l) To enter into agreements with landowners to trap
77 and purchase quail on the premises of the landowner and to provide
78 for the distribution of quail.

79 (m) To operate or lease to third persons concessions or
80 other rights or privileges on lakes owned or leased by the
81 department. Owners of land adjoining land owned or leased by the
82 department shall have priority to the concessions or rights or
83 privileges, if the owners meet the qualifications established by
84 the commission.

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

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

92 (p) To require the department to divide the districts
93 into zones if necessary, and periodically survey the districts or



94 zones to obtain information that is necessary to properly
95 determine the population and allowable harvest limits of wildlife
96 within the district or zone.

97 (q) To grant wildlife personnel access to enter the
98 enclosure and utilize the best collection methods available to
99 obtain tissue samples for testing where CWD has been diagnosed
100 within five (5) miles of the enclosure.

101 If CWD is detected within an enclosure, the commission shall
102 not declare surrounding or adjoining properties within a five (5)
103 mile radius of the enclosure, a CWD Management Zone, until chronic
104 wasting disease is positively detected within such radius on these
105 surrounding or adjoining properties.

106 **SECTION 2.** Section 49-7-37, Mississippi Code of 1972, is
107 brought forward as follows:

108 49-7-37. (1) Any resident of this state licensed to hunt or
109 otherwise take any legal game bird or game animal in this state by
110 or with the use of firearms, may hunt, kill, shoot or otherwise
111 take game animals or game birds by the use of falcons or hawks as
112 may be prescribed by the commission and in compliance with federal
113 guidelines.

114 (2) (a) The commission may extend the special archery
115 seasons on any public hunting projects, game refuges or prescribed
116 areas having surplus deer populations.

117 (b) The commission may declare a special season in any
118 area of the state where the need to collect samples for testing



119 for chronic wasting disease (CWD) is indicated. Special seasons
120 for collecting CWD testing samples may be set within the open
121 season or, if necessary, outside the open season. Lawful weapons
122 for hunting during any special CWD sample collection season shall
123 be consistent with the then-current open season or, if outside the
124 open season, as directed by order of the commission.

125 (3) The killing by primitive firearms of an antlerless deer
126 or any other deer protected during the regular deer season is
127 prohibited, but the commission may designate areas of the state in
128 which the killing of antlerless deer may be permitted or limited.

129 (4) The commission may make reasonable rules and regulations
130 concerning the special seasons with falcons and hawks, bow and
131 arrow, primitive firearms, air guns, air bows and pre-charged
132 pneumatic weapons which it deems necessary and proper. The
133 commission shall define the terms "primitive firearm," "air gun,"
134 "air bow" and "pre-charged pneumatic weapon" for purposes of this
135 section and other law or regulation.

136 (5) Air guns shall be lawful for hunting small game during
137 the seasons for hunting small game. Air bows and pre-charged
138 pneumatic weapons shall be lawful for hunting large game, except
139 game birds, turkeys and migratory waterfowl. Air bows and
140 pre-charged pneumatic weapons may be used during any open season
141 on deer with primitive weapons after November 30, on private lands
142 only, consistent with the requirements of Section 49-7-31(5)(a).



143 (6) The use of dogs shall be prohibited for hunting deer
144 during any of the special hunting seasons.

145 (7) In addition to a hunting license allowing the taking of
146 deer, any resident desiring to hunt deer with bow and arrow or
147 primitive firearm during primitive weapon or archery season or
148 special hunts established by the commission shall purchase a
149 special resident archery and/or primitive firearms license at a
150 fee of Fourteen Dollars (\$14.00) for each license plus the fee
151 provided in Section 49-7-17.

152 (8) Any person violating this section is guilty of a Class
153 II violation and shall be punished as provided in Section
154 49-7-143.

155 (9) All seasons provided for herein shall begin on Saturday.

156 **SECTION 3.** Section 49-7-58, Mississippi Code of 1972, is
157 brought forward as follows:

158 49-7-58. (1) (a) In addition to the ban on importing
159 white-tailed deer under Section 49-7-54, there is hereby imposed a
160 temporary moratorium on the importation of elk, red deer, mule
161 deer, black-tailed deer and other cervids designated as
162 susceptible to chronic wasting disease by the State Veterinarian
163 and crosses of any such animals into the State of Mississippi.
164 The moratorium on importing such animals shall end upon the
165 adoption of chronic wasting disease regulations by the United
166 States Department of Agriculture.



