LEGISLATIVE GENERAL COUNSEL
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H.B. 344
1st Sub. (Buff)

Representative Lee B. Perry proposes the following substitute bill:

UTAH AGRICULTURE CODE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill recodifies and modifies Title 4, Utah Agricultural Code.

Highlighted Provisions:

This bill:

- modifies definitions;
- states that the Department of Agriculture and Food may contract for services and accept and administer grants;
- modifies the duties of the state veterinarian;
- states that the Department of Agriculture and Food may require labels on certain products;
- states that the Department of Agriculture and Food may make rules in regard to "Utah's Own," a program dedicated to the promotion of locally produced products of agriculture;
- authorizes the Department of Agriculture and Food to deny, revoke, or suspend a pesticide applicator license;
- modifies the membership of the State Weed Committee;
- authorizes the Agricultural Advisory Board to create a subcommittee;
- states that the owner of a bull that has not been tested for trichomoniasis may be

26 fined $1,000 per bull;
27 ▸ states that a person who owns or possesses an infected animal may be liable for
28 damages inflicted by the animal;
29 ▸ modifies the length of time a domesticated elk facility shall maintain its records;
30 ▸ authorizes the Department of Agriculture and Food to set a fee for the application of
31 an industrial hemp certificate;
32 ▸ strikes outdated language; and
33 ▸ makes technical and conforming changes.
34 **Money Appropriated in this Bill:**
35 None
36 **Other Special Clauses:**
37 This bill provides a special effective date.
38 This bill provides coordination clauses.
39 **Utah Code Sections Affected:**
40 AMENDS:
41 **4-2-401**, as enacted by Laws of Utah 2014, Chapter 41
42 **4-2-402**, as last amended by Laws of Utah 2016, Chapter 18
43 **4-2-501**, as enacted by Laws of Utah 2015, Chapter 128
44 **4-2-502**, as enacted by Laws of Utah 2015, Chapter 128
45 **4-2-503**, as enacted by Laws of Utah 2015, Chapter 128
46 **4-2-504**, as enacted by Laws of Utah 2015, Chapter 128
47 **4-12-4**, as last amended by Laws of Utah 1985, Chapter 130
48 **4-18-101**, as renumbered and amended by Laws of Utah 2013, Chapter 227
49 **4-18-102**, as last amended by Laws of Utah 2014, Chapter 383
50 **4-18-103**, as last amended by Laws of Utah 2014, Chapter 383
51 **4-18-104**, as renumbered and amended by Laws of Utah 2013, Chapter 227
52 **4-18-105**, as last amended by Laws of Utah 2016, Chapter 19
53 **4-18-106**, as last amended by Laws of Utah 2016, Chapter 19
54 **4-18-107**, as last amended by Laws of Utah 2014, Chapter 383
55 **4-18-108**, as renumbered and amended by Laws of Utah 2014, Chapters 189 and 383
56 **4-26-101**, as renumbered and amended by Laws of Utah 2012, Chapter 331

57 **4-26-102**, as renumbered and amended by Laws of Utah 2012, Chapter 331
58 **4-26-103**, as renumbered and amended by Laws of Utah 2012, Chapter 331
59 **4-26-104**, as enacted by Laws of Utah 2016, Chapter 18
60 **4-31-105**, as renumbered and amended by Laws of Utah 2012, Chapter 331
61 **4-31-106**, as renumbered and amended by Laws of Utah 2012, Chapter 331
62 **4-31-107**, as renumbered and amended by Laws of Utah 2012, Chapter 331
63 **4-31-108**, as renumbered and amended by Laws of Utah 2012, Chapter 331
64 **4-31-109.1**, as enacted by Laws of Utah 2015, Chapter 414
65 **4-31-113**, as renumbered and amended by Laws of Utah 2012, Chapter 331
66 **4-31-114**, as renumbered and amended by Laws of Utah 2012, Chapter 331
67 **4-31-115**, as renumbered and amended by Laws of Utah 2012, Chapter 331
68 **4-31-116**, as renumbered and amended by Laws of Utah 2012, Chapter 331
69 **4-39-102**, as enacted by Laws of Utah 1997, Chapter 302
70 **4-39-104**, as last amended by Laws of Utah 2016, Chapter 19
71 **4-39-107**, as enacted by Laws of Utah 1997, Chapter 302
72 **4-39-108**, as enacted by Laws of Utah 1997, Chapter 302
73 **4-39-201**, as last amended by Laws of Utah 2010, Chapter 378
74 **4-39-202**, as enacted by Laws of Utah 1997, Chapter 302
75 **4-39-203**, as last amended by Laws of Utah 2009, Chapter 183
76 **4-39-205**, as last amended by Laws of Utah 2010, Chapter 378
77 **4-39-206**, as last amended by Laws of Utah 2010, Chapter 378
78 **4-39-207**, as enacted by Laws of Utah 1997, Chapter 302
79 **4-39-301**, as enacted by Laws of Utah 1997, Chapter 302
80 **4-39-304**, as last amended by Laws of Utah 2010, Chapter 378
81 **4-39-305**, as last amended by Laws of Utah 2010, Chapter 378
82 **4-39-306**, as last amended by Laws of Utah 2010, Chapter 378
83 **4-39-401**, as last amended by Laws of Utah 2014, Chapter 189
84 **4-39-402**, as enacted by Laws of Utah 1997, Chapter 302
85 **4-40-102**, as renumbered and amended by Laws of Utah 2011, Chapter 124
86 **4-41-103**, as enacted by Laws of Utah 2014, Chapter 25
87 **10-8-85.8**, as enacted by Laws of Utah 2007, Chapter 146

88 **11-38-302**, as last amended by Laws of Utah 2009, Chapters 344 and 368
89 **17-50-323**, as enacted by Laws of Utah 2007, Chapter 146
90 **17D-3-102**, as last amended by Laws of Utah 2013, Chapter 227
91 **23-13-19**, as enacted by Laws of Utah 2009, Chapter 308
92 **23-24-1**, as last amended by Laws of Utah 2011, Chapter 297
93 **26-15-1**, as last amended by Laws of Utah 2007, Chapter 146
94 **58-37c-19.5**, as last amended by Laws of Utah 2013, Chapters 262 and 413
95 **63A-3-205**, as last amended by Laws of Utah 2014, Chapter 227
96 **63B-1b-102**, as last amended by Laws of Utah 2014, Chapter 227
97 **63B-1b-202**, as last amended by Laws of Utah 2014, Chapters 203 and 227
98 **63E-1-102**, as last amended by Laws of Utah 2015, Chapters 223, 226, 283, and 411
99 **63I-4a-102**, as last amended by Laws of Utah 2015, Chapters 223, 226, 283, and 411
100 **63J-7-102**, as last amended by Laws of Utah 2015, Chapters 223, 226, 283, and 411
101 **63L-8-403**, as enacted by Laws of Utah 2016, Chapter 317
102 **72-7-401**, as last amended by Laws of Utah 2005, Chapter 2
103 **72-9-502**, as last amended by Laws of Utah 2008, Chapter 382
104 **73-20-2**, as last amended by Laws of Utah 1994, Chapter 12
105 **76-6-111**, as last amended by Laws of Utah 2015, Chapters 172 and 258
106 **78B-4-202**, as last amended by Laws of Utah 2015, Chapter 258
107 ENACTS:
108 **4-2-101**, Utah Code Annotated 1953
109 **4-3-101**, Utah Code Annotated 1953
110 **4-9-101**, Utah Code Annotated 1953
111 **4-18-201**, Utah Code Annotated 1953
112 **4-19-101**, Utah Code Annotated 1953
113 **4-20-102**, Utah Code Annotated 1953
114 **4-22-101**, Utah Code Annotated 1953
115 **4-25-101**, Utah Code Annotated 1953
116 **4-30-101**, Utah Code Annotated 1953
117 **4-34-101**, Utah Code Annotated 1953
118 RENUMBERS AND AMENDS:

119 **4-1-101**, (Renumbered from 4-1-1, as enacted by Laws of Utah 1979, Chapter 2)
120 **4-1-102**, (Renumbered from 4-1-2, as enacted by Laws of Utah 1979, Chapter 2)
121 **4-1-103**, (Renumbered from 4-1-3, as enacted by Laws of Utah 1979, Chapter 2)
122 **4-1-104**, (Renumbered from 4-1-3.5, as last amended by Laws of Utah 2008, Chapter
123 382)
124 **4-1-105**, (Renumbered from 4-1-4, as last amended by Laws of Utah 2008, Chapter
125 156)
126 **4-1-106**, (Renumbered from 4-1-5, as last amended by Laws of Utah 1987, Chapter
127 161)
128 **4-1-107**, (Renumbered from 4-1-6, as last amended by Laws of Utah 1985, Chapter
129 130)
130 **4-1-108**, (Renumbered from 4-1-7, as last amended by Laws of Utah 2010, Chapter
131 378)
132 **4-1-109**, (Renumbered from 4-1-8, as last amended by Laws of Utah 2010, Chapter
133 324)
134 **4-1-110**, (Renumbered from 4-1-9, as enacted by Laws of Utah 2012, Chapter 401)
135 **4-2-102**, (Renumbered from 4-2-1, as last amended by Laws of Utah 1997, Chapter 82)
136 **4-2-103**, (Renumbered from 4-2-2, as last amended by Laws of Utah 2011, Chapter
137 383)
138 **4-2-104**, (Renumbered from 4-2-3, as last amended by Laws of Utah 2002, Chapter
139 176)
140 **4-2-105**, (Renumbered from 4-2-4, as last amended by Laws of Utah 1987, Chapter 15)
141 **4-2-106**, (Renumbered from 4-2-5, as enacted by Laws of Utah 1979, Chapter 2)
142 **4-2-107**, (Renumbered from 4-2-6, as last amended by Laws of Utah 1984, Chapter 67)
143 **4-2-108**, (Renumbered from 4-2-7, as last amended by Laws of Utah 2016, Chapter 19)
144 **4-2-109**, (Renumbered from 4-2-8, as last amended by Laws of Utah 2011, Chapter
145 383)
146 **4-2-201**, (Renumbered from 4-2-9, as last amended by Laws of Utah 1997, Chapters 10
147 and 81)
148 **4-2-202**, (Renumbered from 4-2-10, as last amended by Laws of Utah 2007, Chapter
149 179)

150 **4-2-301**, (Renumbered from 4-2-11, as last amended by Laws of Utah 2013, Chapter
151 237)
152 **4-2-302**, (Renumbered from 4-2-12, as last amended by Laws of Utah 1996, Chapter
153 79)
154 **4-2-303**, (Renumbered from 4-2-14, as enacted by Laws of Utah 1985, Chapter 104)
155 **4-2-304**, (Renumbered from 4-2-15, as last amended by Laws of Utah 2010, Chapter
156 378)
157 **4-3-102**, (Renumbered from 4-3-1, as last amended by Laws of Utah 2015, Chapter
158 112)
159 **4-3-201**, (Renumbered from 4-3-2, as last amended by Laws of Utah 2008, Chapter
160 382)
161 **4-3-202**, (Renumbered from 4-3-3, as enacted by Laws of Utah 1979, Chapter 2)
162 **4-3-203**, (Renumbered from 4-3-4, as last amended by Laws of Utah 2007, Chapter
163 179)
164 **4-3-204**, (Renumbered from 4-3-5, as enacted by Laws of Utah 1979, Chapter 2)
165 **4-3-205**, (Renumbered from 4-3-6, as enacted by Laws of Utah 1979, Chapter 2)
166 **4-3-206**, (Renumbered from 4-3-7, as last amended by Laws of Utah 2007, Chapter
167 179)
168 **4-3-301**, (Renumbered from 4-3-8, as last amended by Laws of Utah 2007, Chapter
169 179)
170 **4-3-302**, (Renumbered from 4-3-9, as last amended by Laws of Utah 1987, Chapter
171 161)
172 **4-3-401**, (Renumbered from 4-3-10, as last amended by Laws of Utah 2015, Chapter
173 112)
174 **4-3-402**, (Renumbered from 4-3-11, as last amended by Laws of Utah 2001, Chapter
175 87)
176 **4-3-403**, (Renumbered from 4-3-12, as enacted by Laws of Utah 1979, Chapter 2)
177 **4-3-501**, (Renumbered from 4-3-1.3, as enacted by Laws of Utah 2015, Chapter 112)
178 **4-3-502**, (Renumbered from 4-3-13, as last amended by Laws of Utah 2015, Chapter
179 112)
180 **4-3-503**, (Renumbered from 4-3-14, as last amended by Laws of Utah 2016, Chapter

181 402)
182 **4-4-101**, (Renumbered from 4-4-1, as enacted by Laws of Utah 1979, Chapter 2)
183 **4-4-102**, (Renumbered from 4-4-2, as last amended by Laws of Utah 2008, Chapter
184 382)
185 **4-4-103**, (Renumbered from 4-4-3, as enacted by Laws of Utah 1979, Chapter 2)
186 **4-4-104**, (Renumbered from 4-4-4, as last amended by Laws of Utah 2007, Chapter
187 179)
188 **4-4-105**, (Renumbered from 4-4-5, as enacted by Laws of Utah 1979, Chapter 2)
189 **4-4-106**, (Renumbered from 4-4-6, as enacted by Laws of Utah 1979, Chapter 2)
190 **4-5-101**, (Renumbered from 4-5-1, as last amended by Laws of Utah 1990, Chapter
191 157)
192 **4-5-102**, (Renumbered from 4-5-2, as last amended by Laws of Utah 2007, Chapter
193 146)
194 **4-5-103**, (Renumbered from 4-5-7, as last amended by Laws of Utah 2010, Chapter
195 378)
196 **4-5-104**, (Renumbered from 4-5-17, as last amended by Laws of Utah 2007, Chapter
197 179)
198 **4-5-105**, (Renumbered from 4-5-18, as last amended by Laws of Utah 2010, Chapter
199 378)
200 **4-5-106**, (Renumbered from 4-5-19, as last amended by Laws of Utah 1990, Chapter
201 157)
202 **4-5-201**, (Renumbered from 4-5-8, as last amended by Laws of Utah 2010, Chapter
203 378)
204 **4-5-202**, (Renumbered from 4-5-5, as last amended by Laws of Utah 2010, Chapter
205 378)
206 **4-5-203**, (Renumbered from 4-5-10, as last amended by Laws of Utah 2007, Chapter
207 179)
208 **4-5-204**, (Renumbered from 4-5-11, as last amended by Laws of Utah 1990, Chapter
209 157)
210 **4-5-205**, (Renumbered from 4-5-15, as last amended by Laws of Utah 2010, Chapter
211 378)

212 **4-5-206**, (Renumbered from 4-5-16, as last amended by Laws of Utah 1990, Chapter
213 157)
214 **4-5-207**, (Renumbered from 4-5-6, as last amended by Laws of Utah 2007, Chapter
215 179)
216 **4-5-301**, (Renumbered from 4-5-9, as last amended by Laws of Utah 2010, Chapter
217 378)
218 **4-5-401**, (Renumbered from 4-5-3, as last amended by Laws of Utah 2004, Chapter
219 358)
220 **4-5-402**, (Renumbered from 4-5-4, as last amended by Laws of Utah 1985, Chapter
221 104)
222 **4-5-501**, (Renumbered from 4-5-9.5, as last amended by Laws of Utah 2008, Chapter
223 382)
224 **4-5-502**, (Renumbered from 4-5-20, as enacted by Laws of Utah 2011, Chapter 156)
225 **4-7-101**, (Renumbered from 4-7-1, as last amended by Laws of Utah 2011, Chapter
226 383)
227 **4-7-102**, (Renumbered from 4-7-2, as last amended by Laws of Utah 2011, Chapter
228 383)
229 **4-7-103**, (Renumbered from 4-7-3, as last amended by Laws of Utah 2016, Chapter 18)
230 **4-7-104**, (Renumbered from 4-7-4, as last amended by Laws of Utah 1990, Chapter 25)
231 **4-7-105**, (Renumbered from 4-7-5, as last amended by Laws of Utah 2011, Chapter
232 383)
233 **4-7-106**, (Renumbered from 4-7-6, as last amended by Laws of Utah 1995, Chapter 41)
234 **4-7-107**, (Renumbered from 4-7-7, as last amended by Laws of Utah 2011, Chapter
235 383)
236 **4-7-108**, (Renumbered from 4-7-8, as last amended by Laws of Utah 2011, Chapter
237 383)
238 **4-7-109**, (Renumbered from 4-7-9, as last amended by Laws of Utah 2011, Chapter
239 383)
240 **4-7-110**, (Renumbered from 4-7-10, as last amended by Laws of Utah 2011, Chapter
241 383)
242 **4-7-201**, (Renumbered from 4-7-11, as last amended by Laws of Utah 2011, Chapter

243 383)
244 **4-7-202**, (Renumbered from 4-7-12, as last amended by Laws of Utah 2011, Chapter
245 383)
246 **4-7-203**, (Renumbered from 4-7-13, as last amended by Laws of Utah 2011, Chapter
247 383)
248 **4-7-204**, (Renumbered from 4-7-13.5, as enacted by Laws of Utah 1985, Chapter 24)
249 **4-7-205**, (Renumbered from 4-7-14, as last amended by Laws of Utah 2011, Chapter
250 383)
251 **4-8-101**, (Renumbered from 4-8-1, as enacted by Laws of Utah 1979, Chapter 2)
252 **4-8-102**, (Renumbered from 4-8-2, as enacted by Laws of Utah 1979, Chapter 2)
253 **4-8-103**, (Renumbered from 4-8-3, as enacted by Laws of Utah 1979, Chapter 2)
254 **4-8-104**, (Renumbered from 4-8-4, as last amended by Laws of Utah 2010, Chapter
255 324)
256 **4-8-105**, (Renumbered from 4-8-5, as enacted by Laws of Utah 1979, Chapter 2)
257 **4-8-106**, (Renumbered from 4-8-6, as last amended by Laws of Utah 1987, Chapter
258 161)
259 **4-8-107**, (Renumbered from 4-8-7, as last amended by Laws of Utah 2007, Chapter
260 179)
261 **4-9-102**, (Renumbered from 4-9-1, as last amended by Laws of Utah 2004, Chapter
262 358)
263 **4-9-103**, (Renumbered from 4-9-2, as last amended by Laws of Utah 2008, Chapter
264 382)
265 **4-9-104**, (Renumbered from 4-9-3, as last amended by Laws of Utah 2004, Chapter
266 358)
267 **4-9-105**, (Renumbered from 4-9-4, as last amended by Laws of Utah 2004, Chapter
268 358)
269 **4-9-106**, (Renumbered from 4-9-5, as last amended by Laws of Utah 2004, Chapter
270 358)
271 **4-9-107**, (Renumbered from 4-9-5.2, as last amended by Laws of Utah 2004, Chapter
272 358)
273 **4-9-108**, (Renumbered from 4-9-5.3, as last amended by Laws of Utah 2004, Chapter

274 358)
275 **4-9-109**, (Renumbered from 4-9-5.4, as last amended by Laws of Utah 2004, Chapter
276 358)
277 **4-9-110**, (Renumbered from 4-9-6, as last amended by Laws of Utah 2004, Chapter
278 358)
279 **4-9-111**, (Renumbered from 4-9-7, as last amended by Laws of Utah 1990, Chapter
280 157)
281 **4-9-112**, (Renumbered from 4-9-8, as enacted by Laws of Utah 1979, Chapter 2)
282 **4-9-113**, (Renumbered from 4-9-9, as last amended by Laws of Utah 1992, Chapter 30)
283 **4-9-114**, (Renumbered from 4-9-10, as enacted by Laws of Utah 1979, Chapter 2)
284 **4-9-115**, (Renumbered from 4-9-11, as last amended by Laws of Utah 1985, Chapter
285 19)
286 **4-9-116**, (Renumbered from 4-9-12, as last amended by Laws of Utah 2004, Chapter
287 358)
288 **4-9-117**, (Renumbered from 4-9-13, as enacted by Laws of Utah 1979, Chapter 2)
289 **4-9-118**, (Renumbered from 4-9-15, as last amended by Laws of Utah 2010, Chapter
290 378)
291 **4-10-101**, (Renumbered from 4-10-1, as enacted by Laws of Utah 1979, Chapter 2)
292 **4-10-102**, (Renumbered from 4-10-2, as last amended by Laws of Utah 2016, Chapter
293 21)
294 **4-10-103**, (Renumbered from 4-10-3, as last amended by Laws of Utah 2008, Chapter
295 382)
296 **4-10-104**, (Renumbered from 4-10-4, as enacted by Laws of Utah 1979, Chapter 2)
297 **4-10-105**, (Renumbered from 4-10-5, as last amended by Laws of Utah 2016, Chapter
298 21)
299 **4-10-106**, (Renumbered from 4-10-6, as last amended by Laws of Utah 2016, Chapter
300 21)
301 **4-10-107**, (Renumbered from 4-10-7, as last amended by Laws of Utah 2016, Chapter
302 21)
303 **4-10-108**, (Renumbered from 4-10-7.3, as enacted by Laws of Utah 2014, Chapter 411)
304 **4-10-109**, (Renumbered from 4-10-8, as enacted by Laws of Utah 1979, Chapter 2)

305 **4-10-110**, (Renumbered from 4-10-9, as enacted by Laws of Utah 1979, Chapter 2)
306 **4-10-111**, (Renumbered from 4-10-10, as last amended by Laws of Utah 2014, Chapter
307 411)
308 **4-10-112**, (Renumbered from 4-10-11, as enacted by Laws of Utah 1979, Chapter 2)
309 **4-10-113**, (Renumbered from 4-10-14, as enacted by Laws of Utah 2016, Chapter 21)
310 **4-11-101**, (Renumbered from 4-11-1, as enacted by Laws of Utah 1979, Chapter 2)
311 **4-11-102**, (Renumbered from 4-11-2, as last amended by Laws of Utah 2014, Chapter
312 411)
313 **4-11-103**, (Renumbered from 4-11-3, as last amended by Laws of Utah 2008, Chapter
314 382)
315 **4-11-104**, (Renumbered from 4-11-4, as last amended by Laws of Utah 2010, Chapter
316 73)
317 **4-11-105**, (Renumbered from 4-11-5, as last amended by Laws of Utah 2016, Chapter
318 348)
319 **4-11-106**, (Renumbered from 4-11-6, as last amended by Laws of Utah 2010, Chapter
320 73)
321 **4-11-107**, (Renumbered from 4-11-7, as last amended by Laws of Utah 2015, Chapter
322 414)
323 **4-11-108**, (Renumbered from 4-11-8, as last amended by Laws of Utah 2010, Chapter
324 73)
325 **4-11-109**, (Renumbered from 4-11-9, as last amended by Laws of Utah 2010, Chapter
326 73)
327 **4-11-110**, (Renumbered from 4-11-10, as last amended by Laws of Utah 2010, Chapter
328 73)
329 **4-11-111**, (Renumbered from 4-11-11, as last amended by Laws of Utah 2010, Chapter
330 73)
331 **4-11-112**, (Renumbered from 4-11-12, as last amended by Laws of Utah 2010, Chapter
332 73)
333 **4-11-113**, (Renumbered from 4-11-13, as last amended by Laws of Utah 2010, Chapter
334 73)
335 **4-11-114**, (Renumbered from 4-11-14, as last amended by Laws of Utah 2010, Chapter

336 73)
337 **4-11-115**, (Renumbered from 4-11-17, as enacted by Laws of Utah 2010, Chapter 73)
338 **4-13-101**, (Renumbered from 4-13-1, as enacted by Laws of Utah 1979, Chapter 2)
339 **4-13-102**, (Renumbered from 4-13-2, as last amended by Laws of Utah 2007, Chapter
340 179)
341 **4-13-103**, (Renumbered from 4-13-3, as last amended by Laws of Utah 1997, Chapter
342 81)
343 **4-13-104**, (Renumbered from 4-13-4, as last amended by Laws of Utah 2007, Chapter
344 179)
345 **4-13-105**, (Renumbered from 4-13-5, as enacted by Laws of Utah 1979, Chapter 2)
346 **4-13-106**, (Renumbered from 4-13-6, as last amended by Laws of Utah 2007, Chapter
347 179)
348 **4-13-107**, (Renumbered from 4-13-7, as enacted by Laws of Utah 1979, Chapter 2)
349 **4-13-108**, (Renumbered from 4-13-8, as enacted by Laws of Utah 1979, Chapter 2)
350 **4-13-109**, (Renumbered from 4-13-9, as enacted by Laws of Utah 1979, Chapter 2)
351 **4-14-101**, (Renumbered from 4-14-1, as enacted by Laws of Utah 1979, Chapter 2)
352 **4-14-102**, (Renumbered from 4-14-2, as last amended by Laws of Utah 2007, Chapter
353 370)
354 **4-14-103**, (Renumbered from 4-14-3, as last amended by Laws of Utah 2014, Chapter
355 411)
356 **4-14-104**, (Renumbered from 4-14-4, as last amended by Laws of Utah 1981, Chapter
357 3)
358 **4-14-105**, (Renumbered from 4-14-5, as enacted by Laws of Utah 1979, Chapter 2)
359 **4-14-106**, (Renumbered from 4-14-6, as last amended by Laws of Utah 2008, Chapter
360 382)
361 **4-14-107**, (Renumbered from 4-14-7, as enacted by Laws of Utah 1979, Chapter 2)
362 **4-14-108**, (Renumbered from 4-14-8, as enacted by Laws of Utah 1979, Chapter 2)
363 **4-14-109**, (Renumbered from 4-14-9, as last amended by Laws of Utah 2007, Chapters
364 179 and 370)
365 **4-14-110**, (Renumbered from 4-14-12, as last amended by Laws of Utah 2007, Chapter
366 370)

367 **4-14-111**, (Renumbered from 4-14-13, as last amended by Laws of Utah 2014, Chapter
368 411)
369 **4-15-101**, (Renumbered from 4-15-1, as enacted by Laws of Utah 1981, Chapter 126)
370 **4-15-102**, (Renumbered from 4-15-1.5, as enacted by Laws of Utah 2014, Chapter 411)
371 **4-15-103**, (Renumbered from 4-15-2, as last amended by Laws of Utah 2014, Chapter
372 411)
373 **4-15-104**, (Renumbered from 4-15-3, as last amended by Laws of Utah 2008, Chapter
374 382)
375 **4-15-105**, (Renumbered from 4-15-4, as enacted by Laws of Utah 1981, Chapter 126)
376 **4-15-106**, (Renumbered from 4-15-5, as last amended by Laws of Utah 2007, Chapter
377 179)
378 **4-15-107**, (Renumbered from 4-15-6, as last amended by Laws of Utah 2007, Chapter
379 179)
380 **4-15-108**, (Renumbered from 4-15-7, as last amended by Laws of Utah 2014, Chapter
381 411)
382 **4-15-109**, (Renumbered from 4-15-8, as enacted by Laws of Utah 1981, Chapter 126)
383 **4-15-110**, (Renumbered from 4-15-9, as enacted by Laws of Utah 1981, Chapter 126)
384 **4-15-111**, (Renumbered from 4-15-10, as last amended by Laws of Utah 2010, Chapter
385 378)
386 **4-15-112**, (Renumbered from 4-15-11, as last amended by Laws of Utah 2014, Chapter
387 411)
388 **4-15-113**, (Renumbered from 4-15-12, as enacted by Laws of Utah 1981, Chapter 126)
389 **4-15-114**, (Renumbered from 4-15-14, as enacted by Laws of Utah 2014, Chapter 411)
390 **4-16-101**, (Renumbered from 4-16-1, as enacted by Laws of Utah 1981, Chapter 126)
391 **4-16-102**, (Renumbered from 4-16-2, as last amended by Laws of Utah 2010, Chapter
392 324)
393 **4-16-103**, (Renumbered from 4-16-3, as last amended by Laws of Utah 2008, Chapter
394 382)
395 **4-16-201**, (Renumbered from 4-16-4, as last amended by Laws of Utah 1999, Chapter
396 237)
397 **4-16-202**, (Renumbered from 4-16-5, as last amended by Laws of Utah 1997, Chapter

