

By: Senator(s) Whaley

To: Wildlife, Fisheries and  
Parks

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.