167 (b) Any person who possesses, buys, imports or
168 transports any cervid that has been imported in the state in
169 violation of the moratorium shall be subject to a Class I penalty
170 under Section 49-7-141. Any person that imports any exotic animal
171 into the state in violation of entry requirements or regulations
172 of the Board of Animal Health or the Department of Wildlife shall
173 be subject to a Class I penalty under Section 49-7-141. A second
174 or subsequent violation under this section shall be punished by
175 the maximum fine under Section 49-7-141. The agency issuing a
176 permit for cervids or exotic animals within an enclosure shall
177 revoke the permit of any person found in violation of the
178 moratorium. If any cervid in an enclosure tests positive for
179 chronic wasting disease or if any cervids within the enclosure
180 have been imported from an area diagnosed with chronic wasting
181 disease, then all cervids in the enclosure shall be deemed a
182 threat to native wildlife and to public health and may be killed
183 and disposed of by the state.

184 (2) It shall be the duty of the Commissioner of Agriculture
185 and Commerce, the Board of Animal Health, the State Veterinarian,
186 the Commission on Wildlife, Fisheries and Parks, and the
187 Department of Wildlife, Fisheries and Parks to consult and
188 coordinate efforts on matters related to chronic wasting disease,
189 the prevention of the introduction of chronic wasting disease in
190 the state and to ensure the health and safety of the public and
191 wildlife.



192 (3) The Commission on Wildlife, Fisheries and Parks and the
193 Department of Wildlife, Fisheries and Parks shall have plenary
194 authority in matters related to the importation of white-tailed
195 deer, white-tailed deer in enclosures, and prevention of the
196 introduction of chronic wasting disease into the native wildlife
197 population.

198 **SECTION 4.** Section 49-7-58.1, Mississippi Code of 1972, is
199 brought forward as follows:

200 49-7-58.1. (1) The owner of any enclosure containing
201 white-tailed deer that prevents the free egress of white-tailed
202 deer from the enclosed area shall notify and register with the
203 Department of Wildlife, Fisheries and Parks. The person shall
204 give his name, the location of the enclosure, the acreage within
205 the enclosure, and whether any deer have been imported into the
206 state and placed in the enclosure, and any other information
207 required by the Commissioner on Wildlife, Fisheries and Parks.

208 (2) Persons who constructed an enclosure prior to July 1,
209 2003, shall have until January 1, 2004, to notify and provide the
210 information required under this section. The person shall use
211 acceptable hunting and wildlife management practices as may be
212 determined by the department.

213 (3) The owner of such an enclosure shall comply with all
214 rules and regulations promulgated by the Commission on Wildlife,
215 Fisheries and Parks for the testing of white-tailed deer harvested
216 within an enclosure, or whose death was due to causes other than



217 hunting activity, as required by Section 49-7-58.6. If chronic
218 wasting disease is diagnosed within five (5) miles of the
219 enclosure, the owner of such enclosure shall allow department
220 personnel to enter the enclosure to utilize the best collection
221 methods possible to obtain tissue samples for testing. If chronic
222 wasting disease is diagnosed within the enclosure, the owner shall
223 work with the commission to determine a solution for containing
224 the disease within the enclosure; however, the commission shall
225 not declare surrounding or adjoining properties within a five (5)
226 mile radius of the enclosure a CWD Management Zone, until chronic
227 wasting disease is positively detected within such radius on these
228 surrounding or adjoining properties.

229 (4) Violations of this section shall be punishable as
230 provided in Section 49-7-58.6.

231 **SECTION 5.** Section 49-7-58.2, Mississippi Code of 1972, is
232 brought forward as follows:

233 49-7-58.2. (1) The Department of Wildlife, Fisheries and
234 Parks shall develop and implement a program for inspecting,
235 monitoring, testing and preventing chronic wasting disease. The
236 Commission on Wildlife, Fisheries and Parks shall promulgate rules
237 and regulations to effect the sampling of deer harvested, or dying
238 from, nonhunting related causes, within an enclosure. If chronic
239 wasting disease is diagnosed in white-tailed deer within an
240 enclosure, the department is authorized to use methods authorized
241 by the commission and enter the enclosure to determine a solution



242 for containing the disease within the enclosure. If chronic
243 wasting disease is diagnosed within five (5) miles of the
244 enclosure, the department is authorized to enter the enclosure and
245 utilize the best collection methods available to obtain tissue
246 samples. If chronic wasting disease is detected within an
247 enclosure, the commission shall not declare surrounding or
248 adjoining properties within a five (5) mile radius of the
249 enclosure a CWD Management Zone, until chronic wasting disease is
250 positively detected within such radius on these surrounding or
251 adjoining properties.