398 81)
399 **4-16-203**, (Renumbered from 4-16-7, as last amended by Laws of Utah 2010, Chapter
400 324)
401 **4-16-301**, (Renumbered from 4-16-8, as last amended by Laws of Utah 1997, Chapter
402 81)
403 **4-16-302**, (Renumbered from 4-16-10, as last amended by Laws of Utah 1997, Chapter
404 81)
405 **4-16-303**, (Renumbered from 4-16-11, as last amended by Laws of Utah 1997, Chapter
406 81)
407 **4-16-401**, (Renumbered from 4-16-9, as enacted by Laws of Utah 1981, Chapter 126)
408 **4-16-501**, (Renumbered from 4-16-6, as last amended by Laws of Utah 1997, Chapter
409 81)
410 **4-17-101**, (Renumbered from 4-17-1, as enacted by Laws of Utah 1981, Chapter 126)
411 **4-17-102**, (Renumbered from 4-17-2, as last amended by Laws of Utah 1997, Chapter
412 82)
413 **4-17-103**, (Renumbered from 4-17-3, as last amended by Laws of Utah 1985, Chapter
414 18)
415 **4-17-104**, (Renumbered from 4-17-3.5, as last amended by Laws of Utah 2013, Chapter
416 461)
417 **4-17-105**, (Renumbered from 4-17-4, as last amended by Laws of Utah 1993, Chapter
418 227)
419 **4-17-106**, (Renumbered from 4-17-4.5, as enacted by Laws of Utah 1985, Chapter 18)
420 **4-17-107**, (Renumbered from 4-17-5, as last amended by Laws of Utah 1993, Chapter
421 227)
422 **4-17-108**, (Renumbered from 4-17-6, as last amended by Laws of Utah 2007, Chapter
423 179)
424 **4-17-109**, (Renumbered from 4-17-7, as last amended by Laws of Utah 2010, Chapter
425 378)
426 **4-17-110**, (Renumbered from 4-17-8, as last amended by Laws of Utah 1985, Chapter
427 18)
428 **4-17-111**, (Renumbered from 4-17-8.5, as last amended by Laws of Utah 1993, Chapter

429 227)
430 **4-17-112**, (Renumbered from 4-17-10, as enacted by Laws of Utah 1985, Chapter 18)
431 **4-17-113**, (Renumbered from 4-17-11, as enacted by Laws of Utah 1981, Chapter 126)
432 **4-17-114**, (Renumbered from 4-2-8.7, as last amended by Laws of Utah 2014, Chapter
433 411)
434 **4-17-115**, (Renumbered from 4-2-8.6, as last amended by Laws of Utah 2014, Chapter
435 411)
436 **4-18-202**, (Renumbered from 4-2-8.5, as last amended by Laws of Utah 2014, Chapter
437 411)
438 **4-19-102**, (Renumbered from 4-19-1, as last amended by Laws of Utah 2007, Chapter
439 179)
440 **4-19-103**, (Renumbered from 4-19-2, as last amended by Laws of Utah 2010, Chapter
441 324)
442 **4-19-104**, (Renumbered from 4-19-3, as last amended by Laws of Utah 2007, Chapter
443 179)
444 **4-19-105**, (Renumbered from 4-19-4, as last amended by Laws of Utah 2007, Chapter
445 179)
446 **4-20-101**, (Renumbered from 4-20-1, as last amended by Laws of Utah 2010, Chapter
447 278)
448 **4-20-103**, (Renumbered from 4-20-1.5, as last amended by Laws of Utah 2013, Chapter
449 227)
450 **4-20-104**, (Renumbered from 4-20-1.6, as last amended by Laws of Utah 2011, Chapter
451 336)
452 **4-20-105**, (Renumbered from 4-20-2, as last amended by Laws of Utah 2011, Chapter
453 303)
454 **4-20-106**, (Renumbered from 4-20-3, as last amended by Laws of Utah 2014, Chapter
455 189)
456 **4-20-107**, (Renumbered from 4-20-8, as enacted by Laws of Utah 1979, Chapter 2)
457 **4-20-108**, (Renumbered from 4-20-9, as enacted by Laws of Utah 1979, Chapter 2)
458 **4-20-109**, (Renumbered from 4-20-10, as enacted by Laws of Utah 2011, Chapter 383)
459 **4-22-102**, (Renumbered from 4-22-1, as enacted by Laws of Utah 1979, Chapter 2)

460 **4-22-103**, (Renumbered from 4-22-2, as last amended by Laws of Utah 1999, Chapter
461 301)
462 **4-22-104**, (Renumbered from 4-22-3, as last amended by Laws of Utah 2010, Chapters
463 286 and 378)
464 **4-22-105**, (Renumbered from 4-22-6, as last amended by Laws of Utah 2010, Chapters
465 73 and 378)
466 **4-22-106**, (Renumbered from 4-22-4, as last amended by Laws of Utah 1981, Chapter
467 4)
468 **4-22-107**, (Renumbered from 4-22-4.5, as last amended by Laws of Utah 2008, Chapter
469 382)
470 **4-22-108**, (Renumbered from 4-22-5, as enacted by Laws of Utah 1979, Chapter 2)
471 **4-22-201**, (Renumbered from 4-22-7, as last amended by Laws of Utah 2005, Chapter
472 173)
473 **4-22-202**, (Renumbered from 4-22-8, as last amended by Laws of Utah 2004, Chapter
474 128)
475 **4-22-203**, (Renumbered from 4-22-8.5, as last amended by Laws of Utah 1999, Chapter
476 301)
477 **4-22-301**, (Renumbered from 4-22-9, as enacted by Laws of Utah 1979, Chapter 2)
478 **4-22-302**, (Renumbered from 4-22-9.5, as last amended by Laws of Utah 1995, Chapter
479 20)
480 **4-22-303**, (Renumbered from 4-22-10, as enacted by Laws of Utah 1979, Chapter 2)
481 **4-23-101**, (Renumbered from 4-23-1, as enacted by Laws of Utah 1979, Chapter 2)
482 **4-23-102**, (Renumbered from 4-23-2, as enacted by Laws of Utah 1979, Chapter 2)
483 **4-23-103**, (Renumbered from 4-23-3, as last amended by Laws of Utah 1989, Chapter
484 109)
485 **4-23-104**, (Renumbered from 4-23-4, as last amended by Laws of Utah 2010, Chapters
486 286 and 324)
487 **4-23-105**, (Renumbered from 4-23-5, as last amended by Laws of Utah 2010, Chapter
488 378)
489 **4-23-106**, (Renumbered from 4-23-6, as last amended by Laws of Utah 2010, Chapter
490 378)

491 **4-23-107**, (Renumbered from 4-23-7, as last amended by Laws of Utah 2010, Chapter
492 73)
493 **4-23-108**, (Renumbered from 4-23-7.5, as last amended by Laws of Utah 2009, Chapter
494 17)
495 **4-23-109**, (Renumbered from 4-23-8, as last amended by Laws of Utah 2015, Chapter
496 414)
497 **4-23-110**, (Renumbered from 4-23-10, as enacted by Laws of Utah 1979, Chapter 2)
498 **4-23-111**, (Renumbered from 4-23-11, as last amended by Laws of Utah 1997, Chapter
499 82)
500 **4-24-101**, (Renumbered from 4-24-1, as enacted by Laws of Utah 1979, Chapter 2)
501 **4-24-102**, (Renumbered from 4-24-2, as last amended by Laws of Utah 2010, Chapter
502 378)
503 **4-24-103**, (Renumbered from 4-24-3, as last amended by Laws of Utah 2008, Chapter
504 382)
505 **4-24-104**, (Renumbered from 4-24-4, as last amended by Laws of Utah 2010, Chapters
506 286 and 324)
507 **4-24-105**, (Renumbered from 4-24-30, as last amended by Laws of Utah 1995, Chapter
508 20)
509 **4-24-201**, (Renumbered from 4-24-5, as enacted by Laws of Utah 1979, Chapter 2)
510 **4-24-202**, (Renumbered from 4-24-7, as enacted by Laws of Utah 1979, Chapter 2)
511 **4-24-203**, (Renumbered from 4-24-8, as last amended by Laws of Utah 1985, Chapter
512 130)
513 **4-24-204**, (Renumbered from 4-24-9, as last amended by Laws of Utah 1983, Chapter
514 4)
515 **4-24-205**, (Renumbered from 4-24-10, as last amended by Laws of Utah 2010, Chapter
516 324)
517 **4-24-301**, (Renumbered from 4-24-6, as last amended by Laws of Utah 1988, Chapter
518 42)
519 **4-24-302**, (Renumbered from 4-24-11, as last amended by Laws of Utah 1997, Chapter
520 302)
521 **4-24-303**, (Renumbered from 4-24-12, as last amended by Laws of Utah 2010, Chapter

522 378)
523 **4-24-304**, (Renumbered from 4-24-13, as last amended by Laws of Utah 1997, Chapter
524 302)
525 **4-24-305**, (Renumbered from 4-24-14, as last amended by Laws of Utah 1997, Chapter
526 302)
527 **4-24-306**, (Renumbered from 4-24-15, as last amended by Laws of Utah 1997, Chapter
528 302)
529 **4-24-307**, (Renumbered from 4-24-17, as last amended by Laws of Utah 1997, Chapter
530 302)
531 **4-24-308**, (Renumbered from 4-24-21, as last amended by Laws of Utah 1985, Chapter
532 130)
533 **4-24-309**, (Renumbered from 4-24-16.3, as enacted by Laws of Utah 2015, Chapter
534 161)
535 **4-24-401**, (Renumbered from 4-24-18, as enacted by Laws of Utah 1979, Chapter 2)
536 **4-24-402**, (Renumbered from 4-24-19, as enacted by Laws of Utah 1979, Chapter 2)
537 **4-24-403**, (Renumbered from 4-24-31, as enacted by Laws of Utah 2015, Chapter 161)
538 **4-24-404**, (Renumbered from 4-24-20, as last amended by Laws of Utah 2010, Chapter
539 378)
540 **4-24-405**, (Renumbered from 4-24-22, as last amended by Laws of Utah 1985, Chapter
541 130)
542 **4-24-406**, (Renumbered from 4-24-23, as last amended by Laws of Utah 1985, Chapter
543 130)
544 **4-24-501**, (Renumbered from 4-24-24, as last amended by Laws of Utah 1997, Chapter
545 302)
546 **4-24-502**, (Renumbered from 4-24-25, as enacted by Laws of Utah 1979, Chapter 2)
547 **4-24-503**, (Renumbered from 4-24-26, as enacted by Laws of Utah 1979, Chapter 2)
548 **4-24-504**, (Renumbered from 4-24-28, as last amended by Laws of Utah 1986, Second
549 Special Session, Chapter 10)
550 **4-24-505**, (Renumbered from 4-24-29, as enacted by Laws of Utah 1979, Chapter 2)
551 **4-24-506**, (Renumbered from 4-24-32, as enacted by Laws of Utah 2015, Chapter 161)
552 **4-25-102**, (Renumbered from 4-25-1, as last amended by Laws of Utah 2015, Chapter

553 105)
554 **4-25-103**, (Renumbered from 4-25-2, as last amended by Laws of Utah 1983, Chapter
555 7)
556 **4-25-104**, (Renumbered from 4-25-3, as last amended by Laws of Utah 2008, Chapter
557 382)
558 **4-25-201**, (Renumbered from 4-25-4, as last amended by Laws of Utah 2009, Chapter
559 282)
560 **4-25-202**, (Renumbered from 4-25-5, as last amended by Laws of Utah 2009, Chapter
561 282)
562 **4-25-203**, (Renumbered from 4-25-6, as last amended by Laws of Utah 1983, Chapter
563 7)
564 **4-25-204**, (Renumbered from 4-25-7, as last amended by Laws of Utah 2009, Chapter
565 196)
566 **4-25-205**, (Renumbered from 4-25-8, as last amended by Laws of Utah 2005, Chapter
567 118)
568 **4-25-206**, (Renumbered from 4-25-9, as enacted by Laws of Utah 1979, Chapter 2)
569 **4-25-301**, (Renumbered from 4-25-12, as repealed and reenacted by Laws of Utah
570 2012, Chapter 331)
571 **4-25-302**, (Renumbered from 4-25-12.1, as last amended by Laws of Utah 2015,
572 Chapter 105)
573 **4-25-303**, (Renumbered from 4-25-12.3, as enacted by Laws of Utah 2015, Chapter
574 105)
575 **4-25-401**, (Renumbered from 4-25-14, as last amended by Laws of Utah 2009, Chapter
576 282)
577 **4-30-102**, (Renumbered from 4-30-1, as last amended by Laws of Utah 1999, Chapter
578 298)
579 **4-30-103**, (Renumbered from 4-30-2, as last amended by Laws of Utah 2010, Chapter
580 286)
581 **4-30-104**, (Renumbered from 4-30-3, as last amended by Laws of Utah 2008, Chapter
582 382)
583 **4-30-105**, (Renumbered from 4-30-4, as last amended by Laws of Utah 1999, Chapter

584 298)
585 **4-30-106**, (Renumbered from 4-30-5, as last amended by Laws of Utah 2010, Chapter
586 90)
587 **4-30-107**, (Renumbered from 4-30-6, as last amended by Laws of Utah 2007, Chapter
588 179)
589 **4-30-108**, (Renumbered from 4-30-7, as last amended by Laws of Utah 1999, Chapter
590 298)
591 **4-30-109**, (Renumbered from 4-30-7.5, as enacted by Laws of Utah 1999, Chapter 298)
592 **4-30-110**, (Renumbered from 4-30-7.6, as last amended by Laws of Utah 2010, Chapter
593 378)
594 **4-30-111**, (Renumbered from 4-30-8, as last amended by Laws of Utah 1985, Chapter
595 130)
596 **4-30-112**, (Renumbered from 4-30-9, as last amended by Laws of Utah 1999, Chapter
597 298)
598 **4-32-101**, (Renumbered from 4-32-1, as enacted by Laws of Utah 1979, Chapter 2)
599 **4-32-102**, (Renumbered from 4-32-2, as last amended by Laws of Utah 2010, Chapter
600 242)
601 **4-32-103**, (Renumbered from 4-32-2.1, as enacted by Laws of Utah 2010, Chapter 242)
602 **4-32-104**, (Renumbered from 4-32-2.2, as enacted by Laws of Utah 2010, Chapter 242)
603 **4-32-105**, (Renumbered from 4-32-3, as last amended by Laws of Utah 2016, Chapter
604 18)
605 **4-32-106**, (Renumbered from 4-32-4, as last amended by Laws of Utah 2011, Chapter
606 383)
607 **4-32-107**, (Renumbered from 4-32-5, as last amended by Laws of Utah 2010, Chapter
608 242)
609 **4-32-108**, (Renumbered from 4-32-6, as last amended by Laws of Utah 2010, Chapter
610 242)
611 **4-32-109**, (Renumbered from 4-32-7, as last amended by Laws of Utah 2016, Chapter
612 18)
613 **4-32-110**, (Renumbered from 4-32-8, as last amended by Laws of Utah 2010, Chapter
614 242)

615 **4-32-111**, (Renumbered from 4-32-9, as last amended by Laws of Utah 1997, Chapter
616 296)
617 **4-32-112**, (Renumbered from 4-32-10, as last amended by Laws of Utah 1987, Chapter
618 161)
619 **4-32-113**, (Renumbered from 4-32-11, as last amended by Laws of Utah 2014, Chapter
620 189)
621 **4-32-114**, (Renumbered from 4-32-12, as last amended by Laws of Utah 2010, Chapter
622 242)
623 **4-32-115**, (Renumbered from 4-32-13, as last amended by Laws of Utah 2010, Chapter
624 242)
625 **4-32-116**, (Renumbered from 4-32-14, as last amended by Laws of Utah 1997, Chapter
626 289)
627 **4-32-117**, (Renumbered from 4-32-15, as enacted by Laws of Utah 1979, Chapter 2)
628 **4-32-118**, (Renumbered from 4-32-16, as last amended by Laws of Utah 2010, Chapters
629 242 and 378)
630 **4-32-119**, (Renumbered from 4-32-17, as last amended by Laws of Utah 2010, Chapter
631 242)
632 **4-32-120**, (Renumbered from 4-32-18, as last amended by Laws of Utah 2010, Chapter
633 242)
634 **4-32-121**, (Renumbered from 4-32-20, as last amended by Laws of Utah 2010, Chapter
635 242)
636 **4-32-122**, (Renumbered from 4-32-21, as last amended by Laws of Utah 2010, Chapter
637 242)
638 **4-32-123**, (Renumbered from 4-32-22, as last amended by Laws of Utah 2010, Chapters
639 242 and 378)
640 **4-33-101**, (Renumbered from 4-33-1, as enacted by Laws of Utah 1981, Chapter 8)
641 **4-33-102**, (Renumbered from 4-33-2, as enacted by Laws of Utah 1981, Chapter 8)
642 **4-33-103**, (Renumbered from 4-33-3, as enacted by Laws of Utah 1981, Chapter 8)
643 **4-33-104**, (Renumbered from 4-33-4, as last amended by Laws of Utah 2008, Chapter
644 382)
645 **4-33-105**, (Renumbered from 4-33-5, as enacted by Laws of Utah 1981, Chapter 8)

646 **4-33-106**, (Renumbered from 4-33-6, as enacted by Laws of Utah 1981, Chapter 8)
647 **4-33-107**, (Renumbered from 4-33-7, as enacted by Laws of Utah 1981, Chapter 8)
648 **4-33-108**, (Renumbered from 4-33-8, as last amended by Laws of Utah 2002, Chapter
649 9)
650 **4-33-109**, (Renumbered from 4-33-9, as enacted by Laws of Utah 1981, Chapter 8)
651 **4-33-110**, (Renumbered from 4-33-10, as enacted by Laws of Utah 1981, Chapter 8)
652 **4-34-102**, (Renumbered from 4-34-1, as enacted by Laws of Utah 1981, Chapter 70)
653 **4-34-103**, (Renumbered from 4-34-2, as enacted by Laws of Utah 1981, Chapter 70)
654 **4-34-104**, (Renumbered from 4-34-3, as enacted by Laws of Utah 1981, Chapter 70)
655 **4-34-105**, (Renumbered from 4-34-4, as enacted by Laws of Utah 1981, Chapter 70)
656 **4-34-106**, (Renumbered from 4-34-5, as enacted by Laws of Utah 1981, Chapter 70)
657 **4-34-107**, (Renumbered from 4-34-6, as last amended by Laws of Utah 1990, Chapter
658 157)
659 **4-35-101**, (Renumbered from 4-35-1, as enacted by Laws of Utah 1985, Chapter 133)
660 **4-35-102**, (Renumbered from 4-35-2, as last amended by Laws of Utah 1997, Chapter
661 82)
662 **4-35-103**, (Renumbered from 4-35-3, as last amended by Laws of Utah 2010, Chapter
663 286)
664 **4-35-104**, (Renumbered from 4-35-4, as last amended by Laws of Utah 2002, Chapter
665 132)
666 **4-35-105**, (Renumbered from 4-35-5, as enacted by Laws of Utah 1985, Chapter 133)
667 **4-35-106**, (Renumbered from 4-35-6, as last amended by Laws of Utah 2010, Chapter
668 391)
669 **4-35-107**, (Renumbered from 4-35-7, as last amended by Laws of Utah 2010, Chapter
670 378)
671 **4-35-108**, (Renumbered from 4-35-8, as enacted by Laws of Utah 1985, Chapter 133)
672 **4-35-109**, (Renumbered from 4-35-9, as enacted by Laws of Utah 1985, Chapter 133)
673 **4-38-101**, (Renumbered from 4-38-1, as enacted by Laws of Utah 1992, Chapter 296)
674 **4-38-102**, (Renumbered from 4-38-2, as last amended by Laws of Utah 1993, Chapter
675 64)
676 **4-38-103**, (Renumbered from 4-38-3, as last amended by Laws of Utah 2016, Chapter

677 19)
678 **4-38-104**, (Renumbered from 4-38-4, as last amended by Laws of Utah 2008, Chapter
679 382)
680 **4-38-105**, (Renumbered from 4-38-5, as enacted by Laws of Utah 1992, Chapter 296)
681 **4-38-106**, (Renumbered from 4-38-6, as last amended by Laws of Utah 2008, Chapter
682 382)
683 **4-38-201**, (Renumbered from 4-38-7, as last amended by Laws of Utah 2007, Chapter
684 322)
685 **4-38-202**, (Renumbered from 4-38-8, as last amended by Laws of Utah 2010, Chapter
686 324)
687 **4-38-203**, (Renumbered from 4-38-10, as last amended by Laws of Utah 1993, Chapter
688 64)
689 **4-38-301**, (Renumbered from 4-38-9, as last amended by Laws of Utah 1993, Chapters
690 4 and 64)
691 **4-38-302**, (Renumbered from 4-38-11, as enacted by Laws of Utah 1992, Chapter 296)
692 **4-38-303**, (Renumbered from 4-38-12, as enacted by Laws of Utah 1992, Chapter 296)
693 **4-38-304**, (Renumbered from 4-38-15, as enacted by Laws of Utah 1992, Chapter 296)
694 **4-38-401**, (Renumbered from 4-38-13, as enacted by Laws of Utah 1992, Chapter 296)
695 **4-38-402**, (Renumbered from 4-38-16, as enacted by Laws of Utah 1993, Chapter 64)
696 **4-38-501**, (Renumbered from 4-38-14, as last amended by Laws of Utah 2008, Chapter
697 382)
698 REPEALS:
699 **4-11-15**, as last amended by Laws of Utah 2010, Chapter 73
700 **4-18-109**, as enacted by Laws of Utah 2016, Chapter 166
701 **4-25-10**, as enacted by Laws of Utah 1979, Chapter 2
702 **4-25-11**, as repealed and reenacted by Laws of Utah 1988, Chapter 139
703 **4-31-117**, as renumbered and amended by Laws of Utah 2012, Chapter 331
704 **4-36-1**, as enacted by Laws of Utah 1985, Chapter 191
705 **4-36-2**, as enacted by Laws of Utah 1985, Chapter 191
706 **4-36-3**, as last amended by Laws of Utah 1997, Chapter 82
707 **4-36-4**, as last amended by Laws of Utah 1997, Chapter 82

708 **4-36-5**, as enacted by Laws of Utah 1985, Chapter 191
709 **4-36-6**, as enacted by Laws of Utah 1985, Chapter 191
710 **4-36-7**, as enacted by Laws of Utah 1985, Chapter 191
711 **Utah Code Sections Affected by Coordination Clause:**
712 **4-2-16**, Utah Code Annotated 1953
713 **4-2-305**, Utah Code Annotated 1953
714 **4-5-9.5**, as last amended by Laws of Utah 2008, Chapter 382
715 **4-5-501**, Utah Code Annotated 1953
716 **4-10-9**, as enacted by Laws of Utah 1979, Chapter 2
717 **4-10-110**, Utah Code Annotated 1953
718 **4-18-104**, as renumbered and amended by Laws of Utah 2013, Chapter 227
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720 *Be it enacted by the Legislature of the state of Utah:*
721 Section 1. Section **4-1-101**, which is renumbered from Section 4-1-1 is renumbered
722 and amended to read:
723 **TITLE 4. UTAH AGRICULTURAL CODE**
724 **[~~4-1-1~~]. 4-1-101. Title.**
725 This title [~~shall be~~] is known [~~and may be cited~~] as the "Utah Agricultural Code."
726 Section 2. Section **4-1-102**, which is renumbered from Section 4-1-2 is renumbered
727 and amended to read:
728 **[~~4-1-2~~]. 4-1-102. Construction.**
729 This [~~code~~] title shall be liberally construed and applied to promote and [~~effectuate~~]
730 carry out its policies and purposes.
731 Section 3. Section **4-1-103**, which is renumbered from Section 4-1-3 is renumbered
732 and amended to read:
733 **[~~4-1-3~~]. 4-1-103. Principles of law and equity applicable.**
734 Unless displaced by the particular provisions of this code, the principles of law and
735 equity supplement [~~its~~] the provisions of this title.
736 Section 4. Section **4-1-104**, which is renumbered from Section 4-1-3.5 is renumbered
737 and amended to read:
738 **[~~4-1-3.5~~]. 4-1-104. Procedures -- Adjudicative proceedings.**

739 The Department of Agriculture and Food and [~~its~~] the department's divisions shall
740 comply with [~~the procedures and requirements of~~] Title 63G, Chapter 4, Administrative
741 Procedures Act, in their adjudicative proceedings.
742 Section 5. Section **4-1-105**, which is renumbered from Section 4-1-4 is renumbered
743 and amended to read:
744 **[~~4-1-4~~]. 4-1-105. Code enforcement -- Inspection authorized --**
745 **Condemnation or seizure -- Injunctive relief -- Costs awarded -- County or district**
746 **attorney to represent state -- Criminal actions -- Witness fee.**
747 (1) To enforce a provision in this title, the department may:
748 (a) enter, at reasonable times, and inspect a public or private premises where an
749 agricultural product is located; and
750 (b) obtain a sample of an agricultural product at no charge to the department, unless
751 otherwise specified in this title.
752 (2) The department may proceed immediately, if admittance is refused, to obtain an ex
753 parte warrant from the nearest court of competent jurisdiction to allow entry to the premises to
754 inspect or obtain a sample.
755 (3) (a) The department is authorized in a court of competent jurisdiction to:
756 (i) seek an order of seizure or condemnation of an agricultural product that violates this
757 title; or
758 (ii) upon proper grounds, obtain a temporary restraining order or temporary or
759 permanent injunction to prevent violation of this title.
760 (b) The court may not require a bond of the department in an injunctive proceeding
761 brought under this section.
762 (4) (a) If the court orders condemnation, the department shall dispose of the
763 agricultural product as the court directs.
764 (b) The court may not order condemnation without giving the claimant of the
765 agricultural product an opportunity to apply to the court for permission to:
766 (i) bring the agricultural product into conformance; or
767 (ii) remove the agricultural product from the state.
768 (5) If the department prevails in an action authorized by Subsection (3)(a), the court
769 shall award court costs, fees, storage, and other costs to the department.

