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COMMITTEE REPORT

February 17, 2022

**H. 4906**

Introduced by Rep. Hixon

S. Printed 2/17/22--H.

Read the first time February 2, 2022.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 4906) to amend Section 50‑11‑105, Code of Laws of South Carolina, 1976, relating to wildlife disease control, so as to allow the Department of Natural Resources, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 50‑11‑105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILDLIFE DISEASE CONTROL, SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO TAKE ACTION REGARDING WILDLIFE DISEASE CONTROL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 50‑11‑105 of the 1976 Code is amended to read:

“Section 50‑11‑105. (A) The department, after consulting with the Director of the State Livestock‑Poultry Health ~~Commission and the United States Department of Agriculture Veterinarian in Charge for South Carolina~~ Division, Clemson University and after a reasonable attempt at landowner notification, may carry out operations including quarantines, destruction of wildlife, or other measures to locate, detect, control, eradicate, or retard the spread of diseases of wildlife independently or in cooperation with counties, special purpose districts, municipalities, property owner’s associations or similar organizations, individuals, federal agencies, or agencies of other states, by regulation, compliance agreement, judicial action, or other appropriate means. The State shall not be required to indemnify the property owner for any wildlife taken as a result of this action. For the purposes of this section, landowner notification can occur by means of a telephone call, in person, or in writing.

(B) The department, in accordance with the Administrative Procedures Act and in order to ensure the continued health and safety of wildlife, may promulgate and enforce reasonable regulations to ~~control or prohibit the shipment within, export from, or import into this State~~ prevent the introduction or distribution of a disease. The department may prohibit the importation, intrastate movement, possession or use, of any wildlife, carcasses, or associated parts or products of any nature ~~or character from a state, territory, or foreign country when, in the opinion of the department, the regulation or prohibition is necessary to prevent the introduction or distribution of a disease or diseased, infirmed, or unhealthy wildlife~~.

(C) The department, upon declaration of a wildlife disease emergency by the Director of the Department of Natural Resources, after consulting with the Director of the State Livestock‑Poultry Health Division, Clemson University, may promulgate regulations to:

(1) delineate disease management zones at any geographic scale;

(2) declare temporary emergency open seasons, methods of take, increased bag limits, mandatory reporting or check‑in of harvested game and biological samples, or restrictions on baiting and feeding of wildlife for no more than one year at any given time in any area of the State provided that appropriate public notice is given describing the declaration and delineating the affected area; and

(3) permit landowners or their designees to take protected wildlife as specified by the department.

(D) Department personnel and their designees are authorized to euthanize sick or injured wildlife.

(E) Unless otherwise specified, a person violating any of the provisions of this section or any regulation established pursuant to this section is guilty of a misdemeanor and must be fined not more than five hundred dollars or imprisoned for not more than thirty days.”

SECTION 2. This act takes effect upon approval by the Governor.

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