252 (2) If a live test for chronic wasting disease is developed,
253 the department is authorized to conduct such tests on white-tailed
254 deer within any enclosure.

255 **SECTION 6.** Section 49-7-58.6, Mississippi Code of 1972, is
256 brought forward as follows:

257 49-7-58.6. (1) (a) White-tailed deer harvested within any
258 enclosure shall be tested for chronic wasting disease (CWD).

259 (b) The Commission on Wildlife, Fisheries and Parks
260 shall promulgate rules and regulations requiring the annual
261 submission of viable samples from harvested deer for chronic
262 wasting disease testing. Rules promulgated under this paragraph
263 shall require a minimum submission from inside a high-fenced
264 enclosure representing at least one (1) deer per each two hundred
265 (200) acres of land under fence.



266 (c) In addition to samples submitted from deer
267 harvested within an enclosure, to the extent possible, enclosure
268 owner/operators shall submit viable samples collected from any
269 deer that dies inside an enclosure from causes other than being
270 harvested by hunting, for chronic wasting disease testing.

271 Samples collected from deer whose death occurred for reasons
272 other than hunting shall count toward the total number of required
273 samples.

274 (2) If chronic wasting disease is detected within an
275 enclosure, as defined in Section 49-7-58.1, the commission shall
276 not declare surrounding or adjoining properties within a five (5)
277 mile radius of the enclosure a CWD Management Zone, until chronic
278 wasting disease is positively detected within such radius on these
279 surrounding or adjoining properties.

280 (3) Failure to submit samples pursuant to the rules and
281 regulations promulgated by the commission shall be a violation of
282 those regulations. A first violation of such regulations shall be
283 punishable by a fine of Five Hundred Dollars (\$500.00). Each
284 second or subsequent violation shall be punishable by a fine of
285 One Thousand Dollars (\$1,000.00).

286 **SECTION 7.** Section 69-15-9, Mississippi Code of 1972, is
287 brought forward as follows:

288 69-15-9. (1) (a) The Board of Animal Health shall have
289 plenary power to deal with all contagious and infectious diseases
290 of animals as in the opinion of the board may be prevented,



291 controlled or eradicated, and with full power to make, promulgate
292 and enforce such rules and regulations as in the judgment of the
293 board may be necessary to control, eradicate and prevent the
294 introduction and spread of anthrax, tuberculosis, hog cholera,
295 Texas and splenic fever and the fever-carrying tick (*margaropus*
296 *annulatus*), cattle brucellosis, anaplasmosis, infectious bovine
297 rhinotracheitis, muscosal disease, cattle viral diarrhea, cattle
298 scabies, sheep scabies, hog cholera, swine erysipelas, swine
299 brucellosis, equine encephalomyelitis, rabies, vesicular diseases,
300 salmonella group, newcastle disease, infectious laryngotracheitis,
301 ornithosis-psittacosis, mycoplasma group, chronic wasting disease
302 and any suspected new and/or foreign diseases of livestock and
303 poultry and all other diseases of animals in this state, and the
304 board is hereby vested with full authority to establish and
305 maintain quarantine lines and to quarantine by county, supervisors
306 district, parcel of land or herd. The State Veterinarian shall
307 appoint as many inspectors and range riders as may be deemed
308 necessary, and the funds at his disposal will permit, and shall
309 delegate authority to said inspectors and range riders, to enter
310 premises to inspect and disinfect livestock and premises, and
311 enforce quarantine including counties, farms, pens, stables and
312 other premises.

313 (b) No veterinarian may provide veterinary services for
314 the control, eradication or prevention of diseases in animals at a
315 stockyard, livestock auction, equine sale or other place or event



316 of livestock trading unless he has first been approved by the
317 board for this purpose. The board shall have the authority to
318 adopt rules and regulations as may be necessary or desirable to
319 carry out the purposes of this paragraph.