770 (6) (a) Unless otherwise specifically provided by this title, the county attorney of the
771 county in which the product is located or the act is committed shall represent the department in
772 an action commenced under authority of this section.
773 (b) The attorney general shall represent the department in an action to enforce:
774 (i) Chapter 3, Utah Dairy Act; or
775 (ii) Chapter 5, Utah Wholesome Food Act.
776 (7) (a) In a criminal action brought by the department for violation of this title, the
777 county attorney or district attorney in the county in which the alleged criminal activity occurs
778 shall represent the state.
779 (b) Before the department pursues a criminal action, the department shall first give to
780 the person [~~it~~] the department intends to have charged:
781 (i) written notice of [~~its~~] the department's intent to file criminal charges; and
782 (ii) an opportunity to present, personally or through counsel, the person's views with
783 respect to the contemplated action.
784 (8) A witness subpoenaed by the department for whatever purpose is entitled to:
785 (a) a witness fee for each day of required attendance at a proceeding initiated by the
786 department; and
787 (b) mileage in accordance with the fees and mileage allowed a witness appearing in a
788 district court of this state.
789 Section 6. Section **4-1-106**, which is renumbered from Section 4-1-5 is renumbered
790 and amended to read:
791 **[~~4-1-5~~]. 4-1-106. Suspension or revocation of license or registration --**
792 **Judicial review -- Attorney general to represent department.**
793 (1) If the department has reason to believe that a licensee or registrant is or has engaged
794 in conduct that violates this title, [~~it~~] the department shall issue and serve a notice of agency
795 action.
796 (2) The commissioner, or the hearing officer designated by the commissioner, may
797 suspend or revoke a person's license or registration if the commissioner or hearing officer finds
798 by a preponderance of the evidence that the person is engaging, or has engaged, in conduct that
799 violates this title.
800 (3) (a) Any person whose registration or license is suspended or revoked under this

801 section may obtain judicial review.
802 (b) Venue for judicial review of informal adjudicative proceedings is in the district
803 court in the county where the alleged acts giving rise to the suspension or revocation occurred.
804 (4) The attorney general shall represent the department in any original action or appeal
805 commenced under this section.
806 Section 7. Section **4-1-107**, which is renumbered from Section 4-1-6 is renumbered
807 and amended to read:
808 **[~~4-1-6~~]. 4-1-107. Fees and late charges.**
809 (1) If an annual registration, license, or other fee is imposed under any chapter of this
810 [~~code~~] title, it shall be determined by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2).
811 (2) If the renewal of the registration or license is conditioned[~~, among other things,~~]
812 upon the payment of a renewal fee on or before a specified date, the department shall charge
813 and collect the renewal fee and a late fee on any license or registration [~~which~~] that is renewed
814 after the date specified for renewal in the applicable chapter.
815 (3) The renewal fee and late fee shall be determined by the department pursuant to
816 Subsection [~~4-2-2~~] 4-2-103(2).
817 Section 8. Section **4-1-108**, which is renumbered from Section 4-1-7 is renumbered
818 and amended to read:
819 **[~~4-1-7~~]. 4-1-108. Severability clause.**
820 If any provision of this [~~code~~] title, or the application of any [~~such~~] provision to any
821 person or circumstance, is held invalid, the invalidity does not affect other provisions or
822 applications of this [~~code which~~] title that can be given effect without the invalid provision or
823 application, and to this end the provisions of this [~~code~~] title are declared to be severable.
824 Section 9. Section **4-1-109**, which is renumbered from Section 4-1-8 is renumbered
825 and amended to read:
826 **[~~4-1-8~~]. 4-1-109. General definitions.**
827 [~~Subject to additional definitions contained in the chapters of this title which are~~
828 ~~applicable to specific chapters, as~~]
829 As used in this title:
830 [~~(2)~~] (1) "Agricultural product" or "product of agriculture" means any product [~~which~~]
831 that is derived from agriculture, including any product derived from aquaculture as defined in

832 Section 4-37-103.
833 [~~(1)~~] (2) "Agriculture" means the science and art of the production of plants and
834 animals useful to man, including the preparation of plants and animals for human use and
835 disposal by marketing or otherwise.
836 (3) "Commissioner" means the commissioner of agriculture and food.
837 (4) "Department" means the Department of Agriculture and Food created in Chapter 2,
838 Department - State Chemist - Enforcement.
839 (5) "Dietary supplement" [~~has the meaning~~] means the same as that term is defined in
840 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
841 (6) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated
842 elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised
843 or kept for profit.
844 (7) "Organization" means a corporation, government or governmental subdivision or
845 agency, business trust, estate, trust, partnership, association, two or more persons having a joint
846 or common interest, or any other legal entity.
847 (8) "Person" means a natural person or individual, corporation, organization, or other
848 legal entity.
849 Section 10. Section **4-1-110**, which is renumbered from Section 4-1-9 is renumbered
850 and amended to read:
851 **[~~4-1-9~~]. 4-1-110. Growing or storing food for personal or family use.**
852 (1) As used in this section, "family food" means food owned by an individual that is
853 intended for the individual's consumption, or for consumption by members of the individual's
854 immediate family, that:
855 (a) is legal for human consumption;
856 (b) is lawfully possessed; and
857 (c) poses no risk:
858 (i) to health;
859 (ii) of spreading insect infestation; or
860 (iii) of spreading agricultural disease.
861 (2) Family food that is grown by an individual on the individual's property is not
862 subject to local or federal regulation if growth of the family food:

863 (a) does not negatively impact the rights of adjoining property owners; and
864 (b) complies with the food safety requirements of this title.
865 (3) A government entity may not confiscate family food described in Subsection (2) or
866 family food that is stored by the owner in the owner's home or dwelling.
867 (4) (a) If any provision of this section or the application of any provision of this section
868 to any person or circumstance is held invalid by a final decision of a court of competent
869 jurisdiction, the remainder of this section shall be given effect without the invalid provision or
870 application.
871 (b) The provisions of this section are severable.
872 Section 11. Section **4-2-101** is enacted to read:
873 **CHAPTER 2. ADMINISTRATION**
874 **Part 1. Organization**
875 **4-2-101. Title.**
876 This chapter is known as "Administration."
877 Section 12. Section **4-2-102**, which is renumbered from Section 4-2-1 is renumbered
878 and amended to read:
879 **[~~4-2-1~~]. 4-2-102. Department created.**
880 (1) There is [~~hereby~~] created within state government the Department of Agriculture
881 and Food [~~which~~].
882 (2) The department created in Subsection (1) is responsible [~~in this state~~] for the
883 administration and enforcement of all laws, services, functions, and consumer programs related
884 to agriculture in this state as assigned to the department by the Legislature.
885 Section 13. Section **4-2-103**, which is renumbered from Section 4-2-2 is renumbered
886 and amended to read:
887 **[~~4-2-2~~]. 4-2-103. Functions, powers, and duties of department -- Fees for**
888 **services -- Marketing orders -- Procedure -- Purchasing and auditing.**
889 (1) The department shall:
890 (a) inquire into and promote the interests and products of agriculture and [~~its~~] allied
891 industries;
892 (b) promote methods for increasing the production and facilitating the distribution of
893 the agricultural products of the state;

894 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
895 among livestock and the means for their prevention and cure; and
896 (ii) initiate, implement, and administer plans and programs to prevent the spread of
897 diseases among livestock;
898 (d) encourage experiments designed to determine the best means and methods for the
899 control of diseases among domestic and wild animals;
900 (e) issue marketing orders for any designated agricultural product to:
901 (i) promote orderly market conditions for any product;
902 (ii) give the producer a fair return on the producer's investment at the marketplace; and
903 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
904 commodities;
905 (f) administer and enforce all laws assigned to the department by the Legislature;
906 (g) establish standards and grades for agricultural products and fix and collect
907 reasonable fees for services performed by the department in conjunction with the grading of
908 agricultural products;
909 (h) establish operational standards for any establishment that manufactures, processes,
910 produces, distributes, stores, sells, or offers for sale any agricultural product;
911 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
912 rules necessary for the effective administration of the agricultural laws of the state;
913 (j) when necessary, make investigations, subpoena witnesses and records, conduct
914 hearings, issue orders, and make recommendations concerning all matters related to
915 agriculture;
916 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
917 private or public place that may become infested or infected with harmful insects, plant
918 diseases, noxious or poisonous weeds, or other agricultural pests;
919 (ii) establish and enforce quarantines;
920 (iii) issue and enforce orders and rules for the control and eradication of pests,
921 wherever they may exist within the state; and
922 (iv) perform other duties relating to plants and plant products considered advisable and
923 not contrary to law;
924 (l) inspect apiaries for diseases inimical to bees and beekeeping;

925 (m) take charge of any agricultural exhibit within the state, if considered necessary by
926 the department, and award premiums at that exhibit;
927 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,
928 Conservation Commission Act, and administer and disburse any funds available to assist
929 conservation districts in the state in the conservation of the state's soil and water resources;
930 (o) participate in the United States Department of Agriculture certified agricultural
931 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;
932 (p) promote and support the multiple use of public lands; and
933 (q) perform any additional functions, powers, and duties provided by law.
934 (2) The department, by following the procedures and requirements of Section
935 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.
936 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:
937 (i) the department gives notice of the proposed order to the producers and handlers of
938 the affected product;
939 (ii) the commissioner conducts a hearing on the proposed order; and
940 (iii) at least 50% of the registered producers and handlers of the affected products vote
941 in favor of the proposed order.
942 (b) (i) The department may establish boards of control to administer marketing orders
943 and the proceeds derived from any order.
944 (ii) [~~The~~] A board of control shall:
945 (A) ensure that all proceeds are placed in an account in the board of control's name in a
946 depository institution; and
947 (B) ensure that the account is annually audited by an accountant approved by the
948 commissioner.
949 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
950 deposited [~~in~~] into the General Fund as dedicated credits for the grain grading program.
951 (5) In fulfilling its duties in this chapter, the department may:
952 (a) purchase, as authorized or required by law, services that the department is
953 responsible to provide for legally eligible persons;
954 (b) take necessary steps, including legal action, to recover money or the monetary value
955 of services provided to a recipient who is not eligible;

956 (c) examine and audit the expenditures of any public funds provided to a local
957 authority, agency, or organization that contracts with or receives funds from those authorities or
958 agencies; and
959 (d) accept and administer grants from the federal government and from other sources,
960 public or private.
961 Section 14. Section **4-2-104**, which is renumbered from Section 4-2-3 is renumbered
962 and amended to read:
963 **[~~4-2-3~~]. 4-2-104. Administration by commissioner.**
964 (1) Administration of the department is under the direction, control, and management
965 of a commissioner appointed by the governor with the consent of the Senate.
966 (2) The commissioner shall serve at the pleasure of the governor.
967 (3) The governor shall establish the commissioner's compensation within the salary
968 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
969 Section 15. Section **4-2-105**, which is renumbered from Section 4-2-4 is renumbered
970 and amended to read:
971 **[~~4-2-4~~]. 4-2-105. Organization of divisions within department.**
972 The commissioner shall organize the department into divisions, as necessary, for the
973 efficient administration of the department's business.
974 Section 16. Section **4-2-106**, which is renumbered from Section 4-2-5 is renumbered
975 and amended to read:
976 **[~~4-2-5~~]. 4-2-106. Submission of department's budget.**
977 (1) The commissioner, [~~on or before October 1 of each year~~] upon request of the
978 governor, shall submit an itemized budget for the department to the governor.
979 (2) The proposed budget described in Subsection (1) shall:
980 (a) contain a complete plan of proposed expenditures and estimated revenues for the
981 ensuing fiscal year; and [~~shall~~]
982 (b) be accompanied by a statement setting forth the revenues and expenditures for the
983 fiscal year next preceding[~~,~~] and the current assets and liabilities of the department, including
984 restricted revenue accounts and dedicated credits.
985 Section 17. Section **4-2-107**, which is renumbered from Section 4-2-6 is renumbered
986 and amended to read:

987 **[~~4-2-6~~]. 4-2-107. Official seal -- Authentication of records.**
988 (1) The department shall adopt and use an official seal, a description and impression of
989 which shall be filed with the Division of Archives.
990 (2) Copies of official department records, documents, and proceedings may be
991 authenticated with the seal attested by the commissioner.
992 Section 18. Section **4-2-108**, which is renumbered from Section 4-2-7 is renumbered
993 and amended to read:
994 **[~~4-2-7~~]. 4-2-108. Agricultural Advisory Board created -- Composition --**
995 **Responsibility -- Terms of office -- Compensation.**
996 (1) There is created the Agricultural Advisory Board composed of 21 members, with
997 each member representing one of the following:
998 (a) Utah Farm Bureau Federation;
999 (b) Utah Farmers Union;
1000 (c) Utah Cattlemen's Association;
1001 (d) Utah Wool Growers[~~'~~] Association;
1002 (e) Utah Dairymen's Association;
1003 (f) Utah Pork [~~Producer's~~] Producers Association;
1004 (g) egg and poultry producers;
1005 (h) Utah Veterinary Medical Association;
1006 (i) Livestock Auction Marketing Association;
1007 (j) Utah Association of Conservation Districts;
1008 (k) the Utah horse industry;
1009 (l) the food processing industry;
1010 (m) the fruit and vegetable industry;
1011 (n) the turkey industry;
1012 (o) manufacturers of food supplements;
1013 (p) a consumer affairs group;
1014 (q) dean of the College of Agriculture and Applied Science and vice president of
1015 extension from Utah State University;
1016 (r) urban and small farmers;
1017 (s) Utah Elk Breeders Association;

1018 (t) Utah Beekeepers Association; and
1019 (u) Utah Fur Breeders Association.
1020 (2) (a) The Agricultural Advisory Board shall advise the commissioner regarding:
1021 (i) the planning, implementation, and administration of the department's programs; and
1022 (ii) the establishment of standards governing the care of livestock and poultry,
1023 including consideration of:
1024 (A) food safety;
1025 (B) local availability and affordability of food; and
1026 (C) acceptable practices for livestock and farm management.
1027 (b) The Agricultural Advisory Board shall fulfill the duties described in Title 4,
1028 Chapter 2, Part 5, Horse Tripping Awareness.
1029 (3) (a) Except as required by Subsection (3)(c), members are appointed by the
1030 commissioner to four-year terms of office.
1031 (b) The commissioner shall appoint representatives of the organizations cited in
1032 Subsections (1)(a) through (h) to the Agricultural Advisory Board from a list of nominees
1033 submitted by each organization.
1034 (c) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
1035 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1036 board members are staggered so that approximately half of the board is appointed every two
1037 years.
1038 (d) Members may be removed at the discretion of the commissioner upon the request
1039 of the group they represent.
1040 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
1041 appointed for the unexpired term.
1042 (4) The board shall elect one member to serve as chair of the Agricultural Advisory
1043 Board for a term of one year.
1044 (5) (a) The board shall meet four times annually, but may meet more often at the
1045 discretion of the chair.
1046 (b) Attendance of 11 members at a duly called meeting constitutes a quorum for the
1047 transaction of official business.
1048 (6) A member may not receive compensation or benefits for the member's service, but

1049 may receive per diem and travel expenses in accordance with:
1050 (a) Section 63A-3-106;
1051 (b) Section 63A-3-107; and
1052 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1053 63A-3-107.
1054 Section 19. Section **4-2-109**, which is renumbered from Section 4-2-8 is renumbered
1055 and amended to read:
1056 **[~~4-2-8~~]. 4-2-109. Temporary advisory committees -- Appointment --**
1057 **Compensation.**
1058 (1) The commissioner, with the permission of the governor, may appoint other
1059 advisory committees on a temporary basis to offer technical advice to the department.
1060 (2) A member of a committee serves at the pleasure of the commissioner.
1061 (3) A member may not receive compensation or benefits for the member's service, but
1062 may receive per diem and travel expenses in accordance with:
1063 (a) Section 63A-3-106;
1064 (b) Section 63A-3-107; and
1065 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1066 63A-3-107.
1067 Section 20. Section **4-2-201**, which is renumbered from Section 4-2-9 is renumbered
1068 and amended to read:
1069 **Part 2. State Chemist**
1070 **[~~4-2-9~~]. 4-2-201. Appointment of the state chemist.**
1071 The commissioner shall appoint a state chemist [~~shall be appointed by the~~
1072 ~~commissioner~~].
1073 Section 21. Section **4-2-202**, which is renumbered from Section 4-2-10 is renumbered
1074 and amended to read:
1075 **[~~4-2-10~~]. 4-2-202. State chemist responsibilities.**
1076 (1) The state chemist shall:
1077 (a) serve as the chief administrative officer of the Division of Laboratories; and
1078 (b) supervise and administer all analytical tests required to be performed under this title
1079 or under any rule [~~authorized by it~~] adopted under this title.

1080 (2) The state chemist may perform analytical tests for other state agencies, federal
1081 agencies, units of local government, and private persons if:
1082 (a) the tests and analytical work do not interfere with, or impede, the work required by
1083 the department; and
1084 (b) a charge commensurate with the work involved is made and collected.
1085 (3) The state chemist shall perform any other official duties assigned by the
1086 commissioner.
1087 Section 22. Section **4-2-301**, which is renumbered from Section 4-2-11 is renumbered
1088 and amended to read:
1089 **Part 3. Enforcement and Penalties**
1090 **[~~4-2-11~~]. 4-2-301. Attorney general legal advisor for department -- County or**
1091 **district attorney may bring action upon request of department for violations of title.**
1092 (1) The attorney general is the legal advisor for the department and shall defend the
1093 department and [~~its~~] the department's representatives in all actions and proceedings brought
1094 against [~~it~~] the department.
1095 (2) (a) The county attorney or the district attorney, as provided under Sections
1096 17-18a-202 and 17-18a-203, of the county in which a cause of action arises or a public offense
1097 occurs may bring civil or criminal action, upon request of the department, to enforce the laws,
1098 standards, orders, and rules of the department or to prosecute violations of this title.
1099 (b) If the county attorney or district attorney fails to act, the department may request the
1100 attorney general to bring an action on behalf of the department.
1101 Section 23. Section **4-2-302**, which is renumbered from Section 4-2-12 is renumbered
1102 and amended to read:
1103 **[~~4-2-12~~]. 4-2-302. Notice of violation -- Order for corrective action.**
1104 (1) Whenever the department determines that any person, or any officer or employee of
1105 any person, is violating any requirement of this title or rules adopted under this title, the
1106 department shall serve written notice upon the alleged violator [~~which~~] that specifies the
1107 violation and alleges the facts constituting the violation.
1108 (2) After serving notice as required in Subsection (1), the department may:
1109 (a) issue an order for necessary corrective action; and
1110 (b) request the attorney general [~~or the~~], county attorney, or [~~the~~] district attorney to

1111 seek injunctive relief and enforcement of the order as provided in Subsection [~~4-2-11~~]
1112 4-2-301(2).
1113 Section 24. Section **4-2-303**, which is renumbered from Section 4-2-14 is renumbered
1114 and amended to read:
1115 **[~~4-2-14~~]. 4-2-303. Violations of title unlawful.**
1116 It is unlawful for any person, or the [~~officers or employees~~] officer or employee of any
1117 person, to willfully violate, disobey, or disregard this title or any notice or order issued under
1118 this title.
1119 Section 25. Section **4-2-304**, which is renumbered from Section 4-2-15 is renumbered
1120 and amended to read:
1121 **[~~4-2-15~~]. 4-2-304. Civil and criminal penalties -- Costs -- Civil liability.**
1122 (1) (a) Except as otherwise provided by this title, any person, or the [~~officers or~~
1123 ~~employees~~] officer or employee of any person, who violates this title or any lawful notice or
1124 order issued pursuant to this title shall be assessed a penalty not to exceed $5,000 per violation
1125 in a civil proceeding, and is guilty of a class B misdemeanor in a criminal proceeding [~~is guilty~~
1126 ~~of a class B misdemeanor~~].
1127 (b) A subsequent criminal violation within two years is a class A misdemeanor.
1128 (2) Any person, or the [~~officers or employees~~] officer or employee of any person, shall
1129 be liable for any expenses incurred by the department in abating any violation of this title.
1130 (3) A penalty assessment or criminal conviction under this title does not relieve the
1131 person assessed or convicted from civil liability for claims arising out of any act [~~which~~] that
1132 was also a violation.
1133 Section 26. Section **4-2-401** is amended to read:
1134 **Part 4. State Veterinarian**
1135 **4-2-401. Appointment.**
1136 The commissioner shall appoint a state veterinarian [~~shall be appointed by the~~
1137 ~~commissioner~~].
1138 Section 27. Section **4-2-402** is amended to read:
1139 **4-2-402. State veterinarian responsibilities.**
1140 (1) The state veterinarian shall:
1141 (a) coordinate the department's responsibilities for:

1142 (i) the promotion of animal health; and
1143 (ii) the diagnosis, surveillance, and prevention of animal disease[~~; and~~].
1144 [~~(iii) livestock brand registration and inspection;~~]
1145 (b) aid the meat inspection manager, whose duties are specified by the commissioner,
1146 in the direction of the inspection of meat and poultry; and
1147 (c) perform other official duties assigned by the commissioner.
1148 (2) The state veterinarian may not receive compensation for services provided while
1149 engaging in the private practice of veterinary medicine.
1150 (3) The state veterinarian shall be a veterinarian licensed under Title 58, Chapter 28,
1151 Veterinary Practice Act.
1152 Section 28. Section **4-2-501** is amended to read:
1153 **Part 5. Horse Tripping Awareness**
1154 **4-2-501. Title.**
1155 This part is known as "Horse Tripping Awareness."
1156 Section 29. Section **4-2-502** is amended to read:
1157 **4-2-502. Definitions.**
1158 As used in this part:
1159 (1) "Board" means the Agricultural Advisory Board created in Section [~~4-2-7~~] 4-2-108.
1160 (2) "Horse event" means an event in which horses are roped or tripped for the purpose
1161 of a specific event or contest.
1162 (3) (a) "Horse tripping" means the lassoing or roping of the legs of an equine, or
1163 otherwise tripping or causing an equine to fall by any means, for the purpose of entertainment,
1164 sport, or contest, or practice for entertainment, sport, or contest.
1165 (b) "Horse tripping" does not include accepted animal husbandry practices, customary
1166 farming practices, or commonly accepted practices occurring in conjunction with a sanctioned
1167 rodeo, animal race, or pulling contest.
1168 Section 30. Section **4-2-503** is amended to read:
1169 **4-2-503. Event reporting requirements.**
1170 (1) The owner of a venue holding a horse event shall:
1171 (a) at least 30 days before the day on which the horse event is to be held, notify the
1172 board of the date, time, and name of the horse event; and

1173 (b) no later than 30 days after the day on which the horse event is held, notify the board
1174 of:
1175 (i) the number and type of competitions held at the horse event;
1176 (ii) the number of horses used;
1177 (iii) whether horse tripping occurred, and if so how many horses were used in horse
1178 tripping and how many times each horse was tripped; and
1179 (iv) whether a veterinarian was called during the horse event, and if so:
1180 (A) the name and contact information of the veterinarian;
1181 (B) the outcome of the veterinarian's examination of a horse; and
1182 (C) all veterinarian charges incurred.
1183 (2) (a) The department shall compile all reports received pursuant to Subsection (1)
1184 and provide the information to the board.
1185 (b) The board shall, at a meeting described in Subsection [~~4-2-7~~] 4-2-108(5)(a):
1186 (i) review the information described in Subsection (2)(a); and
1187 (ii) if necessary, make recommendations for rules or legislation designed to prohibit
1188 horse tripping.
1189 (3) The department shall fine the owner of a venue that fails to fulfill the duties
1190 described in Subsection (1) $500 per violation.
1191 (4) The department, in consultation with the board, shall make rules in accordance with
1192 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to enforce this part.
1193 Section 31. Section **4-2-504** is amended to read:
1194 **4-2-504. Horse tripping education -- Reporting requirements.**
1195 [~~(1)~~] The department, in conjunction with the board, shall:
1196 [~~(a)~~] (1) send a letter, annually, to venues that host horse events:
1197 [~~(i)~~] (a) outlining the reporting requirements of Section 4-2-503; and
1198 [~~(ii)~~] (b) providing educational information on the negative effects of horse tripping;
1199 and
1200 [~~(b)~~] (2) promote, as funding allows, policies regarding the safety and welfare of horses
1201 involved in horse events, such as horse roping and horse tripping.
1202 [~~(2) The department and the board shall, by November 30, 2015, report to the Natural~~
1203 ~~Resources, Agriculture, and Environment Interim Committee about:~~]

1204 [~~(a) reported incidents of horse tripping;~~]
1205 [~~(b) any recommendations made by the board pursuant to Subsection 4-2-503(2)(b);~~
1206 ~~and~~]
1207 [~~(c) the progress made in educating the public under Subsection (1).~~]
1208 Section 32. Section **4-3-101** is enacted to read:
1209 **CHAPTER 3. UTAH DAIRY ACT**
1210 **Part 1. Organization**
1211 **4-3-101. Title.**
1212 This chapter is known as the "Utah Dairy Act."
1213 Section 33. Section **4-3-102**, which is renumbered from Section 4-3-1 is renumbered
1214 and amended to read:
1215 **[~~4-3-1~~]. 4-3-102. Definitions.**
1216 As used in this chapter:
1217 (1) "Adulterated" means any dairy product that:
1218 (a) contains any poisonous or deleterious substance that may render it injurious to
1219 health;
1220 (b) has been produced, prepared, packaged, or held:
1221 (i) under unsanitary conditions;
1222 (ii) where it may have become contaminated; or
1223 (iii) where it may have become diseased or injurious to health;
1224 (c) contains any food additive that is unsafe within the meaning of 21 U.S.C. Sec. 348;
1225 (d) contains:
1226 (i) any filthy, putrid, or decomposed substance;
1227 (ii) fresh fluid milk with a lactic acid level at or above .0018; or
1228 (iii) cream with a lactic acid level at or above .008 or that is otherwise unfit for human
1229 food;
1230 (e) is the product of:
1231 (i) a diseased animal;
1232 (ii) an animal that died otherwise than by slaughter; or
1233 (iii) an animal fed upon uncooked offal;
1234 (f) has intentionally been subjected to radiation, unless the use of the radiation is in

1235 conformity with a rule or exemption promulgated by the department; or
1236 (g) (i) has any valuable constituent omitted or abstracted;
1237 (ii) has any substance substituted in whole or in part;
1238 (iii) has damage or inferiority concealed in any manner; or
1239 (iv) has any substance added, mixed, or packed with the product to:
1240 (A) increase its bulk or weight;
1241 (B) reduce its quality or strength; or
1242 (C) make it appear better or of greater value.
1243 (2) "Cow-share program" means a program in which a person acquires an undivided
1244 interest in a milk producing hoofed mammal through an agreement with a producer that
1245 includes:
1246 (a) a bill of sale for an interest in the mammal;
1247 (b) a boarding arrangement under which the person boards the mammal with the
1248 producer for the care and milking of the mammal and the boarding arrangement and bill of sale
1249 documents remain with the program operator;
1250 (c) an arrangement under which the person receives raw milk for personal use not to be
1251 sold or distributed in a retail environment or for profit; and
1252 (d) no more than two cows, 10 goats, and 10 sheep per farm in the program.
1253 (3) "Dairy product" means any product derived from raw or pasteurized milk.
1254 (4) "Distributor" means any person who distributes a dairy product.
1255 (5) (a) "Filled milk" means any milk, cream, or skimmed milk, whether condensed,
1256 evaporated, concentrated, powdered, dried, or desiccated, that has fat or oil other than milk fat
1257 added, blended, or compounded with it so that the resultant product is an imitation or
1258 semblance of milk, cream, or skimmed milk.
1259 (b) "Filled milk" does not include any distinctive proprietary food compound:
1260 (i) that is prepared and designated for feeding infants and young children, which is
1261 customarily used upon the order of a licensed physician;
1262 (ii) whose product name and label does not contain the word "milk"; and
1263 (iii) whose label conforms with the food labeling requirements.
1264 (6) "Frozen dairy products" mean dairy products normally served to the consumer in a
1265 frozen or semifrozen state.

1266 (7) "Grade A milk," "grade A milk products," and "milk" have the same meaning that
1267 is accorded the terms in the federal standards for grade A milk and grade A milk products
1268 unless modified by rules of the department.
1269 (8) "License" means a document allowing a person or plant to process, manufacture,
1270 supply, test, haul, or pasteurize milk or milk products or conduct other activity specified by the
1271 license.
1272 (9) "Manufacturer" means any person who processes milk in a way that changes the
1273 milk's character.
1274 (10) "Manufacturing milk" means milk used in the production of non-grade A dairy
1275 products.
1276 (11) "Misbranded" means:
1277 (a) any dairy product whose label is false or misleading in any particular, or whose
1278 label or package fails to conform to any federal regulation adopted by the department that
1279 pertains to packaging and labeling;
1280 (b) any dairy product in final packaged form manufactured in this state that does not
1281 bear:
1282 (i) the manufacturer's, packer's, or distributor's name, address, and plant number, if
1283 applicable;
1284 (ii) a clear statement of the product's common or usual name, quantity, and ingredients,
1285 if applicable; and
1286 (iii) any other information required by rule of the department;
1287 (c) any butter in consumer package form that is not at least B grade, or that does not
1288 meet the grade claimed on the package, measured by U.S.D.A. butter grade standards;
1289 (d) any imitation butter made in whole or in part from material other than wholesome
1290 milk or cream, except clearly labeled "margarine";
1291 (e) renovated butter unless the words "renovated butter," in letters not less than
1292 1/2-inch in height appear on each package, roll, square, or container of such butter; or
1293 (f) any dairy product in final packaged form that makes nutritional claims or adds or
1294 adjusts nutrients that are not so labeled.
1295 (12) "Pasteurization" means any process that renders dairy products practically free of
1296 disease organisms and is accepted by federal standards.

