

SENATE BILL 259

IN THE SENATE

January 26, 1979	Introduced and referred to Committee on Fish and Game.
February 5, 1979	Committee recommend bill, do pass.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, pass consideration.  On motion, taken from second reading and rereferred to Committee on Fish and Game.
February 12, 1969	Committee recommend bill, do not pass.

1 *Spitzer* BILL NO. 259  
 2 INTRODUCED BY *Chisney / Dan Donaldson*  
 3 *Bennett*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MINIMIZE  
 5 TRANSMISSION OF RABIES BY PROHIBITING THE POSSESSION OF  
 6 BATS, SKUNKS, FOXES, RACCOONS, OR ANY OTHER WILD ANIMAL  
 7 SPECIES KNOWN TO BE CAPABLE OF TRANSMITTING RABIES TO HUMAN  
 8 BEINGS."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. Unless the context requires  
 12 otherwise, in this chapter the following definitions apply:

13 (1) "Department" means the department of health and  
 14 environmental sciences provided for in Title 2, chapter 15,  
 15 part 21.

16 (2) "Person" means an individual, group of  
 17 individuals, partnership, corporation, firm, or association.

18 (3) "Wild animal" means a skunk, fox, raccoon, bat, or  
 19 any other species of wild animal known to be capable of  
 20 transmitting rabies, as determined by the department through  
 21 rules made pursuant to [this act].

22 Section 2. Prohibition of possession of wild animals  
 23 -- exceptions. No person may possess a wild animal unless it  
 24 is used in a fur-farming enterprise, contained in a  
 25 zoological exhibition in such a manner that it may not come

1 in physical contact with members of the public, or acquired  
 2 by an educational institution for scientific research.

3 Section 3. Quarantine -- destruction -- testing. (1)  
 4 Whenever a person possesses a wild animal, the department or  
 5 state veterinarian may confiscate the animal for quarantine  
 6 or take any other reasonable action considered necessary to  
 7 protect the public health.

8 (2) If a wild animal confiscated under subsection (1)  
 9 has bitten or otherwise exposed a person to rabies, the  
 10 animal must be destroyed and its brain submitted to the  
 11 department of livestock for rabies testing.

12 Section 4. Payment of expenses. Expenses incurred by  
 13 the state under [section 3] must be paid by the person from  
 14 whom possession of the wild animal was taken.

15 Section 5. Authority to adopt rules. The department,  
 16 with the approval of the department of livestock, may adopt  
 17 rules necessary for the implementation and administration of  
 18 [this act].

19 Section 6. Civil penalty. A person who violates any  
 20 provision of [this act] or rules adopted pursuant to [this  
 21 act] is subject to a civil penalty not to exceed \$100 per  
 22 day. Each day of violation constitutes a separate  
 23 violation.

24 Section 7. Enforcement. The department may institute  
 25 and maintain in the name of the state any necessary

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1 enforcement proceedings. Upon the request of the department,  
2 the county attorney of the county of violation shall  
3 petition the district court to recover the civil penalty.

4 Section 8. Collection of money. Money collected  
5 pursuant to [this act] shall be deposited in the state  
6 general fund whenever the department institutes and  
7 maintains the action or in the appropriate county fund  
8 whenever the county attorney petitions the district court.

-End-

Approved by Comm.  
on Fish and Game

1 *Amended* BILL NO. *259*  
2 INTRODUCED BY *Chisney / Orr Donaldson*  
3 *Burnett*

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