

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2198

Introduced by

Senators Erbele, Christmann, Klein

Representatives Drovdal, D. Johnson, Solberg

1 A BILL for an Act to amend and reenact sections 36-14-04.1, 36-25-01, and 36-25-10 of the
2 North Dakota Century Code, relating to certificates of veterinary inspection and farmed elk; and
3 to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 36-14-04.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **36-14-04.1. Animals imported into state to have certificate of veterinary**
8 **inspection - Exception.**

- 9 1. Except as otherwise provided by this chapter or by rule, all domestic animals and
10 nontraditional livestock brought into this state must be accompanied by a
11 certificate of veterinary inspection certifying that the animals are free from
12 symptoms of all contagious and infectious diseases, and that the animals meet
13 disease testing and vaccination requirements prescribed by rule. Animals
14 originating in other countries must be tested for diseases, as determined by the
15 board, until a risk assessment is completed for the disease. If the board
16 determines that an unacceptable risk exists, the board may deny entry, require
17 additional testing, or require a vaccination.
- 18 2. The requirement for a certificate of veterinary inspection is waived for cattle,
19 sheep, ~~or~~ bison, and swine originating directly from a producer's premises and not
20 diverted en route, if the waiver is approved by the state veterinarian and the cattle,
21 sheep, bison, or swine are delivered for sale directly to a licensed auction market
22 or other premises approved by the state veterinarian.
- 23 3. The board may require certification indicating that animals entering this state from
24 a foreign country and intended for human consumption have not been treated with

1 drugs that are disallowed under federal law for use in animals intended for human
2 consumption.

3 4. The board may adopt rules to implement this section.

4 **SECTION 2. AMENDMENT.** Section 36-25-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **36-25-01. Definitions.** In this chapter, unless the context otherwise requires:

- 7 1. "Board" means the state board of animal health.
- 8 2. "Commissioner" means the agriculture commissioner.
- 9 3. "Farmed elk" means mammals of the elk family (*cervus elaphus*), except red deer,
10 confined in a manmade enclosure designed to prevent escape and:
- 11 a. Raised for fiber, meat, or animal byproducts; ~~or~~
- 12 b. Raised for breeding, exhibition, or harvest; or
- 13 c. Maintained for any other purpose.
- 14 4. "Owner" means a person who owns or is responsible for the raising of farmed elk.

15 **SECTION 3. AMENDMENT.** Section 36-25-10 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **36-25-10. Enforcement orders - Administrative hearing - Penalty.**

- 18 1. The board may order any elk brought into this state in violation of this chapter or
19 rules adopted by the board to be returned to the state of origin or to be
20 slaughtered. The owner of the elk has the right to an administrative hearing on an
21 order of the board in the manner provided in chapter 28-32 if the owner makes a
22 written request for a hearing to the board within ten days after service of the order.
23 If the owner does not request a hearing and if the owner fails to comply with the
24 order, the state veterinarian shall carry out the order. The owner is liable to the
25 board for all costs, including disease testing, incurred in carrying out the order.
- 26 2. If the board finds that a person has brought elk into this state, kept elk, or received
27 elk in violation of this chapter or rules adopted by the board, the board may assess
28 that person a civil penalty in an amount up to five thousand dollars per violation.
29 Any person aggrieved by a decision of the board may appeal the decision as
30 provided in chapter 28-32. The civil penalty assessed under this subsection must
31 be in addition to any costs incurred by the board for enforcement of the order.

- 1 3. Any person who knowingly violates this chapter or any rule of the board is guilty of
2 ~~a class A misdemeanor~~ an infraction.