1297 (13) "Permit or certificate" means a document allowing a person to market milk.
1298 (14) "Plant" means any facility where milk is processed or manufactured.
1299 (15) "Processor" means any person who subjects milk to a process.
1300 (16) "Producer" means a person who owns a cow or other milk producing hoofed
1301 mammal that produces milk for consumption by persons other than the producer's family,
1302 employees, or nonpaying guests.
1303 (17) "Raw milk" means unpasteurized milk.
1304 (18) "Renovated butter" means butter that is reduced to a liquid state by melting and
1305 drawing off such liquid or butter oil and churning or otherwise manipulating it in connection
1306 with milk or any product of milk.
1307 (19) "Retailer" means any person who sells or distributes dairy products directly to the
1308 consumer.
1309 Section 34. Section **4-3-201**, which is renumbered from Section 4-3-2 is renumbered
1310 and amended to read:
1311 **Part 2. Rules and Regulations**
1312 **[~~4-3-2~~]. 4-3-201. Title -- Authority to make and enforce rules.**
1313 The department is authorized and directed, subject to Title 63G, Chapter 3, Utah
1314 Administrative Rulemaking Act, to make and enforce [~~such~~] rules [~~as may in its judgment and~~
1315 ~~discretion be necessary~~] to carry out the purposes of this chapter.
1316 Section 35. Section **4-3-202**, which is renumbered from Section 4-3-3 is renumbered
1317 and amended to read:
1318 **[~~4-3-3~~]. 4-3-202. Authority in local jurisdictions to regulate dairy products**
1319 **-- Department standards to govern -- Department evaluation permitted -- Local notice to**
1320 **cease inspection.**
1321 (1) While nothing in this chapter shall impair the authority of any town, city, or county
1322 to regulate the production, handling, storage, distribution, or sale of dairy products, frozen
1323 dairy products, grade A milk, grade A milk products, or milk, within their respective
1324 jurisdictions, a common standard as prescribed by the department shall be followed in such
1325 jurisdictions.
1326 (2) If a town, city, or county elects to enforce this chapter, the department shall accept
1327 its findings relative to inspections in lieu of making its own inspections, but the department

1328 may evaluate the effectiveness of any local inspection program.
1329 (3) If a town, city, or county intends to cease making inspections under this chapter, it
1330 shall notify the department of its intent to cease inspection at least one year in advance of the
1331 actual cessation of inspection.
1332 (4) Upon request, the commissioner shall cooperate with other state agencies, towns,
1333 cities, counties, and federal authorities in the administration and enforcement of this chapter.
1334 Section 36. Section **4-3-203**, which is renumbered from Section 4-3-4 is renumbered
1335 and amended to read:
1336 **[~~4-3-4~~]. 4-3-203. Authority to inspect premises.**
1337 (1) The department may inspect any premises where dairy products are produced,
1338 manufactured, processed, stored, or held for distribution, at reasonable times and places, to
1339 determine whether the premises are in compliance with this chapter and the rules adopted
1340 according to it.
1341 (2) If the department is denied access, it may proceed immediately to the nearest court
1342 of competent jurisdiction to seek an ex parte warrant or its equivalent to permit inspection of
1343 the premises.
1344 Section 37. Section **4-3-204**, which is renumbered from Section 4-3-5 is renumbered
1345 and amended to read:
1346 **[~~4-3-5~~]. 4-3-204. Authority to collect samples -- Receipt -- Names of**
1347 **distributors.**
1348 (1) Samples of dairy products from each dairy farm or processing plant may be secured
1349 and examined as often as deemed necessary by the department.
1350 (2) Samples of dairy products from stores, cafes, soda fountains, restaurants, and other
1351 places where dairy products are sold may be secured and examined as often as deemed
1352 necessary by the department.
1353 (3) Samples of milk or dairy products may be taken by the department at any time
1354 before final delivery to the consumer.
1355 (4) The department shall provide a signed receipt for all samples taken showing the
1356 date of sampling and the amount and kind of sample taken; provided, that the department is not
1357 liable to any person for the cost of any sample taken.
1358 (5) All proprietors of stores, cafes, restaurants, soda fountains, and other similar places

1359 shall furnish the department, upon request, with the names of all distributors from whom dairy
1360 products are obtained.
1361 Section 38. Section **4-3-205**, which is renumbered from Section 4-3-6 is renumbered
1362 and amended to read:
1363 **[~~4-3-6~~]. 4-3-205. Condemnation, embargo, denaturization of unfit milk or**
1364 **dairy products -- Unfit equipment.**
1365 (1) The department may condemn or embargo any milk or dairy product which is
1366 adulterated, misbranded, or not produced or processed in accordance with this chapter.
1367 (2) The department may condemn the use of any equipment, tank, or container used to
1368 produce, process, manufacture, or transport milk or dairy products that it finds, upon
1369 inspection, to be unclean or contaminated.
1370 (3) The department may mark or tag any condemned equipment, tank, or container
1371 with the words "this (equipment, tank, or container) is unfit to contain human food."
1372 (4) Condemned milk shall be decharacterized or denatured with harmless coloring or
1373 rennet by the department.
1374 Section 39. Section **4-3-206**, which is renumbered from Section 4-3-7 is renumbered
1375 and amended to read:
1376 **[~~4-3-7~~]. 4-3-206. Testing and measuring milk -- Standards prescribed --**
1377 **Milk quality work in accordance with rules.**
1378 (1) Milk shall be tested and measured in accordance with:
1379 (a) the latest edition of "Association of Official Analytical Chemists";
1380 (b) the latest edition of "Standard Methods for Examination of Dairy Products";
1381 (c) other publications accepted by the department; or
1382 (d) methods prescribed by the department.
1383 (2) A processor or manufacturer shall perform quality work in accordance with the
1384 rules adopted by the department.
1385 Section 40. Section **4-3-301**, which is renumbered from Section 4-3-8 is renumbered
1386 and amended to read:
1387 **Part 3. Licensing Permits**
1388 **[~~4-3-8~~]. 4-3-301. Licenses and permits -- Application -- Fee -- Expiration --**
1389 **Renewal.**

1390 (1) Application for a license to operate a plant, manufacture butter or cheese,
1391 pasteurize milk, test milk for payment, haul milk in bulk, or for the wholesale distribution of
1392 dairy products shall be made to the department upon forms prescribed and furnished by it.
1393 (2) Upon receipt of a proper application, compliance with all applicable rules, and
1394 payment of a license fee determined by the department according to Subsection [~~4-2-2~~]
1395 4-2-103(2), the commissioner, if satisfied that the public convenience and necessity and the
1396 industry will be served, shall issue an appropriate license to the applicant subject to suspension
1397 or revocation for cause.
1398 (3) Each license issued under this section expires at midnight on December 31 of each
1399 year.
1400 (4) A license to operate a plant, manufacture butter or cheese, pasteurize milk, test milk
1401 for payment, haul milk in bulk, or for the wholesale distribution of dairy products, is renewable
1402 for a period of one year upon the payment of an annual license renewal fee determined by the
1403 department according to Subsection [~~4-2-2~~] 4-2-103(2) on or before December 31 of each year.
1404 (5) Application for a permit or certificate to produce milk shall be made to the
1405 department on forms prescribed and furnished by it.
1406 (6) (a) Upon receipt of a proper application and compliance with all applicable rules,
1407 the commissioner shall issue a permit entitling the applicant to engage in the business of
1408 producer, subject to suspension or revocation for cause.
1409 (b) No fee may be charged by the department for issuance of a permit or certificate.
1410 Section 41. Section **4-3-302**, which is renumbered from Section 4-3-9 is renumbered
1411 and amended to read:
1412 **[~~4-3-9~~]. 4-3-302. Licenses, permits, and certificates -- Suspension or**
1413 **revocation -- Grounds.**
1414 (1) The department may revoke or suspend the license, permit, or certification of any
1415 person who violates this chapter or any rule enacted under the authority of this chapter.
1416 (2) All or part of any license, permit, or certification may be suspended immediately if
1417 an emergency exists that presents a clear and present danger to the public health, or if
1418 inspection or sampling is refused.
1419 Section 42. Section **4-3-401**, which is renumbered from Section 4-3-10 is renumbered
1420 and amended to read:

1421 **Part 4. Unlawful Acts**

1422 **[~~4-3-10~~]. 4-3-401. Unlawful acts specified.**

1423 It is unlawful for any person in this state to:

1424 (1) operate a plant without a license issued by the department;

1425 (2) market milk without a permit or certificate issued by the department;

1426 (3) manufacture butter or cheese, pasteurize milk, test milk for payment, or haul milk
1427 in bulk without a special license to perform the particular activity designated in this Subsection
1428 (3); unless if more than one person working in a plant is engaged in the performance of a single
1429 activity designated in this Subsection (3), the person who directs the activity is licensed;

1430 (4) manufacture, distribute, sell, deliver, hold, store, or offer for sale any adulterated or
1431 misbranded dairy product;

1432 (5) manufacture, distribute, sell, deliver, hold, store, or offer for sale any dairy product
1433 without a license, permit, or certificate required by this chapter;

1434 (6) sell or offer for sale any milk not intended for human consumption unless it is
1435 denatured or decharacterized in accordance with the rules of the department;

1436 (7) manufacture, distribute, sell, or offer for sale any filled milk labeled as milk or as a
1437 dairy product;

1438 (8) keep any animals with brucellosis, tuberculosis, or other infectious or contagious
1439 diseases communicable to humans in any place where they may come in contact with cows or
1440 other milking animals;

1441 (9) draw milk for human food from cows or other milking animals that are infected
1442 with tuberculosis, running sores, communicable diseases, or from animals that are fed feed that
1443 will produce milk that is adulterated;

1444 (10) accept or process milk from any producer without verification that the producer
1445 holds a valid permit or certification or, if milk is accepted from out of the state, without
1446 verification that the producer holds a permit or certification from the appropriate regulatory
1447 agency of that state;

1448 (11) use any contaminated or unclean equipment or container to process, manufacture,
1449 distribute, deliver, or sell a dairy product;

1450 (12) remove, change, conceal, erase, or obliterate any mark or tag placed upon any
1451 equipment, tank, or container by the department except to clean and sanitize it;

1452 (13) use any tank or container used for the transportation of milk or other dairy
1453 products that is unclean or contaminated;
1454 (14) refuse to allow the department to take samples for testing; or
1455 (15) prohibit adding vitamin compounds in the processing of milk and dairy products
1456 in accordance with rules of the department.
1457 Section 43. Section **4-3-402**, which is renumbered from Section 4-3-11 is renumbered
1458 and amended to read:
1459 **[~~4-3-11~~]. 4-3-402. Processors, manufacturers, or distributors -- Unlawful to**
1460 **give money, equipment, or fixtures to retailer or consumer -- Exceptions -- Shelf space for**
1461 **dairy products.**
1462 (1) As used in this section:
1463 (a) "liquid dairy product" means a milk container which contains a pint of milk or less;
1464 and
1465 (b) "novelty ice cream" means a package or container of ice cream which contains
1466 eight fluid ounces or less.
1467 (2) Except as provided in Subsections (3) and (4), no processor, manufacturer,
1468 distributor, or his affiliates, subsidiaries, associates, agents or stockholders shall furnish,
1469 service, repair, give, lease, sell, or loan to a retailer or consumer any:
1470 (a) money;
1471 (b) equipment;
1472 (c) fixtures, including ice cream cabinets or bulk milk dispensers;
1473 (d) supplies, excluding expendable supplies commonly provided in connection with the
1474 sale of dairy products to a consumer; or
1475 (e) other things having a real or substantial value.
1476 (3) (a) Ice cream cabinets may be loaned or sold to a retailer if the ice cream cabinet:
1477 (i) is portable;
1478 (ii) has a storage capacity not exceeding 12 cubic feet; and
1479 (iii) is used solely for retail display sales of novelty ice cream.
1480 (b) Milk coolers may be loaned or sold to a retailer if the milk cooler:
1481 (i) is portable;
1482 (ii) has a storage capacity not exceeding 12 cubic feet; and

1483 (iii) is used solely for retail display sales of liquid dairy products.
1484 (4) The leasing or renting of cabinets, dispensers, or coolers for dairy products for civic
1485 affairs, demonstrations, or exhibits is prohibited unless it is for a period of 10 days or less in
1486 any one period of three consecutive months.
1487 (5) (a) Except as provided in Subsections (5)(b) and (5)(c), no retailer shall lease, sell,
1488 or loan shelf or refrigerator space for dairy products to a processor, manufacturer, or distributor
1489 or receive anything of value from a processor, manufacturer, or distributor in exchange for
1490 shelf or refrigerator space for dairy products.
1491 (b) Subsection (5)(a) does not apply to a dairy by-product that is:
1492 (i) a short-term special; or
1493 (ii) a new product being introduced on a trial basis for a period not to exceed 45 days.
1494 (c) A processor, manufacturer, or distributor may loan or sell an ice cream cabinet or
1495 milk cooler to a retailer for the display of the processor's, manufacturer's, or distributor's
1496 products, if the ice cream cabinet or milk cooler meets the requirements of Subsection (3).
1497 Section 44. Section **4-3-403**, which is renumbered from Section 4-3-12 is renumbered
1498 and amended to read:
1499 **[~~4-3-12~~]. 4-3-403. Injunctions -- Bond not required -- Standing to maintain**
1500 **private action -- Damages authorized.**
1501 (1) (a) The commissioner is authorized to apply to any court of competent jurisdiction
1502 for a temporary restraining order or injunction restraining any person from violating this
1503 chapter.
1504 (b) No bond shall be required of the department in any proceeding brought under this
1505 subsection.
1506 (2) (a) In addition to penalties provided in this chapter, any person who suffers or is
1507 threatened with injury from any existing or threatened violation of Section [~~4-3-11~~] 4-3-402
1508 may commence an action in any court of competent jurisdiction for damages and, if proper,
1509 injunctive relief.
1510 (b) Any organized and existing trade association, whether incorporated or not, is
1511 authorized to institute and prosecute a suit for injunctive relief and damages, as the real party in
1512 interest, on behalf of one or more of its members if the violation of Section [~~4-3-11~~] 4-3-402
1513 directly or indirectly affects a member.

1514 Section 45. Section **4-3-501**, which is renumbered from Section 4-3-1.3 is renumbered
1515 and amended to read:
1516 **Part 5. Special Programs**
1517 **[~~4-3-1.3~~]. 4-3-501. Cow share program notification.**
1518 (1) A producer who is in a cow-share program, as defined in Section [~~4-3-1~~] 4-3-102,
1519 shall notify the department of the cow-share program and include in the notification:
1520 (a) the producer's name; and
1521 (b) a valid, current address of the farm on which the milk producing hoofed mammal in
1522 the cow-share program is located.
1523 (2) Upon receipt, the department shall keep a notification of a cow-share program
1524 described in Subsection (1) on file.
1525 Section 46. Section **4-3-502**, which is renumbered from Section 4-3-13 is renumbered
1526 and amended to read:
1527 **[~~4-3-13~~]. 4-3-502. Exemption.**
1528 (1) This chapter does not apply to milk or milk products produced on the farm if such
1529 milk or milk products are used by:
1530 (a) the owner of the farm;
1531 (b) a member of the owner's immediate family;
1532 (c) a participant in a cow-share program; or
1533 (d) a member of a participant in a cow-share program's immediate family.
1534 (2) The department may not adopt a rule that restricts, limits, or imposes additional
1535 requirements on an individual obtaining:
1536 (a) raw milk in accordance with the terms of a cow-share program agreement; or
1537 (b) an interest in a cow-share program in accordance with the terms of the cow-share
1538 program agreement.
1539 Section 47. Section **4-3-503**, which is renumbered from Section 4-3-14 is renumbered
1540 and amended to read:
1541 **[~~4-3-14~~]. 4-3-503. Sale of raw milk -- Suspension of producer's permit --**
1542 **Severability not permitted.**
1543 (1) As used in this section:
1544 (a) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.

1545 (b) "Self-owned retail store" means a retail store:
1546 (i) of which the producer owns at least 51% of the value of the real property and
1547 tangible personal property used in the operations of the retail store; or
1548 (ii) for which the producer has the power to vote at least 51% of any class of voting
1549 shares or ownership interest in the business entity that operates the retail store.
1550 (2) Raw milk may be manufactured, distributed, sold, delivered, held, stored, or offered
1551 for sale if:
1552 (a) the producer obtains a permit from the department to produce milk under
1553 Subsection [~~4-3-8~~] 4-3-301(5);
1554 (b) the sale and delivery of the milk is made upon the premises where the milk is
1555 produced, except as provided by Subsection (3);
1556 (c) the raw milk is sold to consumers for household use and not for resale;
1557 (d) the raw milk is bottled or packaged under sanitary conditions and in sanitary
1558 containers on the premises where the raw milk is produced;
1559 (e) the raw milk is labeled "raw milk" and meets the labeling requirements under 21
1560 C.F.R. Parts 101 and 131 and rules established by the department;
1561 (f) the raw milk is:
1562 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being
1563 drawn from the animal;
1564 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the
1565 animal; and
1566 (iii) maintained at 41 degrees Fahrenheit or a lower temperature until the raw milk is
1567 delivered to the consumer;
1568 (g) the bacterial count of the raw milk does not exceed 20,000 colony forming units per
1569 milliliter;
1570 (h) the coliform count of the raw milk does not exceed 10 colony forming units per
1571 milliliter;
1572 (i) the production of the raw milk conforms to departmental rules for the production of
1573 grade A milk;
1574 (j) all dairy animals on the premises are:
1575 (i) permanently and individually identifiable; and

1576 (ii) free of tuberculosis, brucellosis, and other diseases carried through milk; and
1577 (k) any person on the premises performing any work in connection with the production,
1578 bottling, handling, or sale of the raw milk is free from communicable disease.
1579 (3) A producer may distribute, sell, deliver, hold, store, or offer for sale raw milk at a
1580 self-owned retail store, which is properly staffed, if, in addition to the requirements of
1581 Subsection (2), the producer:
1582 (a) transports the raw milk from the premises where the raw milk is produced to the
1583 self-owned retail store in a refrigerated truck where the raw milk is maintained at 41 degrees
1584 Fahrenheit or a lower temperature;
1585 (b) retains ownership of the raw milk until it is sold to the final consumer, including
1586 transporting the raw milk from the premises where the raw milk is produced to the self-owned
1587 retail store without any:
1588 (i) intervening storage;
1589 (ii) change of ownership; or
1590 (iii) loss of physical control;
1591 (c) stores the raw milk at 41 degrees Fahrenheit or a lower temperature in a display
1592 case equipped with a properly calibrated thermometer at the self-owned retail store;
1593 (d) places a sign above each display case that contains raw milk at the self-owned retail
1594 store that:
1595 (i) is prominent;
1596 (ii) is easily readable by a consumer;
1597 (iii) reads in print that is no smaller than .5 inches in bold type, "This milk is raw and
1598 unpasteurized. Please keep refrigerated"; and
1599 (iv) meets any other requirement established by the department by rule;
1600 (e) labels the raw milk with:
1601 (i) a date, no more than nine days after the raw milk is produced, by which the raw
1602 milk should be sold;
1603 (ii) the statement "Raw milk, no matter how carefully produced, may be unsafe.";
1604 (iii) handling instructions to preserve quality and avoid contamination or spoilage;
1605 (iv) by January 1, 2017, a specific colored label as determined by the department by
1606 rule; and

1607 (v) any other information required by rule;
1608 (f) refrains from offering the raw milk for sale until:
1609 (i) the department or a third party certified by the department tests each batch of raw
1610 milk for standard plate count and coliform count; and
1611 (ii) the test results meet the minimum standards established for those tests;
1612 (g) (i) maintains a database of the raw milk sales; and
1613 (ii) makes the database available to the Department of Health during the self-owned
1614 retail store's business hours for purposes of epidemiological investigation;
1615 (h) ensures that the plant and retail store complies with [~~Title 4,~~] Chapter 5, Utah
1616 Wholesome Food Act, and the rules governing food establishments enacted under Section
1617 [~~4-5-9~~] 4-5-401; and
1618 (i) complies with all applicable rules adopted as authorized by this chapter.
1619 (4) A producer may distribute, sell, deliver, hold, store, or offer for sale raw milk and
1620 pasteurized milk at the same self-owned retail store if:
1621 (a) the self-owned retail store is properly staffed; and
1622 (b) the producer:
1623 (i) meets the requirements of Subsections (2) and (3);
1624 (ii) operates the self-owned retail store on the same property where the raw milk is
1625 produced; and
1626 (iii) maintains separate, labeled, refrigerated display cases for raw milk and pasteurized
1627 milk.
1628 (5) A person who conducts a test required by Subsection (3) shall send a copy of the
1629 test results to the department as soon as the test results are available.
1630 (6) (a) The department shall adopt rules, as authorized by Section [~~4-3-2~~] 4-3-201,
1631 governing the sale of raw milk at a self-owned retail store.
1632 (b) The rules adopted by the department shall include rules regarding:
1633 (i) permits;
1634 (ii) building and premises requirements;
1635 (iii) sanitation and operating requirements, including bulk milk tanks requirements;
1636 (iv) additional tests;
1637 (v) frequency of inspections, including random cooler checks;

1638 (vi) recordkeeping; and
1639 (vii) packaging and labeling.
1640 (c) (i) The department shall establish and collect a fee for the tests and inspections
1641 required by this section and by rule in accordance with Section 63J-1-504.
1642 (ii) Notwithstanding Section 63J-1-504, the department shall retain the fees as
1643 dedicated credits and may only use the fees to administer and enforce this section.
1644 (7) (a) The department shall suspend a permit issued under Section [~~4-3-8~~] 4-3-301 if:
1645 (i) two out of four consecutive samples or two samples in a 30-day period violate
1646 sample limits established under this section; or
1647 (ii) a producer violates a provision of this section or a rule adopted as authorized by
1648 this section.
1649 (b) The department may reissue a permit that has been suspended under Subsection
1650 (7)(a) if the producer has complied with all of the requirements of this section and rules
1651 adopted as authorized by this section.
1652 [~~(8) For 2014 and 2015, the Department of Health and the Department of Agriculture~~
1653 ~~and Food shall report on or before November 30th to the Natural Resources, Agriculture, and~~
1654 ~~Environment Interim Committee on any health problems resulting from the sale of raw whole~~
1655 ~~milk at self-owned retail stores.~~]
1656 [~~(9)~~] (8) (a) If any subsection of this section or the application of any subsection to any
1657 person or circumstance is held invalid by a final decision of a court of competent jurisdiction,
1658 the remainder of the section may not be given effect without the invalid subsection or
1659 application.
1660 (b) The provisions of this section may not be severed.
1661 Section 48. Section **4-4-101**, which is renumbered from Section 4-4-1 is renumbered
1662 and amended to read:
1663 **CHAPTER 4. EGGS**
1664 **[~~4-4-1~~]. 4-4-101. Title.**
1665 [~~The department shall establish grades and standards of quality, size, and weight~~
1666 ~~governing the sale of eggs.~~] This chapter is known as "Eggs."
1667 Section 49. Section **4-4-102**, which is renumbered from Section 4-4-2 is renumbered
1668 and amended to read:

1669 **[~~4-4-2~~]. 4-4-102. Department to establish egg grades and standards --**
1670 **Authority to make and enforce rules.**
1671 (1) The department shall establish grades and standards of quality, size, and weight
1672 governing the sale of eggs.
1673 (2) The department [~~is authorized~~] shall, subject to Title 63G, Chapter 3, Utah
1674 Administrative Rulemaking Act, [~~to~~] make and enforce [~~such~~] rules [~~as in its judgment~~] that
1675 are necessary to administer and enforce this chapter.
1676 Section 50. Section **4-4-103**, which is renumbered from Section 4-4-3 is renumbered
1677 and amended to read:
1678 **[~~4-4-3~~]. 4-4-103. Definitions.**
1679 As used in this chapter:
1680 (1) "Addled" or "white rot" means putrid or rotten.
1681 (2) "Adherent yolk" means the yolk has settled to one side and become fastened to the
1682 shell.
1683 (3) "Albumen" means the white of an egg.
1684 [~~(3)~~] (4) "Black rot" means the egg has deteriorated to such an extent that the whole
1685 interior presents a blackened appearance.
1686 [~~(4)~~] (5) "Black spot" means [~~mould~~] mold or bacteria have developed in isolated areas
1687 inside the shell.
1688 [~~(5)~~] (6) "Blood ring" means bacteria have developed to such an extent that blood is
1689 formed.
1690 [~~(6)~~] (7) "Candling" means the act of determining the condition of an egg by holding it
1691 before a strong light in such a way that [~~it~~] the light shines through the egg and reveals [~~its~~] the
1692 egg's contents.
1693 [~~(7) "Mouldy" means mould~~]
1694 (8) "Moldy" means mold spores have formed within the shell.
1695 Section 51. Section **4-4-104**, which is renumbered from Section 4-4-4 is renumbered
1696 and amended to read:
1697 **[~~4-4-4~~]. 4-4-104. Unlawful acts specified.**
1698 (1) It is unlawful for any person to sell, offer, or expose [~~any egg~~] for sale for human
1699 consumption any egg:

1700 (a) that is addled or [~~mouldy~~] moldy or that contains black spot, black rot, white rot,
1701 blood ring, adherent yolk, or a bloody or green [~~white, also called~~] albumen; or
1702 (b) without a sign or label that conforms to the standards for display and grade adopted
1703 by the department.
1704 (2) Nothing in this section [~~shall prohibit~~] prohibits the sale of a denatured [~~eggs~~] egg.
1705 Section 52. Section **4-4-105**, which is renumbered from Section 4-4-5 is renumbered
1706 and amended to read:
1707 **[~~4-4-5~~]. 4-4-105. Maintenance of candling records -- Inspection of records.**
1708 [~~Every~~] (1) A person who sells, offers, or exposes eggs for sale or exchange shall
1709 maintain candling records as prescribed by the department.
1710 (2) All candling records shall be open for examination by accredited inspectors or
1711 representatives of the department at reasonable times.
1712 Section 53. Section **4-4-106**, which is renumbered from Section 4-4-6 is renumbered
1713 and amended to read:
1714 **[~~4-4-6~~]. 4-4-106. Retailers exempt from prosecution -- Conditions for**
1715 **exemption.**
1716 [~~No~~] (1) Subject to Subsection (2), no retailer is subject to prosecution under this
1717 chapter if the retailer can establish that:
1718 (a) at the time [~~the eggs were~~] an egg was purchased the seller guaranteed that the
1719 [~~eggs~~] egg conformed to the grade [~~and~~], quality [~~and~~], size, and weight stated in the purchase
1720 invoice; and [~~that~~]
1721 (b) the [~~eggs were~~] egg was labeled for sale by the retailer in accordance with the
1722 purchase invoice[~~; provided, that such guaranty~~].
1723 (2) The guaranty by the seller described in Subsection (1)(a) does not exempt a retailer
1724 from prosecution if the [~~eggs~~] egg covered by the guaranty deteriorated to a lower grade or
1725 standard through some action or inaction of the retailer.
1726 Section 54. Section **4-5-101**, which is renumbered from Section 4-5-1 is renumbered
1727 and amended to read:
1728 **CHAPTER 5. UTAH WHOLESOME FOOD ACT**
1729 **Part 1. Administration**
1730 **[~~4-5-1~~]. 4-5-101. Title.**

1731 This chapter is known as the "Utah Wholesome Food Act."
1732 Section 55. Section **4-5-102**, which is renumbered from Section 4-5-2 is renumbered
1733 and amended to read:
1734 **[~~4-5-2~~]. 4-5-102. Definitions.**
1735 As used in this chapter:
1736 (1) "Advertisement" means a representation, other than by labeling, made to induce the
1737 purchase of food.
1738 (2) (a) "Color additive":
1739 (i) means a dye, pigment, or other substance not exempted under the federal act that,
1740 when added or applied to a food, is capable of imparting color[~~. "Color"~~]; and
1741 (ii) includes black, white, and intermediate grays.
1742 (b) "Color additive" does not include a pesticide chemical, soil or plant nutrient, or
1743 other agricultural chemical which imparts color solely because of its effect, before or after
1744 harvest, in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other
1745 natural physiological process of any plant life.
1746 (3) (a) "Consumer commodity" means a food, as defined by this act, or by the federal
1747 act.
1748 (b) "Consumer commodity" does not include:
1749 (i) a commodity subject to packaging or labeling requirements imposed under the
1750 Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Sec. 136 et seq.;
1751 (ii) a commodity subject to Title 4, Chapter 16, Utah Seed Act;
1752 (iii) a meat or meat product subject to the Federal Meat Inspection Act, 21 U.S.C. Sec.
1753 601 et seq.;
1754 (iv) a poultry or poultry product subject to the Poultry Inspection Act, 21 U.S.C. Sec.
1755 451 et seq.;
1756 (v) a tobacco or tobacco product; or
1757 (vi) a beverage subject to or complying with packaging or labeling requirements
1758 imposed under the Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.
1759 (4) "Contaminated" means not securely protected from dust, dirt, or foreign or
1760 injurious agents.
1761 (5) "Farmers market" means a market where producers of food products sell only fresh,

1762 raw, whole, unprocessed, and unprepared food items directly to the final consumer.
1763 (6) "Federal act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301
1764 et seq.
1765 (7) "Food" means:
1766 (a) an article used for food or drink for human or animal consumption or the
1767 components of the article;
1768 (b) chewing gum or its components; or
1769 (c) a food supplement for special dietary use which is necessitated because of a
1770 physical, physiological, pathological, or other condition.
1771 (8) (a) "Food additive" means a substance, the intended use of which results in the
1772 substance becoming a component, or otherwise affecting the characteristics, of a food.
1773 (b) (i) "Food additive" includes a substance or source of radiation intended for use in
1774 producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or
1775 holding food.
1776 [~~(b)~~] (ii) "Food additive" does not include:
1777 [~~(i)~~] (A) a pesticide chemical in or on a raw agricultural commodity;
1778 [~~(ii)~~] (B) a pesticide chemical that is intended for use or is used in the production,
1779 storage, or transportation of a raw agricultural commodity; or
1780 [~~(iii)~~] (C) a substance used in accordance with a sanction or approval granted pursuant
1781 to the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq. or the Federal Meat
1782 Inspection Act, 21 U.S.C. Sec. 601 et seq.
1783 (9) (a) "Food establishment" means a grocery store, bakery, candy factory, food
1784 processor, bottling plant, sugar factory, cannery, rabbit processor, meat processor, flour mill,
1785 cold or dry warehouse storage, or other facility where food products are manufactured, canned,
1786 processed, packaged, stored, transported, prepared, sold, or offered for sale.
1787 (b) "Food establishment" does not include:
1788 (i) a dairy farm, a dairy plant, or a meat establishment, which is subject to the Poultry
1789 Products Inspection Act, 21 U.S.C. Sec. 451 et seq., or the Federal Meat Inspection Act, 21
1790 U.S.C. Sec. 601 et seq.; or
1791 (ii) a farmers market.
1792 (10) "Label" means a written, printed, or graphic display on the immediate container of

1793 an article of food. [~~The department may require that a label contain specific written, printed, or~~
1794 ~~graphic information which is:~~]
1795 [~~(a) displayed on the outside container or wrapper of a retail package of an article; or~~]
1796 [~~(b) easily legible through the outside container or wrapper.~~]
1797 (11) "Labeling" means a label and other written, printed, or graphic display:
1798 (a) on an article of food or its containers or wrappers; or
1799 (b) accompanying the article of food.
1800 (12) "Official compendium" means the official documents or supplements to the:
1801 (a) United States Pharmacopoeia;
1802 (b) National Formulary; or
1803 (c) Homeopathic Pharmacopoeia of the United States.
1804 (13) (a) "Package" means a container or wrapping in which a consumer commodity is
1805 enclosed for use in the delivery or display of the consumer commodity to retail purchasers.
1806 (b) "Package" does not include:
1807 (i) package liners;
1808 (ii) shipping containers or wrapping used solely for the transportation of consumer
1809 commodities in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail
1810 distributors; or
1811 (iii) shipping containers or outer wrappings used by retailers to ship or deliver a
1812 consumer commodity to retail customers, if the containers and wrappings bear no printed
1813 information relating to the consumer commodity.
1814 (14) (a) "Pesticide" means a substance intended:
1815 (i) to prevent, destroy, repel, or mitigate a pest, as defined under Subsection [~~4-14-2~~]
1816 4-14-102(20); or
1817 (ii) for use as a plant regulator, defoliant, or desicant.
1818 (b) "Pesticide" does not include:
1819 (i) a new animal drug, as defined by 21 U.S.C. Sec. 321, that has been determined by
1820 the United States Secretary of Health and Human Services not to be a new animal drug by
1821 federal regulation establishing conditions of use of the drug; or
1822 (ii) animal feed, as defined by 21 U.S.C. Sec. 321, bearing or containing a new animal
1823 drug.

