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**SENATE BILL 5892**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Wagoner, Fortunato, Warnick, and L. Wilson

Prefiled 12/21/23. Read first time 01/08/24. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to diseased elk; creating new sections; and  
2 providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that 17  
5 Washington counties have confirmed populations of elk with treponeme  
6 associated hoof disease. The legislature further finds that there is  
7 no vaccine to prevent the disease or proven treatments for the  
8 disease. The legislature further finds that cattle and sheep have  
9 been diagnosed with hoof diseases associated with treponeme bacteria.  
10 Treponeme disease causes hooves to become elongated, deformed,  
11 broken, or even missing, causing the elk to limp and endure pain  
12 while walking and maneuvering through the landscape. Afflicted elk  
13 are then much more susceptible to disease and malnutrition resulting  
14 in premature death. The disease can spread rapidly, remaining viable  
15 in damp earth, and may spread between wild elk and domestic hooved  
16 animals.

17 (2) The legislature finds that management of this disease and the  
18 humane treatment of the elk should include efforts by private  
19 citizens. As the department of fish and wildlife is unable to be  
20 ever-present for active management and humane disposal of injured  
21 animals, and since harvested elk can remain a viable food source for

1 private individuals, the legislature finds that, with proper  
2 documentation and reporting, private individuals should be allowed to  
3 harvest diseased elk to help prevent the spread of elk hoof disease.

4 (3) The legislature further finds that the fish and wildlife  
5 commission must implement a three-year pilot program to evaluate the  
6 effectiveness of a program to address elk hoof disease and report  
7 back to the appropriate committees of the legislature by December 1,  
8 2027, regarding the program.

9 NEW SECTION. **Sec. 2.** (1) The department of fish and wildlife  
10 shall implement a three-year pilot program in order to evaluate the  
11 effectiveness of authorizing private individuals to address elk hoof  
12 disease. The department of fish and wildlife must report back to the  
13 appropriate committees of the legislature by December 1, 2027,  
14 regarding the program.

15 (2)(a) An authorized person, as identified in (c) of this  
16 subsection, may humanely euthanize an elk that the person reasonably  
17 believes is exhibiting a severe limp and is located in an area where  
18 hoof disease is present. An authorized person may humanely euthanize  
19 an affected elk the person encounters without regard to hunting  
20 season dates and areas and no tag is required. Reasonable measures  
21 must be taken to preserve the elk meat to prevent waste. Except as  
22 provided in (e) of this subsection, an authorized person may retain  
23 the animal, at their discretion.

24 (b) Except for tribal members, an authorized person humanely  
25 euthanizing an elk under this subsection must notify the department  
26 of fish and wildlife of that action within 24 hours of taking that  
27 action by the most expeditious and reasonable means available. An  
28 authorized person must report the take of an elk accompanied by  
29 photographic or video evidence of the carcass in situ, as well as  
30 pictures of the diseased or injured hooves. Hooves must be retained  
31 and submitted for testing at Washington State University's college of  
32 veterinary medicine.

33 (c) Those authorized to humanely euthanize an elk under this  
34 subsection include: A landowner humanely euthanizing an elk on their  
35 land; a person with a valid hunting license under chapter 77.32 RCW;  
36 and a person with a tribal identification card from a federally  
37 recognized tribe.

1 (d) Individuals taking elk under this section are presumed to  
2 have acted in good faith whether or not a diagnosis of  
3 treponeme-associated hoof disease is confirmed.

4 (e) An elk harvested under this section within a tribe's usual  
5 and accustomed hunting areas must first be offered to the tribe. If  
6 the tribe chooses not to accept the elk, the meat may be provided to  
7 the local food bank.

8 NEW SECTION. **Sec. 3.** The department of fish and wildlife must  
9 immediately adopt or amend any rule as necessary to implement, and  
10 ensure rules that are consistent with, this act.

11 NEW SECTION. **Sec. 4.** This act expires June 30, 2028.

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