

HOUSE BILL NO. 486

INTRODUCED BY KAUFMANN, GUTSCHE, HAINES, HARRIS, JACOBSON, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE IMPORTATION OF HARVESTED ELK AND DEER AND THEIR PARTS FROM STATES OR PROVINCES THAT HAVE CONFIRMED CASES OF CHRONIC WASTING DISEASE, UNLESS THE ANIMALS OR THEIR PARTS ~~ARE CERTIFIED AS FREE OF TEST NEGATIVE FROM A CERTIFIED LABORATORY FOR~~ CHRONIC WASTING DISEASE; EXCEPTING SOME ELK AND DEER PARTS FROM THE IMPORTATION PROHIBITION; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, occurrences of chronic wasting disease (CWD) have been confirmed in at least 11 states and 2 Canadian provinces; and

WHEREAS, Montana's wild elk and deer populations are a valuable natural resource that must be protected from the impacts of CWD in every possible way; and

WHEREAS, the people of Montana have an interest in sustaining and using this valuable natural resource as a source of recreation and food; and

WHEREAS, a prohibition on the importation of harvested elk and deer and their parts from areas with confirmed CWD cases is an appropriate and necessary measure to protect the health of the state's wildlife resource and the interests of the people of Montana.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Prohibition on importation of harvested elk and deer from states or provinces with confirmed cases of chronic wasting disease -- exceptions. (1) It is unlawful for any person to import into this state any harvested elk or deer, or any part of an elk or deer, except parts specified in subsection (3), from any state or province where the existence of chronic wasting disease has been confirmed, AS IDENTIFIED BY THE DEPARTMENT, unless the elk or deer or their parts have been ~~certified, in writing, as~~ TESTED BY A CERTIFIED LABORATORY AND FOUND TO BE free of chronic wasting disease.

(2) ~~Certification~~ CERTIFIED LABORATORY REPORTS must be ~~accomplished~~ OBTAINED through testing that confirms that harvested elk or deer or their parts are free of transmissible spongiform encephalopathy proteins, referred to as prions, by a UNITED STATES DEPARTMENT OF AGRICULTURE laboratory ~~that is certified by the United~~

~~States department of agriculture to perform~~ OR OTHER ACCREDITED LABORATORY THAT PERFORMS tests for chronic wasting disease in cervids.

(3) The importation prohibition in subsection (1) does not apply to importation of the following elk or deer parts:

- (a) antlers, or skull plates with antlers attached, with no meat or tissue attached;
- (b) canine teeth, also known as buglers, whistlers, or ivories;
- (c) a finished taxidermy head;
- (d) quarters or other portions of meat with no part of the spinal column or head attached;
- (e) hides with no meat, head, or part of the spinal column attached; or
- (f) processed meat that has been boned out, cut, and wrapped.

(4) A person who imports a harvested elk or deer or any part of an elk or deer that has been TESTED BY ~~A~~ certified; LABORATORY in writing, as ~~AND FOUND TO BE~~ free of chronic wasting disease is responsible for maintaining the certification documentation until the elk or deer or part of the elk or deer is either consumed or converted into a form that is not capable of transmitting chronic wasting disease.

(5) A violation of this section is punishable as provided in 87-1-102(1).

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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