1824 (15) "Principal display panel" means that part of a label that is most likely to be
1825 displayed, presented, shown, or examined under normal and customary conditions of display
1826 for retail sale.
1827 (16) "Raw agricultural commodity" means a food in its raw or natural state, including
1828 all fruits that are washed, colored, or otherwise treated in their unpeeled, natural form prior to
1829 marketing.
1830 (17) "Registration" means the issuance of a certificate by the commissioner to a
1831 qualified food establishment.
1832 Section 56. Section **4-5-103**, which is renumbered from Section 4-5-7 is renumbered
1833 and amended to read:
1834 **[~~4-5-7~~]. 4-5-103. Adulterated food specified.**
1835 A food is adulterated:
1836 (1) (a) if it bears or contains any poisonous or deleterious substance that may render it
1837 injurious to health; but in case the substance is not an added substance the food may not be
1838 considered adulterated under this Subsection (1)(a) if the quantity of the substance in such food
1839 does not ordinarily render it injurious to health;
1840 (b) (i) if it bears or contains any added poisonous or added deleterious substance other
1841 than one that is:
1842 (A) a pesticide chemical in or on a raw agricultural commodity;
1843 (B) a food additive; or
1844 (C) a color additive that is unsafe within the meaning of Subsection [~~4-5-11~~]
1845 4-5-204(1); or
1846 (ii) if it is a raw agricultural commodity and it bears or contains a pesticide chemical
1847 that is unsafe within the meaning of 21 U.S.C. Sec. 346a; or
1848 (iii) if it is or it bears or contains any food additive that is unsafe within the meaning of
1849 21 U.S.C. Sec. 348; provided that where a pesticide chemical has been used in or on a raw
1850 agricultural commodity in conformity with an exemption granted or tolerance prescribed under
1851 21 U.S.C. 346a and the raw agricultural commodity has been subjected to processing such as
1852 canning, cooking, freezing, dehydrating, or milling the residue of such pesticide chemical
1853 remaining in or on such processed food shall, notwithstanding the provisions of Section
1854 [~~4-5-11~~] 4-5-204 and this Subsection (1)(b)(iii), not be considered unsafe if such residue in or

1855 on the raw agricultural commodity has been removed to the extent possible in good
1856 manufacturing practice, and the concentration of such residue in the processed food when ready
1857 to eat is not greater than the tolerance prescribed for the raw agricultural commodity;
1858 (c) if it consists in whole or in part of a diseased, contaminated, filthy, putrid, or
1859 decomposed substance, or if it is otherwise unfit for food;
1860 (d) if it has been produced, prepared, packed, or held under unsanitary conditions
1861 whereby it may have become contaminated with filth, or whereby it may have been rendered
1862 diseased, unwholesome, or injurious to health;
1863 (e) if it is, in whole or in part, the product of a diseased animal or an animal that has
1864 died otherwise than by slaughter, or of an animal that has been fed upon the uncooked offal
1865 from a slaughterhouse;
1866 (f) if its container is composed, in whole or in part, of any poisonous or deleterious
1867 substance that may render the contents injurious to health;
1868 (g) if it has been intentionally subjected to radiation, unless the use of the radiation was
1869 in conformity with a rule or exemption in effect pursuant to Section [~~4-5-11~~] 4-5-204, or 21
1870 U.S.C. Sec. 348; or
1871 (h) in meat or meat products are adulterated:
1872 (i) if such products are in casings, packages, or wrappers through which any part of
1873 their contents can be seen and which, or the markings of which, are colored red or any other
1874 color so as to be misleading or deceptive with respect to the color, quality, or kind of such
1875 products to which they are applied; or
1876 (ii) if such products contain or bear any color additive;
1877 (2) (a) if any valuable constituent has been in whole or in part omitted or abstracted
1878 therefrom;
1879 (b) if any substance has been substituted wholly or in part therefor;
1880 (c) if damage or inferiority has been concealed in any manner; or
1881 (d) if any substance has been added or mixed or packed therewith so as to increase its
1882 bulk or weight, or reduce its quality or strength or make it appear better or of greater value than
1883 it is; or
1884 (3) if it is confectionery, and:
1885 (a) has partially or completely imbedded therein any nonnutritive object; provided that

1886 this Subsection (3)(a) does not apply in the case of any nonnutritive objective if, in the
1887 judgment of the department such object is of practical functional value to the confectionery
1888 product and would not render the product injurious or hazardous to health;
1889 (b) bears or contains any alcohol other than alcohol not in excess of .05% by volume
1890 derived solely from the use of flavoring extracts; or
1891 (c) bears or contains any nonnutritive substance; provided, that this Subsection (3)(c)
1892 does not apply to a safe nonnutritive substance that is in or on confectionery by reason of its
1893 use for some practical functional purpose in the manufacture, packaging, or storing of such
1894 confectionery if the use of the substance does not promote deception of the consumer or
1895 otherwise result in adulteration or misbranding in violation of this chapter.
1896 (4) The department may, for the purpose of avoiding or resolving uncertainty as to the
1897 application of Subsection (3)(c), issue rules allowing or prohibiting the use of particular
1898 nonnutritive substances.
1899 Section 57. Section **4-5-104**, which is renumbered from Section 4-5-17 is renumbered
1900 and amended to read:
1901 **[~~4-5-17~~]. 4-5-104. Authority to make and enforce rules.**
1902 (1) The department may adopt rules to efficiently enforce this chapter, and if
1903 practicable, adopt rules that conform to the regulations adopted under the Federal Food, Drug,
1904 and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
1905 (2) Hearings authorized or required by this chapter shall be conducted by the
1906 department or by an officer, agent, or employee designated by the department.
1907 (3) (a) Except as provided by Subsection (3)(b), all pesticide chemical regulations and
1908 their amendments now or hereafter adopted under authority of the Federal Food, Drug, and
1909 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the pesticide chemical regulations in this state.
1910 (b) The department may adopt a rule that prescribes tolerance for pesticides in finished
1911 foods in this state whether or not in accordance with regulations promulgated under the federal
1912 act.
1913 (4) (a) Except as provided by Subsection (4)(b), all food additive regulations and their
1914 amendments now or hereafter adopted under authority of the Federal Food, Drug, and
1915 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the food additive regulations in this state.
1916 (b) The department may adopt a rule that prescribes conditions under which a food

1917 additive may be used in this state whether or not in accordance with regulations promulgated
1918 under the federal act.
1919 (5) All color additive regulations adopted under authority of the Federal Food, Drug,
1920 and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the color additive rules in this state.
1921 (6) (a) Except as provided by Subsection (6)(b), all special dietary use regulations
1922 adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et
1923 seq., are the special dietary use rules in this state.
1924 (b) The department may, if it finds it necessary to inform purchasers of the value of a
1925 food for special dietary use, prescribe special dietary use rules whether or not in accordance
1926 with regulations promulgated under the federal act.
1927 (7) (a) Except as provided by Subsection (7)(b), all regulations adopted under the Fair
1928 Packaging and Labeling Act, 15 U.S.C. Sec. 1453 et seq., shall be the rules in this state.
1929 (b) Except as provided by Subsection (7)(c), the department may, if it finds it necessary
1930 in the interest of consumers, prescribe package and labeling rules for consumer commodities,
1931 whether or not in accordance with regulations promulgated under the federal act.
1932 (c) The department may not adopt rules that are contrary to the labeling requirements
1933 for the net quantity of contents required according to 15 U.S.C. Sec. 1453(a)(4).
1934 (8) (a) A federal regulation automatically adopted according to this chapter takes effect
1935 in this state on the date it becomes effective as a federal regulation.
1936 (b) The department shall publish all other proposed rules in publications prescribed by
1937 the department.
1938 (c) (i) A person who may be adversely affected by a rule may, within 30 days after a
1939 federal regulation is automatically adopted, or within 30 days after publication of any other
1940 rule, file with the department, in writing, objections and a request for a hearing.
1941 (ii) The timely filing of substantial objections to a federal regulation automatically
1942 adopted stays the effect of the rule.
1943 (d) (i) If no substantial objections are received and no hearing is requested within 30
1944 days after publication of a proposed rule, it shall take effect on a date set by the department.
1945 (ii) The effective date shall be at least 60 days after the time for filing objections has
1946 expired.
1947 (e) (i) If timely substantial objections are made to a federal regulation within 30 days

1948 after it is automatically adopted or to a proposed rule within 30 days after it is published, the
1949 department, after notice, shall conduct a public hearing to receive evidence on the issues raised
1950 by the objections.
1951 (ii) Any interested person or [~~his~~] the person's representative may be heard.
1952 (f) (i) The department shall act upon objections by order and shall mail the order to
1953 objectors by certified mail as soon after the hearing as practicable.
1954 (ii) The order shall be based on substantial evidence in the record of the hearing.
1955 (g) (i) If the order concerns a proposed rule, it may withdraw it or set an effective date
1956 for the rule as published or as modified by the order.
1957 (ii) The effective date shall be at least 60 days after publication of the order.
1958 (9) Whenever a regulation is promulgated under authority of the Federal Food, Drug,
1959 and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., establishing standards for food, the tolerances
1960 established by the department under this chapter shall immediately conform to the standards
1961 established by the Federal Food and Drug Administration as herein provided and shall remain
1962 the same until the department determines that for reasons peculiar to Utah a different rule
1963 should apply.
1964 Section 58. Section **4-5-105**, which is renumbered from Section 4-5-18 is renumbered
1965 and amended to read:
1966 **[~~4-5-18~~]. 4-5-105. Inspection of premises and records -- Authority to take**
1967 **samples -- Inspection results reported.**
1968 (1) An authorized agent of the department upon presenting appropriate credentials to
1969 the owner, operator, or agent in charge, may:
1970 (a) enter at reasonable times any factory, warehouse, or establishment in which food is
1971 manufactured, processed, packed, or held for introduction into commerce or after introduction
1972 into commerce;
1973 (b) enter any vehicle being used to transport or hold food in commerce;
1974 (c) inspect at reasonable times and within reasonable limits and in a reasonable manner
1975 any factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and
1976 unfinished materials, containers, and labeling located within it;
1977 (d) obtain samples necessary for the enforcement of this chapter so long as the
1978 department pays the posted price for the sample if requested to do so and receives a signed

1979 receipt from the person from whom the sample is taken;
1980 (e) have access to and copy all records of carriers in commerce showing:
1981 (i) the movement in commerce of any food;
1982 (ii) the holding of food during or after movement in commerce; and
1983 (iii) the quantity, shipper, and consignee of food.
1984 (2) Evidence obtained under this section may not be used in a criminal prosecution of
1985 the person from whom the evidence was obtained.
1986 (3) Carriers may not be subject to the other provisions of this chapter by reason of their
1987 receipt, carriage, holding, or delivery of food in the usual course of business as carriers.
1988 (4) Upon completion of the inspection of a factory, warehouse, consulting laboratory,
1989 or other establishment and prior to leaving the premises, the authorized agent making the
1990 inspection shall give to the owner, operator, or agent in charge a report in writing setting forth
1991 any conditions or practices observed by him which in his judgment indicate that any food in the
1992 establishment:
1993 (a) consists in whole or in part of any filthy, putrid, or decomposed substance; or
1994 (b) has been prepared, packed, or held under unsanitary conditions whereby it may
1995 have become contaminated with filth or whereby it may have been rendered injurious to health.
1996 (5) A copy of the report shall be sent promptly to the department.
1997 (6) If the authorized agent making the inspection of a factory, warehouse, or other
1998 establishment has obtained any sample in the course of the inspection, the agent shall give to
1999 the owner, operator, or agent in charge a receipt describing the samples obtained.
2000 (7) When in the course of the inspection the officer or employee making the inspection
2001 obtains a sample of any food and an analysis is made of the sample for the purpose of
2002 ascertaining whether the food consists in whole or in part of any filthy, putrid, or decomposed
2003 substance or is otherwise unfit for food, a copy of the results of the analysis shall be furnished
2004 promptly to the owner, operator, or agent in charge.
2005 Section 59. Section **4-5-106**, which is renumbered from Section 4-5-19 is renumbered
2006 and amended to read:
2007 **[~~4-5-19~~]. 4-5-106. Publication of reports and information.**
2008 (1) The department shall publish reports summarizing all judgments, decrees, and court
2009 orders which have been rendered under this chapter, including the nature of the charge and its

2010 disposition.
2011 (2) The department shall disseminate information regarding food which it considers
2012 necessary in the interest of public health and for the protection of consumers against fraud.
2013 (3) Nothing in this section [~~shall be construed to prohibit~~] prohibits the department
2014 from collecting, reporting, and illustrating the results of investigations made by [~~it~~] the
2015 department.
2016 Section 60. Section **4-5-201**, which is renumbered from Section 4-5-8 is renumbered
2017 and amended to read:
2018 **Part 2. Labels and Regulations**
2019 **[~~4-5-8~~]. 4-5-201. Labeling requirements -- Misbranded food specified.**
2020 (1) The department may require that a label contain specific written, printed, or graphic
2021 information which is:
2022 (a) displayed on the outside container or wrapper of a retail package of an article; or
2023 (b) easily legible through the outside container or wrapper.
2024 [~~(1)~~] (2) Food is misbranded if:
2025 (a) its label is false or misleading in any way;
2026 (b) its labeling or packaging fails to conform with the requirements of Section [~~4-5-15~~]
2027 4-5-205;
2028 (c) it is offered for sale under the name of another food;
2029 (d) its container is so made, formed, or filled with packing material or air as to be
2030 misleading; or
2031 (e) it fails to conform with any requirement specified in this section.
2032 [~~(2)~~] (3) A food that is an imitation of another food shall bear a label, in type of
2033 uniform size and prominence, stating the word "imitation," and, immediately thereafter, the
2034 name of the food imitated.
2035 [~~(3)~~] (4) (a) A food in package form shall bear a label containing:
2036 (i) the name and place of business of the manufacturer, packer, or distributor; and
2037 (ii) an accurate statement of the quantity of the contents in terms of weight, measure, or
2038 numerical count.
2039 (b) The statement required by Subsection [~~(3)~~] (4)(a)(ii) shall be separately and
2040 accurately stated in a uniform location upon the principal display panel of the label unless

2041 reasonable variations and exemptions for small packages are established by a rule made by the
2042 department.
2043 (c) A manufacturer or distributor of carbonated beverages who utilizes proprietary
2044 stock or a proprietary crown is exempt from Subsection [~~(3)~~] (4)(a)(i) if he files with the
2045 department:
2046 (i) a sworn affidavit giving a full and complete description of each area within the state
2047 in which beverages of his manufacturing or distributing are to be distributed; and
2048 (ii) the name and address of the person responsible for compliance with this chapter
2049 within each of those areas.
2050 [~~(4)~~] (5) Any word, statement, or other information required by this chapter to appear
2051 on the label or labeling shall be:
2052 (a) prominently placed on the label;
2053 (b) conspicuous in comparison with other words, statements, designs, or devices in the
2054 labeling; and
2055 (c) in terms which render it likely to be read and understood by the ordinary individual
2056 under customary conditions of purchase and use.
2057 [~~(5)~~] (6) If a food is represented as a food for which a definition and standard of
2058 identity has been prescribed by federal regulations or department rules as provided by Section
2059 [~~4-5-6~~] 4-5-207, it shall:
2060 (a) conform to the definition and standard; and
2061 (b) have a label bearing:
2062 (i) the name of the food specified in the definition and standard; and
2063 (ii) insofar as may be required by the rules, the common names of optional ingredients,
2064 other than spices, flavorings, and colorings, present in the food.
2065 [~~(6)~~] (7) If a food is represented as a food for which a standard of quality has been
2066 prescribed by federal regulations or department rules as provided by Section [~~4-5-6~~] 4-5-207,
2067 and its quality falls below the standard, its label shall bear, in the manner and form as the
2068 regulations or rules specify, a statement indicating that it falls below the standards.
2069 [~~(7)~~] (8) If a food is represented as a food for which a standard of fill of container has
2070 been prescribed by federal regulations or department rules as provided by Section [~~4-5-6~~]
2071 4-5-207, and it falls below the applicable standard of fill, its label shall bear, in the manner and

2072 form as the regulations or rules specify, a statement indicating that it falls below the standard.
2073 [~~(8)~~] (9) (a) Any food for which neither a definition nor standard of identity has been
2074 prescribed by federal regulations or department rules as provided by Section [~~4-5-6~~] 4-5-207
2075 shall bear labeling clearly giving:
2076 (i) the common or usual name of the food, if any; and
2077 (ii) in case it is fabricated from two or more ingredients, the common or usual name of
2078 each ingredient, except that spices, flavorings, and colorings, other than those sold as such,
2079 may be designated as spices, flavorings, and colorings without naming each.
2080 (b) To the extent that compliance with the requirements of Subsection [~~(8)~~] (9)(a)(ii) is
2081 impractical or results in deception or unfair competition, exemptions shall be established by
2082 rules made by the department.
2083 [~~(9)~~] (10) If a food is represented as a food for special dietary uses, its label shall bear
2084 the information concerning its vitamin, mineral, and other dietary properties as the department
2085 by rule prescribes.
2086 [~~(10)~~] (11) (a) If a food bears or contains any artificial flavoring, artificial coloring, or
2087 chemical preservatives, its label shall state that fact.
2088 (b) If compliance with the requirements of [~~this subsection~~] Subsection (11)(a) is
2089 impracticable, exemptions shall be established by rules made by the department.
2090 [~~(11)~~] (12) (a) The shipping container of any raw agricultural commodity bearing or
2091 containing a pesticide chemical applied after harvest shall bear labeling which declares the
2092 presence of the chemical in or on the commodity and the common or usual name and function
2093 of the chemical.
2094 (b) The declaration is not required while the commodity, having been removed from
2095 the shipping container, is being held or displaced for sale at retail out of the container in
2096 accordance with the custom of the trade.
2097 [~~(12)~~] (13) A product intended as an ingredient of another food, when used according
2098 to the directions of the purveyor, may not result in the final food product being adulterated or
2099 misbranded.
2100 [~~(13)~~] (14) The packaging and labeling of a color additive shall be in conformity with
2101 the packaging and labeling requirements applicable to the color additive prescribed under the
2102 federal act.

2103 [~~(14)~~] (15) (a) Subsections [~~(5), (8), and (10)~~] (6), (9), and (11) with respect to artificial
2104 coloring do not apply to butter, cheese, or ice cream.
2105 (b) Subsection [~~(10)~~] (11) with respect to chemical preservatives does not apply to a
2106 pesticide chemical when used in or on a raw agricultural commodity.
2107 Section 61. Section **4-5-202**, which is renumbered from Section 4-5-5 is renumbered
2108 and amended to read:
2109 **[~~4-5-5~~]. 4-5-202. Adulterated or misbranded articles -- Tagging -- Detention**
2110 **or embargo -- Court proceedings for condemnation -- Perishable food.**
2111 (1) (a) When an authorized agent of the department finds or has probable cause to
2112 believe that any food is adulterated, or so misbranded as to be dangerous or fraudulent within
2113 the meaning of this chapter, [~~he~~] the agents shall affix to the food a tag or other appropriate
2114 marking, giving notice that:
2115 (i) the food is, or is suspected of being, adulterated or misbranded;
2116 (ii) the food has been detained or embargoed; and
2117 (iii) removal of the food is prohibited as provided in Subsection (1)(b).
2118 (b) No person may remove or dispose of detained or embargoed food by sale or
2119 otherwise until permission for removal or disposal is given by an agent of the department or the
2120 court.
2121 (2) (a) When food detained or embargoed under Subsection (1) has been found by an
2122 agent to be adulterated or misbranded, the department shall petition the district court in whose
2123 jurisdiction the food is detained or embargoed for an order of condemnation of the food.
2124 (b) When the agent has found that food so detained or embargoed is not adulterated or
2125 misbranded, the department shall remove the tag or other marking.
2126 (3) (a) If the court finds that detained or embargoed food is adulterated or misbranded,
2127 the food shall, after entry of the decree, be destroyed under the supervision of the agent.
2128 (b) If the adulteration or misbranding can be corrected by proper labeling or processing
2129 of the food, the court may by order direct that the food be delivered to the claimant for labeling
2130 or processing after:
2131 (i) entry of the decree;
2132 (ii) all costs, fees, and expenses have been paid; and
2133 (iii) a sufficient bond, conditioned that the food shall be properly labeled and

2134 processed, has been executed.
2135 (c) An agent of the department shall supervise, at the claimant's expense, the labeling
2136 or processing of the food.
2137 (d) The bond shall be returned to the claimant of the food upon:
2138 (i) representation to the court by the department that the food is no longer in violation
2139 of this chapter; and
2140 (ii) the expenses of supervision have been paid.
2141 (4) If an authorized agent of the department finds in any building or vehicle any
2142 perishable food which is unsound, contains any filthy, decomposed, or putrid substance, or may
2143 be poisonous, deleterious to health, or otherwise unsafe, the commissioner or his authorized
2144 agent shall condemn or destroy the food or render it unsalable as human food.
2145 Section 62. Section **4-5-203**, which is renumbered from Section 4-5-10 is renumbered
2146 and amended to read:
2147 **[~~4-5-10~~]. 4-5-203. Food processed, labeled, or repacked at another location --**
2148 **Exemption from labeling requirements by rule.**
2149 (1) The department shall adopt rules exempting food from any labeling requirement of
2150 this chapter that is, in accordance with the practice of the trade, to be processed, labeled or
2151 repacked in substantial quantities at establishments other than those where originally processed
2152 or packed, on condition that the food is not adulterated or misbranded under this chapter upon
2153 removal from such processing, labeling or repacking establishment.
2154 (2) (a) Regulations now or hereafter adopted under authority of the Federal Food,
2155 Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., relating to the exemptions described in
2156 Subsection (1) are automatically effective in this state.
2157 (b) The department may adopt additional rules or amendments to existing rules
2158 concerning exemptions.
2159 Section 63. Section **4-5-204**, which is renumbered from Section 4-5-11 is renumbered
2160 and amended to read:
2161 **[~~4-5-11~~]. 4-5-204. Substances considered unsafe -- Authority in department**
2162 **to regulate quantity and use.**
2163 (1) (a) Any added poisonous or deleterious substance, any food additive, any pesticide
2164 chemical in or on a raw agricultural commodity or any color additive, with respect to any

2165 particular use or intended use, is considered to be unsafe for the purpose of application of
2166 Subsection [~~4-5-7~~] 4-5-103(1)(b) unless:
2167 (i) there is in effect a rule adopted pursuant to this section or Section [~~4-5-17~~] 4-5-104
2168 limiting the quantity of the substance; and
2169 (ii) the use or intended use of the substance conforms to the terms prescribed by the
2170 rule.
2171 (b) While the rules relating to the substance are in effect, a food may not, by reason of
2172 bearing or containing the substance in accordance with the rules, be considered adulterated
2173 within the meaning of Subsection [~~4-5-7~~] 4-5-103(1)(a).
2174 (2) The department may make rules, which may or may not be in accordance with
2175 regulations made under the federal act, prescribing:
2176 (a) tolerances, including zero tolerances, for:
2177 (i) added poisonous or deleterious substances;
2178 (ii) food additives;
2179 (iii) pesticide chemicals in or on raw agricultural commodities; or
2180 (iv) color additives;
2181 (b) exemptions from tolerances in the case of pesticide chemicals in or on raw
2182 agricultural commodities; or
2183 (c) conditions under which a food additive or a color additive may be safely used and
2184 exemptions when a food additive or color additive may be used solely for investigational or
2185 experimental purposes.
2186 (3) (a) The department may make these rules upon its own initiative or upon the
2187 petition of any interested party.
2188 (b) It is incumbent upon the petitioner to establish by data submitted to the department
2189 that the rule is necessary to protect the public health.
2190 (c) If the data furnished by the petitioner is not sufficient to allow the department to
2191 determine whether the rule should be made, the department may require additional data to be
2192 submitted.
2193 (d) Failure to comply with the request is sufficient grounds to deny the request.
2194 (4) In making the rules, the department shall consider, among other relevant factors,
2195 the following which the petitioner, if any, shall furnish:

2196 (a) the name and all pertinent information concerning the substance including:
2197 (i) where available;
2198 (ii) its chemical identity and composition;
2199 (iii) a statement of the conditions of the proposed use, including directions,
2200 recommendations, and suggestions;
2201 (iv) specimens of proposed labeling; and
2202 (v) all relevant data bearing on the physical or other technical effect and the quantity
2203 required to produce such effect;
2204 (b) the probable composition of any substance formed in or on a food resulting from
2205 the use of the substance;
2206 (c) the probable consumption of the substance in the diet of man and animals, taking
2207 into account any chemically or pharmacologically related substance in the diet;
2208 (d) safety factors which, in the opinion of experts qualified by scientific training and
2209 experience to evaluate the safety of the substances for the uses for which they are proposed to
2210 be used, are generally recognized as appropriate for the use of animal experimentation data;
2211 (e) the availability of any needed practicable methods of analysis for determining the
2212 identity and quantity of:
2213 (i) the substance in or on food;
2214 (ii) any substance formed in or on food because of the use of the substance; and
2215 (iii) the pure substance and all intermediates and impurities; and
2216 (f) facts supporting a contention that the proposed use of the substance will serve a
2217 useful purpose.
2218 Section 64. Section **4-5-205**, which is renumbered from Section 4-5-15 is renumbered
2219 and amended to read:
2220 **[~~4-5-15~~]. <u>4-5-205.</u> Consumer commodities -- Labeling and packaging.**
2221 (1) All labels of consumer commodities, as defined by this chapter, shall conform with
2222 the requirements for the declaration of net quantity of contents of 15 U.S.C. Sec. 1453 and the
2223 regulations promulgated pursuant thereto: provided, that consumer commodities exempted
2224 from 15 U.S.C. Sec. 1453(a)(4) shall also be exempt from this Subsection (1).
2225 (2) The label of any package of a consumer commodity that bears a representation as to
2226 the number of servings of the commodity contained in the package shall bear a statement of the

2227 net quantity in terms of weight, measure, or numerical count for each serving.
2228 (3) (a) No person shall distribute or cause to be distributed in commerce any packaged
2229 consumer commodity if any qualifying words or phrases appear in conjunction with the
2230 separate statement of the net quantity of contents required by Subsection (1), but nothing in this
2231 section shall prohibit supplemental statements, at other places on the package, describing in
2232 nondeceptive terms the net quantity of contents.
2233 (b) Supplemental statements of net quantity of contents may not include any term
2234 qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the
2235 commodity contained in the package.
2236 (4) (a) Whenever the department determines that rules other than those prescribed by
2237 Subsection (1) are necessary to prevent the deception of consumers or to facilitate value
2238 comparisons as to any consumer commodity, the department shall promulgate rules effective
2239 to:
2240 (i) establish and define standards for the characterization of the size of a package
2241 enclosing any consumer commodity, which may be used to supplement the label statement of
2242 net quantity of contents of packages containing the commodity, but this Subsection (4) does not
2243 authorize any limitation on the size, shape, weight, dimensions, or number of packages that
2244 may be used to enclose any commodity;
2245 (ii) regulate the placement upon any package containing any commodity, or upon any
2246 label affixed to a commodity, of any printed matter stating or representing by implication that
2247 the commodity is offered for retail sale at a price lower than the ordinary and customary retail
2248 sale price or that a retail sale price advantage is accorded to purchasers by reason of the size of
2249 that package or the quantity of its contents;
2250 (iii) require that the label on each package of a consumer commodity bear:
2251 (A) the common or usual name of such consumer commodity, if any; and
2252 (B) if the consumer commodity consists of two or more ingredients, the common or
2253 usual name of each such ingredient listed in order of decreasing predominance, but nothing in
2254 this Subsection (4) shall be considered to require that any trade secret be divulged; or
2255 (iv) prevent the nonfunctional slack-fill of packages containing consumer
2256 commodities.
2257 (b) For the purposes of Subsection (4)(a)(iv), a package is nonfunctionally slack-filled

2258 if it is filled to substantially less than its capacity for reasons other than:
2259 (i) protection of the contents of such package; or
2260 (ii) the requirements of machines used for enclosing the contents in such package;
2261 provided, that the department may adopt any rules promulgated according to the Fair Packaging
2262 and Labeling Act, 15 U.S.C. Sec. 1453.
2263 Section 65. Section **4-5-206**, which is renumbered from Section 4-5-16 is renumbered
2264 and amended to read:
2265 **[~~4-5-16~~]. 4-5-206. Food advertisement false or misleading.**
2266 An advertisement of a food is considered to be false if it is false or misleading in any
2267 way.
2268 Section 66. Section **4-5-207**, which is renumbered from Section 4-5-6 is renumbered
2269 and amended to read:
2270 **[~~4-5-6~~]. 4-5-207. Definitions and standards of identity, quality, and fill of**
2271 **container -- Rules -- Temporary and special permits.**
2272 (1) (a) Definitions and standards of identity, quality and fill of container, now or
2273 hereafter adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec.
2274 301 et seq., are the definitions and standards of identity, quality and fill of container in this
2275 state.
2276 (b) The department may adopt rules establishing definitions and standards of identity,
2277 quality and fill of container for foods where no federal regulations exist and may promulgate
2278 amendments to any federal regulations or state rules that set definitions and standards of
2279 identity, quality and fill of container for foods.
2280 (2) (a) Temporary permits [~~now or hereafter~~] granted for interstate shipment of
2281 experimental packs of food varying from the requirements of federal definitions and standards
2282 of identity are automatically effective in this state under the conditions provided in the permits.
2283 (b) The department may issue additional permits where they are necessary for the
2284 completion or conclusiveness of an otherwise adequate investigation and where the interests of
2285 consumers are safeguarded.
2286 (c) Permits are subject to the terms and conditions the department may prescribe by
2287 rule.
2288 Section 67. Section **4-5-301**, which is renumbered from Section 4-5-9 is renumbered

2289 and amended to read:

2290 **Part 3. Registration and Inspection**

2291 **[~~4-5-9~~]. 4-5-301. Registration of food establishments -- Fee -- Suspension**
2292 **and reinstatement of registration -- Inspection for compliance.**

2293 (1) (a) Pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2294 department shall establish rules providing for the registration of food establishments to protect
2295 public health and ensure a safe food supply.