320 (2) No officer or agent of the State Veterinarian may enter
321 the actual enclosures of any person except with the consent of the
322 person lawfully in possession thereof or in the absence of such
323 consent, with a proper writ obtained as in other cases of searches
324 and seizures under constitutional law. When such officers and
325 agents are lawfully on the premises, either by permission or writ,
326 they shall be authorized to inspect the premises and the livestock
327 and animals found thereon by entering the enclosures and buildings
328 and they are authorized to check livestock and poultry found
329 therein for any contagious diseases and take proper action to
330 control or eradicate any such diseases that may be found. While
331 such officers and agents are performing their duties hereunder,
332 they shall not be personally liable except for gross negligence.
333 The refusal without lawful reason of any person to give the
334 consent aforesaid shall be deemed a misdemeanor and shall be
335 punishable as for violations of Article 5 of this chapter as
336 provided for in Section 69-15-115.

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

339 (3) (a) The Board of Animal Health shall have plenary power
340 to control, prevent, eradicate, inspect and monitor chronic



341 wasting disease or other contagious disease of exotic cervids or
342 other exotic livestock. It shall be the duty of the board to
343 develop an inspection, testing and monitoring program for such
344 diseases.

345 (b) An officer or agent of the State Veterinarian is
346 authorized to enter any facility containing cervids or other
347 exotic livestock to inspect the premises and the cervids or exotic
348 livestock. Such officer or agent may inspect, monitor or test any
349 cervid or exotic livestock for disease and may take proper action
350 to control or eradicate any diseases found. While such officers
351 or agents are performing their duties, they shall not be
352 personally liable, except for gross negligence.

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

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

362 **SECTION 8.** Section 69-15-109, Mississippi Code of 1972, is
363 brought forward as follows:

364 69-15-109. (1) The Governor of the State of Mississippi,
365 when advised by the Board of Animal Health that an emergency



366 exists due to the presence of foot and mouth disease, rinderpest,
367 contagious pleuropneumonia, or other contagious or infectious
368 diseases of animals, or European fowl pest and similar diseases
369 among poultry, in this state, or chronic wasting disease in any
370 cervids, is hereby authorized to declare a state of emergency and
371 to order all animals or poultry quarantined or slaughtered that
372 may be affected with, or possible carriers of such diseases.

373 (2) The Governor is hereby authorized and empowered to
374 cooperate with any department of the federal government engaged in
375 the combating and control of any such disease mentioned in
376 subsection (1) and to this end the Governor is authorized and
377 empowered to do any and all things in cooperation with the federal
378 government necessary to the control and extermination of any such
379 diseases mentioned in subsection (1) among animals or poultry that
380 may be affected therewith.

381 (3) For the purposes of this section, the Governor shall
382 have full and complete police power, and shall exercise same
383 anywhere in the State of Mississippi, and if an emergency should
384 exist to such an extent that such becomes necessary the Governor
385 may employ such personnel to enforce such police powers and
386 quarantine that may be necessary to control and prevent the
387 spreading of any such diseases mentioned in subsection (1) among
388 animals or poultry in this state. Such personnel when appointed
389 by the Governor shall work under the direction of the Mississippi
390 Board of Animal Health, or its representative, and shall be paid



391 such compensation as the Governor may determine out of any money
392 made available for the enforcement of this section.

393 (4) When any animals or poultry or materials are ordered to
394 be destroyed, under the provisions of this section, the owner of
395 same shall be paid for each such animal or poultry or materials
396 destroyed an amount not exceeding the amount authorized to be paid
397 by the federal government in matching funds expended for the
398 destruction of each such animal or poultry or materials infected
399 with any such diseases mentioned in subsection (1).

400 (5) In the event of the happening of an outbreak of any such
401 diseases mentioned in subsection (1) in Mississippi, the Governor
402 is hereby authorized to borrow not to exceed Two Hundred Thousand
403 Dollars (\$200,000.00) to carry out the terms and provisions of
404 this section.

405 **SECTION 9.** This act shall take effect and be in force from
406 and after July 1, 2023, and shall stand repealed on June 30, 2023.