2296 (b) The owner or operator of a food establishment shall register with the department
2297 before operating a food establishment.

2298 (c) [~~Prior to~~] Before granting a registration to the owner or operator of a food
2299 establishment, the department shall inspect and assess the food establishment to determine
2300 whether it complies with the rules established under Subsection (1)(a).

2301 (d) An applicant shall register with the department, in writing, using forms required by
2302 the department.

2303 (e) The department shall issue a registration to an applicant, if the department
2304 determines that the applicant meets the qualifications of registration established under
2305 Subsection (1)(a).

2306 (f) If the applicant does not meet the qualifications of registration, the department shall
2307 notify the applicant, in writing, that the applicant's registration is denied.

2308 (g) (i) If an applicant submits an incomplete application, a written notice of conditional
2309 denial of registration shall be provided to an applicant.

2310 (ii) The applicant shall correct the deficiencies within the time period specified in the
2311 notice to receive a registration.

2312 (h) (i) The department may, as provided under Subsection [~~4-2-2~~] 4-2-103(2), charge
2313 the food establishment a registration fee.

2314 (ii) The department shall retain the fees as dedicated credits and shall use the fees to
2315 administer the registration of food establishments.

2316 (2) (a) A registration, issued under this section, shall be valid from the date the
2317 department issues the registration, to December 31 of the year the registration is issued.

2318 (b) A registration may be renewed for the following year by applying for renewal by
2319 December 31 of the year the registration expires.

2320 (3) A registration, issued under this section, shall specify:
2321 (a) the name and address of the food establishment;
2322 (b) the name of the owner or operator of the food establishment; and
2323 (c) the registration issuance and expiration date.
2324 (4) (a) The department may immediately suspend a registration, issued under this
2325 section, if any of the conditions of registration have been violated.
2326 (b) (i) The holder of a registration suspended under Subsection (4)(a) may apply for the
2327 reinstatement of a registration.
2328 (ii) If the department determines that all registration requirements have been met, the
2329 department shall reinstate the registration.
2330 (5) (a) A food establishment, registered under this section, shall allow the department
2331 to have access to the food establishment to determine if the food establishment is complying
2332 with the registration requirements.
2333 (b) If a food establishment denies access for an inspection required under Subsection
2334 (5)(a), the department may suspend the food establishment's registration until the department is
2335 allowed access to the food establishment's premises.
2336 Section 68. Section **4-5-401**, which is renumbered from Section 4-5-3 is renumbered
2337 and amended to read:
2338 **Part 4. Enforcement**
2339 **[~~4-5-3~~]. 4-5-401. Unlawful acts specified.**
2340 (1) A person may not:
2341 (a) manufacture, sell, deliver, hold, or offer for sale a food that is adulterated or
2342 misbranded;
2343 (b) adulterate or misbrand food;
2344 (c) except as provided in Subsection (2), distribute, in commerce, a consumer
2345 commodity inconsistent with the packaging and labeling requirements of this chapter, or the
2346 rules made under this chapter;
2347 (d) sell, deliver for sale, hold for sale, or offer for sale an article in violation of Section
2348 [~~4-5-9~~] 4-5-301;
2349 (e) disseminate false advertising;
2350 (f) remove or dispose of detained or embargoed food in violation of Section [~~4-5-5~~]

2351 4-5-202;
2352 (g) adulterate, mutilate, destroy, obliterate, or remove the food label which results in
2353 the food being misbranded or adulterated while the food is for sale;
2354 (h) forge, counterfeit, simulate, or misrepresent a label or information, by the
2355 unauthorized use of a mark, stamp, tag, label, or other identification device;
2356 (i) use or reveal a method, process, or information which is protected as a trade secret;
2357 (j) operate a food establishment without a valid registration issued by the department;
2358 and
2359 (k) refuse entry to an authorized agent of the department in a food establishment as
2360 required under Section [~~4-5-18~~] 4-5-105.
2361 (2) Subsection (1)(c) does not apply to a person engaged in the wholesale or retail
2362 distribution of consumer commodities unless that person:
2363 (a) is engaged in the packaging or labeling of consumer commodities; or
2364 (b) prescribes or specifies the manner in which consumer commodities are packaged or
2365 labeled.
2366 Section 69. Section **4-5-402**, which is renumbered from Section 4-5-4 is renumbered
2367 and amended to read:
2368 **[~~4-5-4~~]. 4-5-402. Defenses.**
2369 No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an
2370 advertisement, except the manufacturer, packer, distributor, or seller of the article to which a
2371 false advertisement relates, shall be liable under this section by reason of the dissemination of
2372 such false advertisement, unless he has refused, on the request of the department to furnish it,
2373 the name and post-office address of the manufacturer, packer, distributor, seller, or advertising
2374 agency, residing in the state of Utah who caused him to disseminate such advertisement.
2375 Section 70. Section **4-5-501**, which is renumbered from Section 4-5-9.5 is renumbered
2376 and amended to read:
2377 **Part 5. Special Programs**
2378 **[~~4-5-9.5~~]. 4-5-501. Cottage food production operations.**
2379 (1) For purposes of this chapter:
2380 (a) "Cottage food production operation" means a person, who in the person's home,
2381 produces a food product that is not a potentially hazardous food or a food that requires

2382 time/temperature controls for safety.
2383 (b) "Home" means a primary residence:
2384 (i) occupied by the individual who is operating a cottage food production operation;
2385 and
2386 (ii) which contains:
2387 (A) a kitchen designed for common residential usage; and
2388 (B) appliances designed for common residential usage.
2389 (c) "Potentially hazardous food" or "food that requires time/temperature controls for
2390 safety":
2391 (i) means a food that requires time and or temperature control for safety to limit
2392 pathogenic microorganism growth or toxin formation and is in a form capable of supporting:
2393 (A) the rapid and progressive growth of infections or toxigenic microorganisms;
2394 (B) the growth and toxin production of Clostridium botulinum; or
2395 (C) in shell eggs, the growth of Salmonella enteritidis;
2396 (ii) includes:
2397 (A) an animal food;
2398 (B) a food of animal origin that is raw or heat treated;
2399 (C) a food of plant origin that is heat treated or consists of raw seed sprouts;
2400 (D) cut melons;
2401 (E) cut tomatoes; and
2402 (F) garlic and oil mixtures that are not acidified or otherwise modified at a food
2403 establishment in a way that results in mixtures that do not support growth as specified under
2404 Subsection (1)(c)(i); and
2405 (iii) does not include:
2406 (A) an air-cooled hard-boiled egg with shell intact;
2407 (B) a food with an actual weight or water activity value of 0.85 or less;
2408 (C) a food with pH level of 4.6 or below when measured at 24 degrees Centigrade;
2409 (D) a food, in an unopened hermetically sealed container, that is processed to achieve
2410 and maintain sterility under conditions of nonrefrigerated storage and distribution;
2411 (E) a food for which laboratory evidence demonstrates that the rapid and progressive
2412 growth of items listed in Subsection (1)(c)(i) cannot occur, such as a food that:

2413 (I) has an actual weight and a pH level that are above the levels specified under
2414 Subsections (1)(c)(iii)(B) and (C); or
2415 (II) contains a preservative or other barrier to the growth of microorganisms, or a
2416 combination of barriers that inhibit the growth of microorganisms; or
2417 (F) a food that does not support the growth of microorganisms as specified under
2418 Subsection (1)(c)(i) even though the food may contain an infectious or toxigenic
2419 microorganism or chemical or physical contaminant at a level sufficient to cause illness.
2420 (2) (a) The department shall adopt rules pursuant to Title 63G, Chapter 3, Utah
2421 Administrative Rulemaking Act, as necessary to protect public health and ensure a safe food
2422 supply.
2423 (b) Rules adopted pursuant to this Subsection (2) shall provide for:
2424 (i) the registration of cottage food production operations as food establishments under
2425 this chapter;
2426 (ii) the labeling of products from a cottage food production operation as "Home
2427 Produced"; and
2428 (iii) other exceptions to the chapter that the department determines are appropriate and
2429 that are consistent with this section.
2430 (3) Rules adopted pursuant to Subsection (2):
2431 (a) may not require:
2432 (i) the use of commercial surfaces such as stainless steel counters or cabinets;
2433 (ii) the use of a commercial grade:
2434 (A) sink;
2435 (B) dishwasher; or
2436 (C) oven;
2437 (iii) a separate kitchen for the cottage food production operation; or
2438 (iv) the submission of plans and specifications before construction of, or remodel of, a
2439 cottage food production operation; and
2440 (b) may require:
2441 (i) an inspection of a cottage food production operation:
2442 (A) prior to issuing a registration for the cottage food production operation; and
2443 (B) at other times if the department has reason to believe the cottage food production

2444 operation is operating:
2445 (I) in violation of this chapter or an administrative rule adopted pursuant to this
2446 section; or
2447 (II) in an unsanitary manner; and
2448 (ii) the use of finished and cleanable surfaces.
2449 (4) (a) The operator of a cottage food production operation shall:
2450 (i) register with the department as a cottage food production operation before operating
2451 as a cottage food production operation; and
2452 (ii) hold a valid food handler's permit.
2453 (b) Notwithstanding the provisions of Subsections [~~4-5-9~~] 4-5-301(1)(a) and (c), the
2454 department shall issue a registration to an applicant for a cottage food production operation if
2455 the applicant for the registration:
2456 (i) passes the inspection required by Subsection (3)(b);
2457 (ii) pays the fees required by the department; and
2458 (iii) meets the requirements of this section.
2459 (5) Notwithstanding the provisions of Section 26A-1-114, a local health department:
2460 (a) does not have jurisdiction to regulate the production of food at a cottage food
2461 production operation operating in compliance with this section, as long as the products are not
2462 offered to the public for consumption on the premises; and
2463 (b) does have jurisdiction to investigate a cottage food production operation in any
2464 investigation into the cause of a food born illness outbreak.
2465 (6) A food service establishment as defined in Section 26-15a-102 may not use a
2466 product produced in a cottage food production operation as an ingredient in any food that is
2467 prepared by the food establishment and offered by the food establishment to the public for
2468 consumption.
2469 Section 71. Section **4-5-502**, which is renumbered from Section 4-5-20 is renumbered
2470 and amended to read:
2471 **[~~4-5-20~~]. 4-5-502. Food designated as raw honey.**
2472 (1) As used in this section:
2473 (a) "Honey" means the natural sweet substance produced by honeybees from nectar of
2474 plants or from secretions of living parts of plants that the bees collect, transform by combining

2475 with specific substances of their own, then deposit, dehydrate, store, and leave in the
2476 honeycomb to ripen and mature.
2477 (b) "Raw honey" means honey:
2478 (i) as it exists in the beehive or as obtained by extraction, settling, or straining;
2479 (ii) that is minimally processed; and
2480 (iii) that is not pasteurized.
2481 (2) Honey that is produced, packed, repacked, distributed, or sold in this state may only
2482 be labeled and designated as raw honey if it meets:
2483 (a) the definition of raw honey in this section; and
2484 (b) any additional requirements imposed by the department by rule.
2485 (3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2486 Administrative Rulemaking Act, to establish labeling requirements consistent with the
2487 provisions of this section.
2488 Section 72. Section **4-7-101**, which is renumbered from Section 4-7-1 is renumbered
2489 and amended to read:
2490 **CHAPTER 7. LIVESTOCK DEALERS' ACT**
2491 **[~~4-7-1~~]. 4-7-101. Title.**
2492 This chapter is known as the "Livestock Dealers' Act."
2493 Section 73. Section **4-7-102**, which is renumbered from Section 4-7-2 is renumbered
2494 and amended to read:
2495 **[~~4-7-2~~]. 4-7-102. Purpose declaration.**
2496 The Legislature finds [~~and declares~~] that the public interest requires regulation of the
2497 sale of livestock between the producer and [~~persons who purchase~~] a person who purchases
2498 livestock for resale to protect [~~producers~~] the producer from unwarranted hazard and loss in the
2499 sale of [~~their~~] livestock.
2500 Section 74. Section **4-7-103**, which is renumbered from Section 4-7-3 is renumbered
2501 and amended to read:
2502 **[~~4-7-3~~]. 4-7-103. Definitions.**
2503 As used in this chapter:
2504 (1) "Agent" [~~or "broker"~~] means a person who, on behalf of a dealer, purchaser, or
2505 livestock market, as defined in Section [~~4-30-1~~] 4-30-102, solicits or negotiates the

2506 consignment or purchase of livestock.
2507 (2) "Consignor" means a person who ships or delivers livestock to a dealer for handling
2508 or sale.
2509 (3) (a) "Dealer" means a person who:
2510 (i) receives livestock from a person for sale on commission;
2511 (ii) is entrusted with the possession, management, control, or disposal of livestock for
2512 the account of that person; [~~and~~] or
2513 (iii) negotiates price, determines a delivery date, and receives money on behalf of a
2514 livestock producer.
2515 (b) "Dealer" includes:
2516 (i) a livestock dealer[~~.~~]; and
2517 (ii) a person who owns or leases a feedlot.
2518 [~~(c) "Dealer" includes a person who owns or leases a feedlot.~~]
2519 (4) (a) "Immediate resale" means the resale of livestock within 60 days of purchase.
2520 (b) "Immediate resale" does not include the resale of livestock culled within 60 days
2521 that were purchased for feeding or replacement.
2522 (5) "Livestock" means cattle, swine, equines, sheep, camelidae, ratites, bison, goats,
2523 and domesticated elk as defined in Section 4-39-102.
2524 (6) "Livestock dealer" means a person engaged in the business of purchasing livestock
2525 for immediate resale or interstate shipment for immediate resale.
2526 (7) "Producer" means a person who is primarily engaged in the business of raising
2527 livestock for profit.
2528 Section 75. Section **4-7-104**, which is renumbered from Section 4-7-4 is renumbered
2529 and amended to read:
2530 **[~~4-7-4~~]. 4-7-104. Unlawful to act as an agent or dealer without license --**
2531 **Exception.**
2532 Except as exempted by Section [~~4-7-5~~] 4-7-105, no person may act as an agent[~~,~~
2533 ~~broker,~~] or dealer in this state without being licensed under this chapter.
2534 Section 76. Section **4-7-105**, which is renumbered from Section 4-7-5 is renumbered
2535 and amended to read:
2536 **[~~4-7-5~~]. 4-7-105. Exemptions.**

2537 The surety and licensing requirements of this chapter do not apply to:
2538 (1) a livestock market that is bonded as required by laws of the United States and Title
2539 4, Chapter 30, Livestock Markets; or
2540 (2) a cooperative incorporated under the laws of this state or another state, except as to
2541 the receipt of livestock from a nonmember producer.
2542 Section 77. Section **4-7-106**, which is renumbered from Section 4-7-6 is renumbered
2543 and amended to read:
2544 **[~~4-7-6~~]. 4-7-106. Licenses -- Applications.**
2545 Application for an agent's[~~, broker's,~~] or dealer's license shall be made to the department
2546 upon forms prescribed and furnished by the department[~~. The~~], and the application shall state:
2547 (1) the applicant's name, principal address in this state, and date of birth;
2548 (2) the applicant's principal address in any location outside Utah;
2549 (3) the name and principal address of the person authorized by the applicant to accept
2550 service of process in this state on behalf of the applicant during the licensure period;
2551 (4) the name and principal address of the applicant's surety if the application is for a
2552 dealer's license;
2553 (5) a schedule of the commissions, fees, and other charges the applicant intends to
2554 collect for services during the period of licensure;
2555 (6) the name and address of each principal the applicant intends to represent during the
2556 period of licensure; and
2557 (7) any other information that the department may require by rule.
2558 Section 78. Section **4-7-107**, which is renumbered from Section 4-7-7 is renumbered
2559 and amended to read:
2560 **[~~4-7-7~~]. 4-7-107. Issuance of dealer and agent licenses -- Fees -- Deposit of**
2561 **bond or trust agreement -- Renewal -- Refusal to issue or renew license.**
2562 (1) The commissioner, if satisfied that the convenience and necessity of the industry
2563 and the public will be served, shall issue a license to a dealer within 30 days after:
2564 (a) receipt of a proper application and financial statement;
2565 (b) payment of a license fee determined by the department pursuant to Subsection
2566 [~~4-2-2~~] 4-2-103(2); and
2567 (c) the posting of a corporate surety bond, an irrevocable letter of credit, a trust fund

2568 agreement, or other security required by Section [~~4-7-8~~] 4-7-108.
2569 (2) Upon proper application and payment of the license fee determined by the
2570 department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), the commissioner shall issue a license to
2571 conduct business as an agent [~~or broker~~].
2572 (3) A license issued under this chapter:
2573 (a) entitles the applicant to conduct the business described in the application through
2574 December 31 of the year in which the license is issued, subject to suspension or revocation for
2575 cause; and
2576 (b) is renewable for a period of one year upon:
2577 (i) receipt of a proper renewal application; and
2578 (ii) payment of an annual license renewal fee determined by the department pursuant to
2579 Subsection [~~4-2-2~~] 4-2-103(2).
2580 (4) A license issued under this chapter shall at all times remain the property of the
2581 state, and the licensee is entitled to [~~its possession~~] the license only for the duration of the
2582 license.
2583 (5) The department shall refuse to issue or renew a license if the applicant:
2584 (a) cannot produce a financial statement with sufficient assets to justify the amount of
2585 business the applicant contemplates, unless the application is for [~~a broker's or~~] an agent's
2586 license;
2587 (b) is in violation of this chapter or rules adopted under this chapter;
2588 (c) has made a false or misleading statement as to the health or physical condition of
2589 livestock in connection with the buying, receiving, selling, exchanging, soliciting or
2590 negotiating the sale of, or the weighing of livestock;
2591 (d) has failed to keep records of purchases and sales or refused to grant inspection of
2592 those records by authorized agents of the department;
2593 (e) has failed to comply with a lawful order of the department;
2594 (f) has been found by the department to have failed to pay, without reasonable cause,
2595 obligations incurred in connection with the livestock transaction;
2596 (g) has been suspended by order of the secretary of agriculture of the United States
2597 Department of Agriculture under provisions of the Packers and Stockyards Act, 1921, 7 U.S.C.
2598 Sec. 181 et seq.;

2599 (h) employs a person required to be licensed whose license cannot be renewed or
2600 whose license is under suspension or revocation by the department or the United States
2601 Department of Agriculture; or
2602 (i) has any unsatisfied civil judgments related to an activity for which licensing is
2603 required by this chapter.
2604 (6) An applicant who has been refused a license or license renewal may not apply again
2605 for one year following refusal unless the department determines that the applicant is in
2606 compliance with this chapter.
2607 Section 79. Section **4-7-108**, which is renumbered from Section 4-7-8 is renumbered
2608 and amended to read:
2609 **[~~4-7-8~~]. 4-7-108. Applicant for dealer's license to post security -- Increase in**
2610 **amount of security posted -- Action on security authorized -- Duties of commissioner --**
2611 **Option to require posting new security if action filed -- Effect of failure to post new**
2612 **security -- Commissioner's authority to call bond if not renewed.**
2613 (1) (a) Before a license is issued to a dealer, the applicant shall post a corporate surety
2614 bond, irrevocable letter of credit, trust fund agreement, or any other security agreement
2615 considered reasonable in an amount not less than $10,000 [~~nor more than $200,000~~], as
2616 determined by the commissioner or as required by the Packers and Stockyards Act, 1921, 7
2617 U.S.C. [~~Section~~] Sec. 181 et seq.
2618 (b) Any bond shall be written by a surety licensed under the laws of Utah and name the
2619 state, as obligee, for the use and benefit of producers.
2620 (c) The bond or other security posted shall be conditioned upon:
2621 (i) the faithful performance of contracts and the faithful accounting for and handling of
2622 livestock consigned to the dealer;
2623 (ii) the performance of the obligations imposed under this chapter; and
2624 (iii) the payment of court costs and [~~attorney's~~] attorney fees to the prevailing party
2625 incident to any suit upon the bond or other security posted.
2626 (2) (a) The commissioner may require a dealer who is issued a license to increase the
2627 amount of the bond or other security posted under Subsection (1)(a) if the commissioner
2628 determines the bond or other security posted is inadequate to secure performance of the dealer's
2629 obligations.

2630 (b) The commissioner shall notify the Packers and Stockyards Administration of an
2631 increase made under Subsection (2)(a).
2632 (c) The commissioner may suspend a dealer's license for failure to comply with
2633 Subsection (2)(a) within 10 days after notice is given to the dealer.
2634 (3) A consignor claiming damages, as a result of fraud, deceit, or willful negligence by
2635 a dealer or as a result of the dealer's failure to comply with this chapter, may bring an action
2636 upon the bond or other security posted for damages against both the principal and surety.
2637 (4) (a) If it is reported to the department by a consignor that a dealer has failed to pay in
2638 a timely manner for livestock received for sale, the commissioner shall:
2639 (i) ascertain the name and address of each consignor who is a creditor of the dealer;
2640 and
2641 (ii) request a verified written statement setting forth the amount claimed due from the
2642 dealer.
2643 (b) Upon receipt of the verified statements, the commissioner shall bring an action
2644 upon the bond or other security posted on behalf of the consignors who claim amounts due
2645 from the dealer.
2646 (5) (a) If an action is filed upon the bond or other security posted, the commissioner
2647 may require the filing of new security.
2648 (b) Immediately upon recovery in the action described in Subsection (5)(a), the
2649 commissioner shall require the dealer to file a new bond or other security.
2650 (c) [~~Failure, in either case,~~] (i) The commissioner may suspend a license if a dealer
2651 fails to file the bond or other security within 10 days after the commissioner's demand [~~is cause~~
2652 ~~for suspension of the license until a new bond or other security is filed~~].
2653 (ii) A suspension described in Subsection (5)(c)(i) shall remain in effect until the dealer
2654 files a new bond or other security.
2655 (d) If the bond or other security posted under this section is not renewed within 10 days
2656 of its expiration date, unless the commissioner states in writing that this is unnecessary, the
2657 commissioner may obtain, after a hearing, the full amount of the bond or other security before
2658 it expires.
2659 Section 80. Section **4-7-109**, which is renumbered from Section 4-7-9 is renumbered
2660 and amended to read:

2661 **[~~4-7-9~~]. 4-7-109. Dealers -- Records mandated -- Records subject to**
2662 **inspection.**
2663 (1) A dealer who receives livestock for sale or consignment shall promptly record:
2664 (a) the name and address of the consignor;
2665 (b) the date received;
2666 (c) the condition and quantity upon arrival;
2667 (d) the date of sale for account of the producer-consignor;
2668 (e) the sale price;
2669 (f) an itemized statement of the charges to be paid by the producer-consignor;
2670 (g) the individual or group identification of the livestock;
2671 (h) the nature and amount of any claims the dealer has against third persons for
2672 overcharges or damages; and
2673 (i) if the dealer has a direct or indirect financial interest in the business of the
2674 purchaser, or, if the purchaser has a similar financial interest in the business of the dealer, the
2675 name and address of the purchaser.
2676 (2) (a) The dealer shall provide a copy of the livestock receipt to the producer
2677 immediately upon delivery of the product.
2678 (b) The records required by this section shall be retained for a period of one year
2679 following the date of consignment and shall be available during business hours for inspection
2680 by the department.
2681 (c) A consignor involved in a consignment subject to inquiry may inspect relevant
2682 records.
2683 (3) (a) A dealer shall file an annual report of the records required under Subsection (1)
2684 with the department on a form prescribed and furnished by the department.
2685 (b) The dealer shall file the report by April 15 following the end of a calendar year, or
2686 if the records are kept on a fiscal year basis, by 90 days after the close of the fiscal year.
2687 (c) The commissioner may, for good cause shown or by the commissioner's own
2688 motion, grant an extension to the filing deadline under Subsection (3)(b).
2689 (d) For purposes of this Subsection (3), "dealer" does not include a packer buyer
2690 registered to purchase livestock for slaughter only.
2691 (e) The department shall accept reports as required by the Packers and Stockyards

2692 Administration for livestock under the Packers and Stockyards Act, [~~9 C.F.R. Sec. 201.97~~]
2693 1921, 7 U.S.C. Sec. 181, et seq.
2694 (f) The reports required under this Subsection (3) may be subject to audit and establish
2695 the basis for bond adequacy.
2696 Section 81. Section **4-7-110**, which is renumbered from Section 4-7-10 is renumbered
2697 and amended to read:
2698 **[~~4-7-10~~]. 4-7-110. Livestock purchases.**
2699 Livestock purchases shall be paid for as provided in the Packers and Stockyards Act,
2700 1921, 7 U.S.C. Sec. 181, et seq.
2701 Section 82. Section **4-7-201**, which is renumbered from Section 4-7-11 is renumbered
2702 and amended to read:
2703 **Part 2. Enforcement, Penalties, and Prohibitions**
2704 **[~~4-7-11~~]. 4-7-201. Department authority -- Examination and investigation of**
2705 **transactions -- Notice of agency action upon probable cause -- Settlement of disputes --**
2706 **Cease and desist order -- Enforcement -- Review.**
2707 (1) For the purpose of enforcing this chapter the department may, upon [~~its~~] the
2708 department's own motion, or shall, upon the verified complaint of an interested consignor,
2709 investigate, examine, or inspect any transaction involving:
2710 (a) the solicitation, receipt, sale, or attempted sale of livestock by a dealer or person
2711 assuming to act as a dealer;
2712 (b) the failure to make a correct account of sales;
2713 (c) the intentional making of a false statement about market conditions or the condition
2714 or quantity of livestock consigned;
2715 (d) the failure to remit payment in a timely manner to the consignor as required by
2716 contract or by this chapter;
2717 (e) any other consignment transaction alleged to have resulted in damage to the
2718 consignor; or
2719 (f) any dealer or agent with an unsatisfied judgment by a civil court related to an
2720 activity for which licensing is required by this chapter.
2721 (2) (a) After investigation upon [~~its~~] the department's own motion, if the department
2722 determines that probable cause exists to believe that a dealer has engaged, or is engaging, in

2723 acts that violate this chapter, the department shall issue a notice of agency action.
2724 (b) (i) Upon the receipt of a verified complaint, the department shall undertake to effect
2725 a settlement between the consignor and the dealer.
2726 (ii) If a settlement cannot be effected, the department shall treat the verified complaint
2727 as a request for agency action.
2728 (3) (a) In a hearing upon a verified complaint, if the commissioner, or hearing officer
2729 designated by the commissioner, determines by a preponderance of the evidence that the person
2730 complained of has violated this chapter and that the violation has resulted in damage to the
2731 complainant, the commissioner or officer shall:
2732 (i) prepare written findings of fact detailing the findings and fixing the amount of
2733 damage suffered; and
2734 (ii) order the defendant to pay damages.
2735 (b) In a hearing initiated upon the department's own motion, if the commissioner or
2736 hearing officer determines by a preponderance of the evidence that the person complained of by
2737 the department has engaged [~~in~~], or is engaging, in[~~;~~] acts that violate this chapter, the
2738 commissioner or officer shall prepare written findings of fact and an order requiring the person
2739 to cease and desist from the activity.
2740 (4) The department may petition any court having jurisdiction in the county where the
2741 action complained of occurred to enforce the department's order.
2742 (5) Any dealer aggrieved by an order issued under this section may obtain judicial
2743 review of the order.
2744 (6) (a) The department may not act upon a verified complaint submitted to the
2745 department more than six months after the consignor allegedly suffered damage.
2746 (b) A livestock claim shall be made in writing within 120 days from the date of the
2747 transaction.
2748 Section 83. Section **4-7-202**, which is renumbered from Section 4-7-12 is renumbered
2749 and amended to read:
2750 **[~~4-7-12~~]. 4-7-202. Sale of livestock -- Prima facie evidence of fraud.**
2751 The following constitutes prima facie evidence of fraud in the sale of livestock:
2752 (1) any sale of livestock at less than market price by a dealer to a person with whom
2753 the dealer has a financial interest; or

2754 (2) any sale out of which the dealer receives part of the sale price other than the agreed
2755 commission or other agreed charges.
2756 Section 84. Section **4-7-203**, which is renumbered from Section 4-7-13 is renumbered
2757 and amended to read:
2758 **[~~4-7-13~~]. 4-7-203. Suspension or revocation -- Grounds -- Notice to**
2759 **producers.**
2760 (1) The department may suspend or revoke the license of and suspend or refuse all
2761 department services to a person licensed under this chapter if the department finds that the
2762 licensee has:
2763 (a) provided false information when making an application for a license;
2764 (b) failed to comply with this chapter or rules adopted under this chapter; or
2765 (c) engaged in any willful conduct that is detrimental to a producer.
2766 (2) If a license is revoked pursuant to a hearing and the decision is final, or an
2767 injunction is imposed by a civil court, the department shall, by publication in a newspaper of
2768 [~~a~~] general circulation in the area, notify producers of livestock in the area in which the
2769 licensee operated that the license has been revoked or a department action has been taken.
2770 Section 85. Section **4-7-204**, which is renumbered from Section 4-7-13.5 is
2771 renumbered and amended to read:
2772 **[~~4-7-13.5~~]. 4-7-204. Suspension of license -- Opportunity for hearing.**
2773 (1) [~~A license may be suspended~~] The department may suspend a license immediately
2774 if:
2775 (a) an emergency exists [~~which~~] that presents a clear and present danger to the public
2776 health;
2777 (b) an inspection or sampling is refused; or
2778 (c) the licensee's bond has been revoked or cancelled.
2779 (2) The department shall immediately notify the person of the suspension in writing
2780 and provide an opportunity for hearing without delay.
2781 Section 86. Section **4-7-205**, which is renumbered from Section 4-7-14 is renumbered
2782 and amended to read:
2783 **[~~4-7-14~~]. 4-7-205. Prohibited acts.**
2784 (1) A person licensed under this chapter may not:

2785 (a) make false charges incident to the sale of livestock;
2786 (b) [~~wilfully~~] willfully fail to comply with the requirements of Section [~~4-7-9 or~~
2787 ~~4-7-10~~] 4-7-109 or 4-7-110;
2788 (c) fail to file a schedule of commissions and charges;
2789 (d) reconsign livestock without the consent of the producer-consignor for the purpose
2790 of charging more than one commission;
2791 (e) make any false statement to the detriment of the producer regarding current market
2792 conditions for livestock or about the condition or quantity of the livestock consigned for the
2793 account of the producer;
2794 (f) engage in fraud or misrepresentation in the procurement or attempted procurement
2795 of a license; or
2796 (g) act as a dealer or agent and, with intent to defraud, make, draw, utter, or deliver any
2797 check, draft, or order for the payment of money from any bank or other depository to the owner
2798 for the purchase price of livestock, when at the time of the making, drawing, uttering, or
2799 delivery the maker or drawer does not have sufficient funds in or credit with the bank or other
2800 depository for the payment of the check, draft, or order in full upon its presentation.
2801 (2) (a) The making, drawing, uttering, or delivery of a check, draft, or order in the
2802 circumstances specified in this section shall be evidence of an intent to defraud.
2803 (b) As used in this section, "credit" means an arrangement or understanding with the
2804 bank or depository for the payment of the check, draft, or order.
2805 Section 87. Section **4-8-101**, which is renumbered from Section 4-8-1 is renumbered
2806 and amended to read:
2807 **CHAPTER 8. AGRICULTURAL FAIR TRADE ACT**
2808 **[~~4-8-1~~]. 4-8-101. Title.**
2809 This chapter [~~shall be known and may be cited~~] is known as the "Agricultural Fair
2810 Trade Act."
2811 Section 88. Section **4-8-102**, which is renumbered from Section 4-8-2 is renumbered
2812 and amended to read:
2813 **[~~4-8-2~~]. 4-8-102. Purpose declaration.**
2814 (1) The Legislature finds and declares that in order to preserve the agricultural industry
2815 of this state it is necessary to protect and improve the economic status of persons engaged in

2816 the production of products of agriculture. [~~To effectuate this policy~~]
2817 (2) To carry out the policy described in Subsection (1), the Legislature determines it
2818 necessary to regulate the production and marketing of such products and to prohibit unfair and
2819 injurious trade practices. [~~To that end this~~]
2820 (3) This chapter shall be liberally construed.
2821 Section 89. Section **4-8-103**, which is renumbered from Section 4-8-3 is renumbered
2822 and amended to read:
2823 **[~~4-8-3~~]. 4-8-103. Definition.**
2824 As used in this chapter, "products of agriculture" [~~mean~~] means any product useful to
2825 the human species [~~which~~] that results from the application of the science and art of the
2826 production of plants, minerals, and animals.
2827 Section 90. Section **4-8-104**, which is renumbered from Section 4-8-4 is renumbered
2828 and amended to read:
2829 **[~~4-8-4~~]. 4-8-104. Department functions, powers, and duties.**
2830 The department [~~has and~~] shall exercise the following functions, powers, and duties, in
2831 addition to those specified in Chapter 1, Short Title and General Provisions:
2832 (1) perform general supervision over the marketing, sale, trade, advertising, storage,
2833 and transportation practices, used in buying and selling products of agriculture in Utah;
2834 (2) conduct and publish surveys and statistical analyses with [~~its~~] the department's own
2835 resources or with the resources of others through contract, regarding:
2836 (a) the cost of production for products of agriculture, including transportation,
2837 processing, storage, advertising, and marketing costs; [~~regarding~~]
2838 (b) market locations, demands, and prices for such products; and [~~regarding~~]
2839 (c) market forecasts;
2840 (3) assist and encourage producers of products of agriculture in controlling current and
2841 prospective production and market deliveries in order to stabilize product prices at prices
2842 [~~which~~] that assure reasonable profits for producers and at the same time ensure adequate
2843 market supplies; [~~and~~]
2844 (4) actively solicit input from the public and from interested groups or associations,
2845 through public hearings or otherwise, to assist in making fair determinations with respect to the
2846 production, marketing, and consumption of products of agriculture[~~.~~];

2847 (5) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
2848 Rulemaking Act, in regard to "Utah's Own," a program dedicated to the promotion of locally
2849 produced products of agriculture.
2850 Section 91. Section **4-8-105**, which is renumbered from Section 4-8-5 is renumbered
2851 and amended to read:
2852 **[~~4-8-5~~]. 4-8-105. Unlawful acts specified.**
2853 [~~It is unlawful for any~~] A person engaged in the production, processing, handling,
2854 marketing, sale or distribution of products of agriculture [~~to~~] may not:
2855 (1) discriminate in price between two or more producers with respect to products of
2856 agriculture of like grade and quality;
2857 (2) use any brand, label, container, or designation on products of agriculture not
2858 authorized by the department;
2859 (3) promote or advertise the price of any product of agriculture [~~which~~] that is required
2860 to be graded without displaying the grade of such product with prominence equal to that of the
2861 price; or
2862 (4) make or permit the use of any false or misleading statement on any label or stencil
2863 affixed to a container or package containing products of agriculture or in any promotion or
2864 advertisement of such products.
2865 Section 92. Section **4-8-106**, which is renumbered from Section 4-8-6 is renumbered
2866 and amended to read:
2867 **[~~4-8-6~~]. 4-8-106. Procedure for enforcement -- Notice of agency action --**
2868 **Cease and desist order -- Enforcement -- Judicial review.**
2869 (1) (a) Whenever the department has reason to believe that a person has, or is, engaged
2870 in[~~;~~] the violation of this chapter, it shall issue a notice of agency action.
2871 (b) If the commissioner, or a hearing officer designated by the commissioner,
2872 determines by a preponderance of the evidence that any person named in the complaint has
2873 engaged, or is engaging, in an act that violates this chapter, the officer shall:
2874 (i) prepare written findings of fact; and
2875 (ii) issue an order requiring the person to cease and desist from the illegal activity.
2876 (2) The department may petition any court of competent jurisdiction for enforcement of
2877 its cease and desist order.

2878 (3) Any person who is subject to a cease and desist order may obtain judicial review.
2879 (4) The attorney general's office shall represent the department in any original action or
2880 appeal begun under this section.
2881 Section 93. Section **4-8-107**, which is renumbered from Section 4-8-7 is renumbered
2882 and amended to read:
2883 **[~~4-8-7~~]. 4-8-107. Defense to claim of illegal activity.**
2884 No person who acts in compliance with any rule adopted under authority of this chapter
2885 shall be considered to be engaged in any illegal conspiracy or combination in restraint of trade
2886 or to be acting in furtherance of any illegal purpose.
2887 Section 94. Section **4-9-101** is enacted to read:
2888 **CHAPTER 9. WEIGHTS AND MEASURES**
2889 **4-9-101. Title.**
2890 This chapter is known as "Weights and Measures."
2891 Section 95. Section **4-9-102**, which is renumbered from Section 4-9-1 is renumbered
2892 and amended to read:
2893 **[~~4-9-1~~]. 4-9-102. Definitions.**
2894 As used in this chapter:
2895 (1) "Correct"[~~, when used in connection with weights and measures,~~] means
2896 conformance to applicable requirements of this chapter.
2897 (2) "Package" means a commodity put up or packaged before sale in either wholesale
2898 or retail saleunits.
2899 (3) "Primary standards" [~~mean~~] means the physical standards of the state, described in
2900 Section [~~4-9-4~~] 4-9-105, which are the legal reference from which all other standards and
2901 weights and measures are derived.
2902 (4) "Sale from bulk" means the sale of commodities, when the quantity is determined
2903 at the time of sale.
2904 (5) "Secondary standards" means a physical standard which is traceable to primary
2905 standards through comparisons, using acceptable laboratory procedures.
2906 (6) "Weighing and measuring" means the use of weights and measures.
2907 (7) "Weight" means net weight, unless the label declares that the product is sold by
2908 drained weight, in which case[;] "weight" means net drained weight.

2909 (8) "Weights and measures" means [~~weights and measures, and~~] the instruments or
2910 devices used for weighing or measuring, including an appliance or accessory associated with
2911 the instrument or device.
2912 (9) "Weights and measures registration" means the issuance of a certificate by the
2913 commissioner to a weights and measures user.
2914 (10) "Weights and measures user" means a person who uses weights and measures in
2915 trade or commerce.
2916 Section 96. Section **4-9-103**, which is renumbered from Section 4-9-2 is renumbered
2917 and amended to read:
2918 **[~~4-9-2~~]. 4-9-103. Authority to make rules.**
2919 The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
2920 Rulemaking Act, to make and enforce [~~such~~] rules [~~as in its judgment are~~] necessary to
2921 administer and enforce this chapter.
2922 Section 97. Section **4-9-104**, which is renumbered from Section 4-9-3 is renumbered
2923 and amended to read:
2924 **[~~4-9-3~~]. 4-9-104. Weights and measures -- Systems used -- Basic units,**
2925 **tables, and equivalents as published by National Institute of Standards and Technology.**
2926 (1) The department shall use:
2927 (a) the same system of weights and measures that is customarily used in the United
2928 States[~~,~~]; and
2929 (b) the metric system of weights and measures.
2930 (2) Either system under Subsection (1) may be used for commercial purposes in the
2931 state.
2932 (3) The definitions of basic units of weight and measure, the tables of weight and
2933 measure, and the weights and measures equivalents published by the National Institute of
2934 Standards and Technology[~~,~~] shall determine the weights and measures systems used within the
2935 state.
2936 Section 98. Section **4-9-105**, which is renumbered from Section 4-9-4 is renumbered
2937 and amended to read:
2938 **[~~4-9-4~~]. 4-9-105. Weights and measures -- Primary state standards --**
2939 **Secondary state standards -- Verification.**

2940 (1) Weights and measures that are traceable to the United States prototype standards
2941 supplied by the federal government, or approved as being satisfactory by the National Institute
2942 of Standards and Technology, shall be the state primary standards, and shall be maintained in
2943 the calibration prescribed by the National Institute of Standards and Technology.
2944 (2) Secondary standards may be prescribed by the department and shall be verified
2945 upon their initial receipt, and as often after initial receipt as is considered necessary by the
2946 department.
2947 Section 99. Section **4-9-106**, which is renumbered from Section 4-9-5 is renumbered
2948 and amended to read:
2949 **[~~4-9-5~~]. 4-9-106. Weights and measures -- Specifications, tolerances, and**
2950 **technical data published in National Institute of Standards and Technology Handbook**
2951 **govern.**
2952 Unless modified by the department, Handbook 44, Specifications, Tolerances, and
2953 Other Technical Requirements for Weighing and Measuring Devices, National Institute of
2954 Standards and Technology, adopted by the National Conference on Weights and Measures,
2955 including supplements or revisions to Handbook 44, shall determine the specifications,
2956 tolerances, and other technical requirements for devices used for:
2957 (1) commercial weighing and measuring;
2958 (2) law enforcement;
2959 (3) data gathering; and
2960 (4) other weighing and measuring purposes.
2961 Section 100. Section **4-9-107**, which is renumbered from Section 4-9-5.2 is
2962 renumbered and amended to read:
2963 **[~~4-9-5.2~~]. 4-9-107. Adopting uniform packaging and labeling regulation.**
2964 Unless modified by the department, the Uniform Packaging and Labeling Regulation,
2965 adopted by the National Conference on Weights and Measures in Handbook 130, Uniform
2966 Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National
2967 Institute of Standards and Technology, shall apply to packaging and labeling in the state.
2968 Section 101. Section **4-9-108**, which is renumbered from Section 4-9-5.3 is
2969 renumbered and amended to read:
2970 **[~~4-9-5.3~~]. 4-9-108. Adopting uniform regulation for the method of sale of**

2971 **commodities.**
2972 Unless modified by the department, the Uniform Regulation for the Method of Sale of
2973 Commodities, adopted by the National Conference on Weights and Measures, in Handbook
2974 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,
2975 National Institute of Standards and Technology, shall apply to the method of sale of
2976 commodities in the state.
2977 Section 102. Section **4-9-109**, which is renumbered from Section 4-9-5.4 is
2978 renumbered and amended to read:
2979 **[~~4-9-5.4~~]. 4-9-109. Adopting uniform regulation for the voluntary registration**
2980 **of servicepersons and service agencies for commercial weighing and measuring devices.**
2981 Unless modified by the department, the Uniform Regulation for the Voluntary
2982 Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring
2983 Devices, adopted by the National Conference on Weights and Measures in Handbook 130,
2984 Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,
2985 National Institute of Standards and Technology, shall apply to the registration of servicepersons
2986 and service agencies in the state.
2987 Section 103. Section **4-9-110**, which is renumbered from Section 4-9-6 is renumbered
2988 and amended to read:
2989 **[~~4-9-6~~]. 4-9-110. Department duties -- Seizure of incorrect weights and**
2990 **measures.**
2991 (1) The department may:
2992 (a) establish weights and measures standards, specifications, and tolerances for:
2993 (i) all commodities;
2994 (ii) the fill for any commodity contained in a package;
2995 (iii) labels or labeling of a commodity; and
2996 (iv) weights and measures used commercially;
2997 (b) inspect and test weights and measures kept, offered, or exposed for sale to
2998 determine if they are correct;
2999 (c) inspect and test weights and measures commercially used to determine if they are
3000 correct;
3001 (d) test all weights and measures used to check the receipt or disbursement of supplies

3002 used by a state agency or institution funded by the state;
3003 (e) in accordance with sampling procedures recognized and designated in Handbook
3004 133, Checking the Net Contents of Packaged Goods, National Institute of Standards and
3005 Technology, inspect and test any packaged commodity kept, offered, or exposed for sale, sold,
3006 or in the process of delivery, to determine if the package contains the amount represented;
3007 (f) determine the appropriate term or unit of weight or measure to be used for container
3008 sizes, if the department determines that an existing practice of declaring the quantity by weight,
3009 measure, count, or any combination of these practices, hinders value comparisons by
3010 consumers;
3011 (g) approve correct weights and measures and reject and mark as "rejected," weights
3012 and measures that are incorrect;
3013 (h) allow reasonable variations from a stated weight or measure caused by loss or gain
3014 due to:
3015 (i) moisture during the course of acceptable distribution practices; or
3016 (ii) unavoidable deviations in acceptable manufacturing practices;
3017 (i) grant an exemption from the requirements of this chapter or from any rule
3018 promulgated under this chapter, when the department determines that the exemption is
3019 necessary for the maintenance of acceptable commercial practices;
3020 (j) maintain on file, for public inspection, a copy of each handbook prepared by the
3021 National Institute of Standards and Technology [~~which~~] that is used to enforce this chapter; and
3022 (k) establish and charge fees as authorized under Subsection [~~4-2-2~~] 4-2-103(2) for the
3023 inspection of weights and measures.
3024 (2) The department may seize weights and measures that are:
3025 (a) incorrect and are not corrected within a reasonable time specified by the
3026 department; or
3027 (b) used or disposed of in a manner not authorized by the department.
3028 Section 104. Section **4-9-111**, which is renumbered from Section 4-9-7 is renumbered
3029 and amended to read:
3030 **[~~4-9-7~~]. 4-9-111. Enforcement powers of department.**
3031 (1) For the purpose of enforcing this chapter, the department may:
3032 (a) enter any commercial premises [~~open to the public~~] during normal working hours

3033 after the presentation of credentials;
3034 (b) issue in writing a "stop-use, hold, or removal order" with respect to any weights or
3035 measures commercially used or a "stop sale, use, or removal order" with respect to any
3036 packaged commodity or bulk commodity offered for sale;
3037 (c) seize as evidence, without formal warrant, any incorrect or unapproved weight,
3038 measure, package, or commodity offered for sale or sold in violation of this chapter;
3039 (d) (i) seek an order of seizure or condemnation of any weight, measure, package, or
3040 sale from bulk that violates this chapter; or
3041 (ii) upon proper grounds, obtain a temporary restraining order or permanent injunction
3042 to prevent a violation of this chapter; and
3043 (e) stop any commercial vehicle and after presenting credentials:
3044 (i) inspect its contents;
3045 (ii) require the person in charge of the vehicle to produce any documents in his
3046 possession concerning the contents; or
3047 (iii) require the person in charge of the vehicle to proceed with the vehicle to some
3048 specified place for inspection.
3049 (2) If an order has been issued under Subsection (1)(b), the weights, measures, or
3050 commodities subject to the order may not be used, moved, or offered for sale until the
3051 department issues a written release.
3052 (3) [~~No~~] A bond [~~shall~~] may not be required of the department in any injunctive
3053 proceeding brought under this section.
3054 Section 105. Section **4-9-112**, which is renumbered from Section 4-9-8 is renumbered
3055 and amended to read:
3056 **[~~4-9-8~~]. 4-9-112. Sale of commodities in liquid form -- Sale of commodities**
3057 **in nonliquid form -- Requirements.**
3058 (1) Commodities in liquid form shall be sold by liquid measure or by weight.
3059 (2) Commodities not in liquid form shall be sold only by weight, measure, or by count,
3060 [~~so~~] as long as the method of sale provides accurate quantity information.
3061 Section 106. Section **4-9-113**, which is renumbered from Section 4-9-9 is renumbered
3062 and amended to read:
3063 **[~~4-9-9~~]. 4-9-113. Bulk sales -- Information furnished to purchaser.**

3064 Whenever the quantity is determined solely by the seller, in the absence of the buyer, all
3065 bulk sales of heating fuel and other bulk sales as determined by the department shall be
3066 accompanied by a delivery ticket containing the following information:
3067 (1) the name and address of the vendor and purchaser;
3068 (2) the date delivered;
3069 (3) the quantity delivered and the quantity upon which the price is based, if different
3070 from the delivered quantity;
3071 (4) a description of the bulk material sold, including any quality representation made in
3072 connection with the sale; and
3073 (5) the number of individually wrapped packages.
3074 Section 107. Section **4-9-114**, which is renumbered from Section 4-9-10 is renumbered
3075 and amended to read:
3076 **[~~4-9-10~~]. 4-9-114. Packaged commodity sales -- Labeling information**
3077 **specified -- When price per single unit of weight to be displayed.**
3078 (1) Any packaged commodity offered for sale shall bear on the outside of the package a
3079 definite, plain, and conspicuous declaration of:
3080 (a) the identity of the commodity in the package, unless the same can easily be
3081 identified through the wrapper or container;
3082 (b) the quantity of contents in terms of weight, measure, or count; and
3083 (c) the name and place of business of the manufacturer, packer, or distributor, if the
3084 packaged commodity is offered for sale, or sold other than on the premises where packaged.
3085 (2) Any package [~~which~~] that is one of a lot containing random weights of the same
3086 commodity and bearing the total sales price of the package shall, in addition to compliance
3087 with Subsection (1) [~~of this section~~], bear on the outside of the package a definite, plain, and
3088 conspicuous declaration of the price per single unit of weight.
3089 Section 108. Section **4-9-115**, which is renumbered from Section 4-9-11 is renumbered
3090 and amended to read:
3091 **[~~4-9-11~~]. 4-9-115. Advertisement of packaged commodity sales --**
3092 **Requirements.**
3093 (1) An advertisement [~~which~~] that promotes a packaged commodity with the retail
3094 price stated shall plainly and conspicuously advertise the quantity required to appear on the

3095 package.
3096 (2) If a dual quantity declaration is required by law, only the declaration that sets forth
3097 the quantity in terms of the smaller unit of weight or measure [~~need~~] shall appear in the
3098 advertisement.
3099 Section 109. Section **4-9-116**, which is renumbered from Section 4-9-12 is renumbered
3100 and amended to read:
3101 **[~~4-9-12~~]. 4-9-116. Unlawful acts specified.**
3102 A person may not:
3103 (1) sell, offer, or present for sale a commodity whose weight and measure is less than
3104 the weight and measure represented as being sold, offered, or exposed for sale;
3105 (2) misrepresent the price of a commodity sold, advertised, exposed, or offered for sale
3106 by weight, measure, or count, or [~~to~~] represent the price in a manner that misleads or deceives a
3107 person;
3108 (3) use or possess an incorrect weight or measure in commerce;
3109 (4) remove a tag, seal, or mark from a weight or measure without specific written
3110 authorization from the department;
3111 (5) hinder or obstruct an agent of the department dealing with weights and measures in
3112 the performance of the agent's duties; or
3113 (6) operate weights and measures in trade or commerce for the purpose of determining
3114 the weight or measure of a commodity without a valid weights and measures registration issued
3115 by the department.
3116 Section 110. Section **4-9-117**, which is renumbered from Section 4-9-13 is renumbered
3117 and amended to read:
3118 **[~~4-9-13~~]. 4-9-117. Weighing and measuring devices -- Presumption.**
3119 If a weighing or measuring device is in a place where buying or selling is commonly
3120 carried on, there is a rebuttable presumption that the weighing or measuring device is regularly
3121 used for the business purposes of that place.
3122 Section 111. Section **4-9-118**, which is renumbered from Section 4-9-15 is renumbered
3123 and amended to read:
3124 **[~~4-9-15~~]. 4-9-118. Registration of commercial establishments using weights**
3125 **and measures -- Approved weights and measures inspectors -- Application -- Fee --**

3126 **Expiration -- Renewal.**
3127 (1) (a) Pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3128 department shall establish rules providing for the registration of weights and measures users
3129 and issuance of certification of weights and measures devices to ensure the use of correct
3130 weights and measures in commerce or trade.
3131 (b) The division may:
3132 (i) determine whether weights and measures are correct through:
3133 (A) inspection and testing by a department [~~employees~~] employee; or
3134 (B) acceptance of an inspection and testing report prepared by a registered weights and
3135 measures service person;
3136 (ii) establish standards and qualifications for a registered weights and measures service
3137 [~~persons~~] person; and
3138 (iii) determine the form and content of an inspection and testing report.
3139 (c) A weights and measures user shall register with the department.
3140 (d) [~~Prior to~~] Before granting a registration to a weights and measures user, the
3141 department shall determine whether the weights and measures user complies with the rules
3142 established under Subsection (1)(a).
3143 (e) An applicant shall register with the department[~~,~~] in writing, using forms required
3144 by the department.
3145 (f) The department shall issue a registration to an applicant[~~,~~] if the department
3146 determines that the applicant meets the qualifications of registration established under
3147 Subsection (1)(a).
3148 (g) If the applicant does not meet the qualifications of registration, the department shall
3149 notify the applicant, in writing, that the applicant's registration is denied.
3150 (h) (i) If an applicant submits an incomplete application, a written notice of conditional
3151 denial of registration shall be provided to [~~an~~] the applicant.
3152 (ii) The applicant shall correct the deficiencies within the time period specified in the
3153 notice to receive a registration.
3154 (i) (i) The department may, as provided under Subsection [~~4-2-2~~] 4-2-103(2), charge
3155 the weights and measures user a registration fee.
3156 (ii) The department shall retain the fees as dedicated credits and shall use the fees to

3157 administer the registration of weights and measures users.
3158 (2) (a) A registration[~~,~~] issued under this section[~~,~~] shall be valid from the date the
3159 department issues the registration[~~,~~] to December 31 of the year the registration is issued.
3160 (b) A registration may be renewed for the following year by applying for renewal by
3161 December 31 of the year the registration expires.
3162 (3) A registration[~~,~~] issued under this section[~~,~~] shall specify:
3163 (a) the name and address of the weights and measures user;
3164 (b) the registration issuance and expiration date; and
3165 (c) the number and type of weights and measures devices to be certified.
3166 (4) (a) The department may immediately suspend a registration[~~,~~] issued under this
3167 section[~~,~~] if any of the requirements of Section [~~4-9-12~~] 4-9-116 are violated.
3168 (b) (i) The holder of a registration suspended under Subsection (4)(a) may apply for the
3169 reinstatement of a registration.
3170 (ii) If the department determines that all requirements under Section [~~4-9-12~~] 4-9-116
3171 are being met, the department shall reinstate the registration.
3172 (5) (a) A weights and measures user[~~,~~] registered under this section[~~,~~] shall allow the
3173 department access to the weights and measures user's place of business to determine if the
3174 weights and measures user is complying with the registration requirements.
3175 (b) If a weights and measures user denies access for an inspection required under
3176 Subsection (5)(a), the department may suspend the weights and measures user's registration
3177 until the department is allowed access to the weights and measures user's place of business.
3178 Section 112. Section **4-10-101**, which is renumbered from Section 4-10-1 is
3179 renumbered and amended to read:
3180 **CHAPTER 10. BEDDING, UPHOLSTERED FURNITURE, AND**
3181 **QUILTED CLOTHING INSPECTION ACT**
3182 **[~~4-10-1~~]. 4-10-101. Title.**
3183 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Bedding, Upholstered
3184 Furniture, and Quilted Clothing Inspection Act."
3185 Section 113. Section **4-10-102**, which is renumbered from Section 4-10-2 is
3186 renumbered and amended to read:
3187 **[~~4-10-2~~]. 4-10-102. Definitions.**

3188 As used in this chapter:
3189 (1) "Article" means a bedding, upholstered furniture, quilted clothing, or filling
3190 material.
3191 (2) "Bedding" means a:
3192 (a) quilted, packing, mattress, or hammock pad; or
3193 (b) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or cushion
3194 made with a filling material that can be used for sleeping or reclining.
3195 (3) "Consumer" means a person who purchases, rents, or leases an article for the
3196 article's intended, everyday use.
3197 (4) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other
3198 material, or a combination of materials, whether loose or in bags, bales, batting, pads, or other
3199 prefabricated form that is, or can be, used in bedding, upholstered furniture, or quilted clothing.
3200 (5) "Label" means the display of written, printed, or graphic matter upon a tag or upon
3201 the immediate container of a bedding, upholstered furniture, quilted clothing, or filling
3202 material.
3203 (6) (a) "Manufacture" means to make, process, or prepare from new or secondhand
3204 material, in whole or in part, a bedding, upholstered furniture, quilted clothing, or filling
3205 material for sale.
3206 (b) "Manufacture" does not include making, processing, or preparing an article
3207 described in Subsection (6)(a) if:
3208 (i) a person sells three or fewer of the articles per year; and
3209 (ii) the articles are sold by persons who are not primarily engaged in the making,
3210 processing, or preparation of the articles.
3211 (7) (a) "New material" means material that has not previously been used in the
3212 manufacture of another article used for any purpose.
3213 (b) "New material" includes by-products from a textile mill using only new raw
3214 material synthesized from a product that has been melted, liquified, and re-extruded.
3215 (8) "Owner's own material" means an article owned or in the possession of a person for
3216 the person's own or a tenant's use that is sent to another person for manufacture or repair.
3217 (9) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for
3218 aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made in whole

3219 or in part from filling material and sold or offered for sale.
3220 (10) "Repair" means to restore, recover, alter, or renew bedding or upholstered
3221 furniture for a consideration.
3222 (11) "Retailer" means a person who sells bedding, upholstered furniture, quilted
3223 clothing, or filling material to a consumer for use primarily for personal, family, household, or
3224 business purposes.
3225 (12) (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver,
3226 consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling
3227 material.
3228 (b) "Sale" or "sell" does not include a judicial, executor's, administrator's, or guardian's
3229 sale of an item described in Subsection (12)(a).
3230 (13) "Secondhand" means an article or filling material, or portion of an article or filling
3231 material, that has previously been used.
3232 (14) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as
3233 required by Section [~~4-10-14~~] 4-10-113.
3234 (15) "Tag" means a card, flap, or strip attached to an article for the purpose of
3235 displaying information required by this chapter or under rule made pursuant to it.
3236 (16) (a) "Used" means an article that has been sold to a consumer and has left the store.
3237 (b) "Used" does not include an article returned to the store:
3238 (i) with its original tags; and
3239 (ii) in its original packaging.
3240 (17) "Upholstered furniture" means portable or fixed furniture, except fixed seats in
3241 motor vehicles, boats, or aircraft, that is made in whole or in part with filling material,
3242 exclusive of trim used for aesthetic effect.
3243 (18) "Wholesaler" means a person who offers an article for resale to a retailer or
3244 institution rather than a final consumer.
3245 Section 114. Section **4-10-103**, which is renumbered from Section 4-10-3 is
3246 renumbered and amended to read:
3247 **[~~4-10-3~~]. 4-10-103. Authority to make and enforce rules.**
3248 The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
3249 Rulemaking Act, to make and enforce [~~such~~] rules [~~as in its judgment are necessary~~] to

3250 administer and enforce this chapter.
3251 Section 115. Section **4-10-104**, which is renumbered from Section 4-10-4 is
3252 renumbered and amended to read:
3253 **[~~4-10-4~~]. 4-10-104. Manufacture, repair, or wholesale sale of bedding,**
3254 **upholstered furniture, quilted clothing, or filling material -- License required.**
3255 It is unlawful for any person to engage in the manufacture, repair, or wholesale sale of
3256 any bedding, upholstered furniture, quilted clothing, or filling material without a license issued
3257 by the department.
3258 Section 116. Section **4-10-105**, which is renumbered from Section 4-10-5 is
3259 renumbered and amended to read:
3260 **[~~4-10-5~~]. 4-10-105. License -- Application -- Fees -- Expiration -- Renewal.**
3261 (1) (a) A person may apply to the department, on forms prescribed and furnished by the
3262 department, for a license to manufacture, repair, sterilize, or engage in the wholesale sale of
3263 bedding, upholstered furniture, quilted clothing, or filling material.
3264 (b) Upon receipt of a proper application and payment of the appropriate license fee, the
3265 commissioner, if satisfied that the convenience and necessity of the industry and the public will
3266 be served, shall issue to the applicant a license to engage in the particular activity through
3267 December 31 of the year in which the license is issued, subject to suspension or revocation for
3268 cause.
3269 (c) A person doing business under more than one name shall be licensed for each name
3270 under which business is conducted.
3271 (2) The annual license fee for each license issued under this chapter shall be
3272 determined by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2).
3273 (3) Each license issued under this chapter is renewable for a period of one year upon
3274 the payment of the applicable amount for the particular license sought to be renewed on or
3275 before December 31 of each year.
3276 (4) A person who holds a valid manufacturer's license may, upon application, be
3277 licensed as a wholesale dealer without the payment of an additional license fee.
3278 (5) A person who fails to renew a license and engages in conduct requiring a license
3279 under this chapter shall pay the applicable license fee for each year in which the person engages
3280 in conduct requiring a license for which a license is not renewed.

3281 (6) The department may retroactively collect a fee owed under Subsection (5).
3282 Section 117. Section **4-10-106**, which is renumbered from Section 4-10-6 is
3283 renumbered and amended to read:
3284 **[~~4-10-6~~]. 4-10-106. Unlawful acts specified.**
3285 It is unlawful for any person to:
3286 (1) sell bedding, upholstered furniture, quilted clothing, or filling material as new
3287 unless it is made from new material and properly tagged;
3288 (2) sell bedding, upholstered furniture, quilted clothing or filling material made from
3289 secondhand material which is not properly tagged;
3290 (3) label or sell a used or secondhand article as if it were a new article;
3291 (4) use burlap or other material which has been used for packing or baling, or to use
3292 any unsanitary, filthy, or vermin or insect infected filling material in the manufacture or repair
3293 of any article;
3294 (5) sell bedding, upholstered furniture, quilted clothing or filling material which is not
3295 properly tagged regardless of point of origin;
3296 (6) use any false or misleading statement, term, or designation on any tag;
3297 (7) use any false or misleading label;
3298 (8) sell new bedding, upholstered furniture, or quilted clothing with filling material
3299 made of down, feather, wool, or hair that has not been properly sterilized; or
3300 (9) engage in the manufacture, repair, sterilization, or wholesale sale of bedding,
3301 upholstered furniture, quilted clothing, or filling material without a license as required by this
3302 chapter.
3303 Section 118. Section **4-10-107**, which is renumbered from Section 4-10-7 is
3304 renumbered and amended to read:
3305 **[~~4-10-7~~]. 4-10-107. Tagging requirements for bedding, upholstered furniture,**
3306 **and filling material.**
3307 (1) (a) All bedding, upholstered furniture, and filling material shall be securely tagged
3308 by the manufacturer, retailer, or repairer.
3309 (b) Tags shall be at least six square inches and plainly and indelibly labeled with:
3310 (i) information as the department requires by rule;
3311 (ii) according to the filling material type, the words "All New Material," "Secondhand

3312 Material," or "Owner's Material," stamped or printed on the label; and
3313 (iii) the word "USED" stamped or printed on the label of a used mattress.
3314 (c) Each label shall be placed on the article in such a position as to facilitate ease of
3315 examination.
3316 (2) (a) If more than one type of filling material is used in an item, the percentage, by
3317 weight, of each component part shall be listed in order of predominance.
3318 (b) If descriptive statements are made about the frame, cover, or style of the article,
3319 such statements shall, in fact, be true.
3320 (c) All quilted clothing shall be tagged and labeled in conformity with the Federal
3321 Textile Fiber Products Identification Act, 15 U.S.C. Secs. 70 through 70k.
3322 (3) No person, except the purchaser, may remove, deface, or alter a tag attached
3323 according to this chapter.
3324 (4) A used mattress shall be tagged with the word "USED," in accordance with rules
3325 established by the department.
3326 (5) The retailer of a used mattress shall display the mattress so that the "USED" tag is
3327 clearly visible to a customer.
3328 Section 119. Section **4-10-108**, which is renumbered from Section 4-10-7.3 is
3329 renumbered and amended to read:
3330 **[~~4-10-7.3~~]. 4-10-108. Seller's representation of a used mattress -- Bedding**
3331 **records required.**
3332 (1) A seller shall represent a mattress tagged "USED" as previously used by a
3333 customer.
3334 (2) The manufacturer, repairer, wholesale dealer, or retailer of a mattress shall keep an
3335 invoice, shipping information, bill of lading, or other record of the mattress at the manufacture,
3336 repair, wholesale, or retail location for a minimum of one year from the day on which the
3337 invoice, shipping information, bill of lading, or other record was created or received.
3338 Section 120. Section **4-10-109**, which is renumbered from Section 4-10-8 is
3339 renumbered and amended to read:
3340 **[~~4-10-8~~]. 4-10-109. Use of rubber stamp or stencil authorized -- Conditions**
3341 **for use.**
3342 A rubber stamp or stencil may be used instead of a tag on articles with slip covers if the

3343 article has a smooth backing, or on suitable surfaces of containers or bales of filling material;
3344 provided, the information required by Section [~~4-10-7~~] 4-10-107 is indelible and legible.
3345 Section 121. Section **4-10-110**, which is renumbered from Section 4-10-9 is
3346 renumbered and amended to read:
3347 **[~~4-10-9~~]. 4-10-110. Sale of bedding, upholstered furniture, quilted clothing,**
3348 **or filling material -- Tag, stamp, or stencil required -- Secondhand material to bear tag --**
3349 **Presumption -- Owner's own material to be tagged.**
3350 (1) No wholesaler or retailer shall sell any bedding, upholstered furniture, quilted
3351 clothing, or prefabricated filling material, whether the point of origin of such article is inside or
3352 outside the state, unless it is appropriately tagged under Section [~~4-10-7~~] 4-10-107, or unless it
3353 is appropriately stamped or stenciled under Section [~~4-10-7 or 4-10-8~~] 4-10-107 or 4-10-109.
3354 (2) (a) A retailer who sells used articles shall attach a secondhand material tag before
3355 sale.
3356 (b) Possession of an article by a person who regularly engages in the manufacture,
3357 repair, wholesale, or supply of such articles is presumptive evidence of intent to sell.
3358 (3) (a) A person who repairs "owner's own material" shall immediately upon its receipt
3359 attach an owner's material tag to the article.
3360 (b) The tag shall remain attached to the article until it is actually in the process of
3361 repair and shall be reattached upon completion of repair.
3362 Section 122. Section **4-10-111**, which is renumbered from Section 4-10-10 is
3363 renumbered and amended to read:
3364 **[~~4-10-10~~]. 4-10-111. Enforcement -- Inspection authorized -- Samples --**
3365 **Reimbursement for samples -- Warrants.**
3366 (1) (a) The department may access public and private premises where articles subject to
3367 this chapter are manufactured, repaired, stored, or sold for the purpose of determining
3368 compliance with this chapter.
3369 (b) For purposes of determining compliance, the department may:
3370 (i) open any upholstered furniture, bedding, or quilted clothing to obtain a sample for
3371 inspection and analysis of filling material; or
3372 (ii) if considered appropriate by the department, take the entire article for inspection
3373 and analysis.

3374 (c) Upon request, the department shall reimburse the owner or person from whom a
3375 sample or article is taken in accordance with this Subsection (1) for the actual cost of the
3376 sample or article.
3377 (2) Upon request, the department may review and copy any of the records required
3378 under Subsection [~~4-10-7.3~~] 4-10-108(2).
3379 (3) The department may proceed immediately, if admittance is refused or a record is
3380 denied, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow
3381 entry upon the premises for the purpose of making inspections and taking samples or articles.
3382 Section 123. Section **4-10-112**, which is renumbered from Section 4-10-11 is
3383 renumbered and amended to read:
3384 **[~~4-10-11~~]. 4-10-112. Stop sale, use, or removal order authorized -- Conditions**
3385 **for release specified -- Condemnation or seizure -- Procedure specified -- Award of costs**
3386 **authorized.**
3387 (1) (a) The department may issue a "stop sale, use, or removal order" to any
3388 manufacturer, repairer, wholesaler, or retailer of any designated article or articles which it finds
3389 or has reason to believe violates this chapter.
3390 (b) The order shall be in writing and no article subject to it shall be removed, offered,
3391 or exposed for sale, except upon subsequent written release by the department.
3392 (c) Before a release is issued, the department may require the manufacturer, repairer,
3393 wholesaler, or retailer of the "stopped" article to pay the expense incurred by the department in
3394 connection with the withdrawal of the article from the market.
3395 (2) (a) The department is authorized in a court of competent jurisdiction to seek an
3396 order of seizure or condemnation of any article which violates this chapter or, upon proper
3397 grounds, to obtain a temporary restraining order or permanent injunction to prevent violation of
3398 this chapter.
3399 (b) No bond shall be required of the department in an injunctive proceeding brought
3400 under this section.
3401 (3) [~~If~~] (a) Except as provided in Subsection (3)(b), if condemnation is ordered, the
3402 article shall be disposed of as the court directs[~~; provided, that in no event shall it~~].
3403 (b) The court may not order condemnation without giving the claimant of the article an
3404 opportunity to apply to the court for permission to bring the article into conformance, or for

3405 permission to remove it from the state.
3406 (4) If the court orders condemnation, court costs, fees, storage, and other costs shall be
3407 awarded against the claimant of the article.
3408 Section 124. Section **4-10-113**, which is renumbered from Section 4-10-14 is
3409 renumbered and amended to read:
3410 **[~~4-10-14~~]. 4-10-113. Sterilization of filling material.**
3411 (1) A person shall sterilize all wool, feathers, down, shoddy, hair, or other material
3412 before the material is used as filling material in new bedding, upholstered furniture, or quilted
3413 clothing.
3414 (2) The department shall, in accordance with Title 63G, Chapter 3, Utah
3415 Administrative Rulemaking Act, make rules governing the appropriate method by which a
3416 person may sterilize wool, feathers, down, shoddy, hair, or other material for use in filling
3417 material, as required by Subsection (1).
3418 Section 125. Section **4-11-101**, which is renumbered from Section 4-11-1 is
3419 renumbered and amended to read:
3420 **CHAPTER 11. UTAH BEE INSPECTION ACT**
3421 **[~~4-11-1~~]. 4-11-101. Title.**
3422 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Utah Bee Inspection Act."
3423 Section 126. Section **4-11-102**, which is renumbered from Section 4-11-2 is
3424 renumbered and amended to read:
3425 **[~~4-11-2~~]. 4-11-102. Definitions.**
3426 As used in this chapter:
3427 (1) "Abandoned apiary" means any apiary[~~: (a)~~] to which the owner or operator fails to
3428 give reasonable and adequate attention during a given year[~~, with the result that the welfare of a~~
3429 ~~neighboring colony is jeopardized; or (b) that is not properly identified in accordance with this~~
3430 ~~chapter.~~] as determined by the department.
3431 (2) "Apiary" means any place where one or more colonies of bees are located.
3432 (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment
3433 used to handle or manipulate bees, honey, wax, or hives.
3434 (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or
3435 manipulate bees, wax, honey, or hives.

3436 (5) "Bee" means the common honey bee, Apis mellifera, at any stage of development.
3437 (6) (a) "Beekeeper" means a person who keeps bees [~~in order to: (i) collect honey and~~
3438 ~~beeswax; (ii) pollinate crops; or (iii) produce bees for sale to other beekeepers.~~].
3439 (b) "Beekeeper" includes an [~~apiarists~~] apiarist.
3440 (7) "Colony" means an aggregation of bees in any type of hive that includes queens,
3441 workers, drones, or brood.
3442 (8) "Disease" means any infectious or contagious disease affecting bees, as specified by
3443 the department, including American foulbrood.
3444 (9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial
3445 or natural receptacle that may be used to house bees.
3446 (10) "Package" means any number of bees in a bee-tight container, with or without a
3447 queen, and without comb.
3448 (11) "Parasite" means an organism that parasitizes any developmental stage of a bee.
3449 (12) "Pest" means an organism that:
3450 (a) inflicts damage to a bee or bee colony directly or indirectly; or
3451 (b) may damage apiary equipment in a manner that is likely to have an adverse affect
3452 on the health of the colony or an adjacent colony.
3453 (13) "Raise" means:
3454 (a) to hold a colony of bees in a hive for the purpose of pollination, honey production,
3455 or study, or a similar purpose; and
3456 (b) when the person holding a colony[~~,~~] holds the colony or a package of bees in the
3457 state for a period of time exceeding 30 days.
3458 (14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant
3459 colony or subsequent colony on the same equipment.
3460 Section 127. Section **4-11-103**, which is renumbered from Section 4-11-3 is
3461 renumbered and amended to read:
3462 **[~~4-11-3~~]. 4-11-103. Department authorized to make and enforce rules.**
3463 (1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
3464 Rulemaking Act, to make and enforce [~~such~~] rules [~~as it considers~~] necessary for the
3465 administration and enforcement of this chapter. [~~Such rules~~]
3466 (2) The rules described in Subsection (1) shall include provisions for the identification

3467 of each apiary within the state.
3468 Section 128. Section **4-11-104**, which is renumbered from Section 4-11-4 is
3469 renumbered and amended to read:
3470 **[~~4-11-4~~]. 4-11-104. Bee raising -- Registration required -- Application -- Fees**
3471 **-- Renewal -- License required -- Application -- Fees -- Renewal.**
3472 (1) [~~(a)~~] A person may not raise bees in this state without being registered with the
3473 department.
3474 [~~(b)~~] (2) Application for registration to raise bees shall be made to the department upon
3475 tangible or electronic forms prescribed and furnished by the department, within 30 days after
3476 the person:
3477 [~~(i)~~] (a) takes possession of the bees; or
3478 [~~(ii)~~] (b) moves the bees into the state.
3479 [~~(c)~~] (3) Nothing in Subsection [~~(1)(b)~~] (2) limits the requirements of Section [~~4-11-11~~]
3480 4-11-111.
3481 [~~(d)~~] (4) An application in accordance with this chapter shall specify:
3482 [~~(i)~~] (a) the name and address of the applicant;
3483 [~~(ii)~~] (b) the number of bee colonies owned by the applicant at the time of the
3484 application that will be present in the state for a period exceeding 30 days; and
3485 [~~(iii)~~] (c) any other relevant information the department considers appropriate.
3486 [~~(e)~~] (5) Upon receipt of a proper application and payment of an annual registration fee
3487 determined by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), the commissioner
3488 shall issue a registration to the applicant valid through December 31 of the year in which the
3489 registration is issued, subject to suspension or revocation for cause.
3490 [~~(f)~~] (6) A bee registration is renewable for a period of one year upon the payment of
3491 an annual registration renewal fee as determined by the department pursuant to Subsection
3492 [~~4-2-2~~] 4-2-103(2).
3493 [~~(g)~~] (7) Registration shall be renewed on or before December 31 of each year.
3494 [~~(2) (a) A person may not operate a wax-salvage plant without a license issued by the~~
3495 ~~department.~~]
3496 [~~(b) Application for a license to operate a wax-salvage plant shall be made to the~~
3497 ~~department upon tangible or electronic forms prescribed and furnished by the department.~~]

3498 [~~(c) The application shall specify such information as the department considers~~
3499 ~~appropriate.~~]
3500 [~~(d) Upon receipt of a proper application and payment of a license fee as determined by~~
3501 ~~the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the~~
3502 ~~convenience and necessity of the industry and the public will be served, shall issue a license~~
3503 ~~entitling the applicant to operate a wax-salvage plant through December 31 of the year in~~
3504 ~~which the license is issued, subject to suspension or revocation for cause.~~]
3505 [~~(e) A wax-salvage license is renewable for a period of one year, on or before~~
3506 ~~December 31 of each year, upon the payment of an annual license renewal fee as determined by~~
3507 ~~the department pursuant to Subsection 4-2-2(2).~~]
3508 Section 129. Section **4-11-105**, which is renumbered from Section 4-11-5 is
3509 renumbered and amended to read:
3510 **[~~4-11-5~~]. 4-11-105. County bee inspector -- Appointment -- Termination --**
3511 **Compensation.**
3512 (1) The county executive upon the petition of five or more persons who raise bees
3513 within the respective county shall, with the approval of the commissioner, appoint a qualified
3514 person to act as a bee inspector within the county.
3515 (2) A county bee inspector shall be employed at the pleasure of the county executive
3516 and the commissioner[;] and is subject to termination of employment, with or without cause, at
3517 the instance of either.
3518 (3) Compensation for the county bee inspector shall be fixed by the county legislative
3519 body.
3520 (4) To be appointed a county bee inspector, a person shall demonstrate adequate
3521 training and knowledge related to this chapter, bee diseases, and pests.
3522 (5) A record concerning bee inspection shall be kept by the county executive or
3523 commissioner.
3524 (6) The county executive and the commissioner shall investigate a formal, written
3525 complaint against a county bee inspector.
3526 [~~(7) The department may authorize an inspection if:~~]
3527 [~~(a) a county bee inspector is not appointed; or~~]
3528 [~~(b) a conflict of interest arises with a county bee inspector.~~]

3529 Section 130. Section **4-11-106**, which is renumbered from Section 4-11-6 is
3530 renumbered and amended to read:
3531 **[~~4-11-6~~]. 4-11-106. Hives to have removable frames -- Consent of county bee**
3532 **inspector to sell or transport diseased bees.**
3533 (1) A person may not house or keep bees in a hive unless [~~it~~] the hive is equipped with
3534 movable frames to all [~~its~~] the hive's parts so that access to the hive can be had without
3535 difficulty.
3536 (2) No person who owns or has possession of bees (whether queens or workers) with
3537 knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge
3538 that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away,
3539 or move the bees, colonies, or apiary equipment without the consent of the county bee
3540 inspector or the department.
3541 Section 131. Section **4-11-107**, which is renumbered from Section 4-11-7 is
3542 renumbered and amended to read:
3543 **[~~4-11-7~~]. 4-11-107. Inspector -- Duties -- Diseased apiaries -- Examination of**
3544 **diseased bees by department -- Election to transport bees to wax-salvage plant.**
3545 (1) The county bee inspector or the department may inspect:
3546 (a) all apiaries within the county at least once each year; and[~~, also, inspect~~]
3547 (b) immediately any apiary within the county that is alleged in a [~~written~~] complaint to
3548 be severely diseased, parasitized, or abandoned.
3549 (2) If, upon inspection, the inspector determines that an apiary is diseased or
3550 parasitized, the inspector [~~shall~~] may take the following action based on the severity of the
3551 disease or parasite present:
3552 (a) prescribe the course of treatment that the owner or caretaker of the bees shall follow
3553 to eliminate the disease or parasite;
3554 (b) personally, for the purpose of treatment approved by the department, take control of
3555 the afflicted bees, hives, combs, broods, honey, and equipment; or
3556 (c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and
3557 all appliances that may have become infected.
3558 (3) If, upon reinspection, the inspector determines that the responsible party has not
3559 executed the course of treatment prescribed by Subsection (2), the inspector may take

3560 immediate possession of the afflicted colony for control or destruction in accordance with
3561 Subsection (2)(b) or (c).
3562 (4) (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action
3563 proposed by an inspector under this section may, at the owner's expense, have the department
3564 examine the alleged diseased bees.
3565 (b) The decision of the commissioner with respect to the condition of bees at the time
3566 of the examination is final and conclusive upon the owner and the inspector involved.
3567 [~~(5) The owner of a diseased apiary, notwithstanding the provisions of Subsections (2),~~
3568 ~~(3), and (4), may elect under the direction of the county bee inspector to kill the diseased bees,~~
3569 ~~seal their hives, and transport them to a licensed wax-salvage plant.~~]
3570 Section 132. Section **4-11-108**, which is renumbered from Section 4-11-8 is
3571 renumbered and amended to read:
3572 **[~~4-11-8~~]. 4-11-108. County bee inspector -- Disinfection required before**
3573 **leaving apiary with diseased bees.**
3574 (1) Before inspecting the premises of any apiary, an inspector and any assistant of an
3575 inspector shall disinfect any equipment that will be used in the inspection.
3576 [~~(1)~~] (2) Before leaving the premises of any apiary [~~where disease exists~~], the [~~county~~]
3577 bee inspector, or any assistant, shall thoroughly disinfect any part of the inspector's own person,
3578 clothing, or any appliance that has come in contact with infected material.
3579 [~~(2)~~] (3) The method of disinfection required by Subsection [~~(1)~~] (2):
3580 (a) may be determined by the department; and
3581 (b) shall be sufficient to destroy disease, parasites, and pathogens encountered.
3582 [~~(3)~~] (4) A county bee inspector shall maintain a record of each inspection, including
3583 disinfection practices.
3584 [~~(4)~~] (5) The county executive or the commissioner may review a county bee
3585 inspector's records kept in accordance with Subsection [~~(3)~~] (4).
3586 Section 133. Section **4-11-109**, which is renumbered from Section 4-11-9 is
3587 renumbered and amended to read:
3588 **[~~4-11-9~~]. 4-11-109. Inspection of apiaries where queen bees raised for sale --**
3589 **Honey from apiaries where queen bees raised for sale not to be used for candy for**
3590 **mailing cages unless boiled.**

3591 (1) (a) At least twice each summer the county bee inspector [~~shall~~] may inspect each
3592 apiary in which queen bees are raised for sale.
3593 (b) A person may not sell or transport any queen bee from an apiary that is found to be
3594 infected with disease[~~,~~] without the consent of the county bee inspector or the department.
3595 (2) No person engaged in raising queen bees for sale shall use any honey for making
3596 candy for mailing cages that has not been boiled for at least 30 minutes.
3597 (3) A person rearing queens shall follow standard methods for minimizing or
3598 eliminating unmanageably aggressive stock.
3599 Section 134. Section **4-11-110**, which is renumbered from Section 4-11-10 is
3600 renumbered and amended to read:
3601 **[~~4-11-10~~]. 4-11-110. Enforcement -- Inspections authorized -- Warrants.**
3602 (1) The department and all [~~county~~] bee inspectors shall have access to all apiaries or
3603 places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.
3604 (2) If admittance is refused, the department, or the [~~county~~] bee inspector involved,
3605 may proceed immediately to obtain an ex parte warrant from the nearest court of competent
3606 jurisdiction to allow entry upon the premises for the purpose of making an inspection.
3607 Section 135. Section **4-11-111**, which is renumbered from Section 4-11-11 is
3608 renumbered and amended to read:
3609 **[~~4-11-11~~]. 4-11-111. Importation of bees or appliances into state --**
3610 **Certification required -- Inspection discretionary -- Authority to require destruction or**
3611 **removal of diseased bees and appliances.**
3612 (1) (a) A person may not bring or import any bees in packages or hives or bring or
3613 import any used beekeeping equipment or appliances into this state[~~, except after~~] without
3614 obtaining a certificate from an inspector authorized in the state of origin certifying that:
3615 (i) the bees, apiary equipment, or appliances have been inspected within the current
3616 production season[~~,~~]; and [~~that~~]
3617 (ii) all diseased colonies in the apiary at the time of the inspection were destroyed or
3618 [~~removed to a licensed wax-salvage plant before the issuance of the certificate.~~] treated.
3619 (b) A person bringing or importing bees into the state shall advise the department of
3620 the address of the [~~bees~~] bees' destination and furnish the department with a copy of the
3621 certificate of inspection [~~either: (i) within at least five working days before the bees enter the~~

3622 ~~state; or (ii)~~] upon entry into the state.
3623 (c) A person intending to hold bees in the state for a period of time exceeding 30 days
3624 shall comply with Section [~~4-11-4~~] 4-11-104.
3625 (2) (a) A person may not bring or import any used apiary equipment, except after
3626 obtaining a certificate from an inspector authorized in the state of origin certifying that all
3627 potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized
3628 immediately before importation.
3629 (b) A person bringing or importing used apiary equipment shall advise the department
3630 of the address of the destination in the state and furnish the department with a copy of the
3631 certificate of inspection [~~either: (i) within at least five working days before the bees enter the~~
3632 ~~state; or (ii)~~] upon entry into the state.
3633 (3) Used apiary equipment or appliances that have been exposed to terminal disease
3634 may not be sold without the consent of the [~~county~~] bee inspector or the commissioner.
3635 (4) In lieu of the certificate required by Subsection (1), the certificate may be a Utah
3636 certificate.
3637 (5) (a) If the department determines it is necessary for any reason to inspect any bees,
3638 apiary equipment, or appliance upon arrival at a destination in this state, and upon this
3639 inspection finds terminal disease, the department shall cause all diseased colonies, appliances,
3640 and equipment to be either:
3641 (i) destroyed immediately; or
3642 (ii) removed from the state within 48 hours.
3643 (b) The costs [~~under~~] of complying with Subsection (5)(a)(i) or (ii) shall be paid by the
3644 person bringing the diseased colonies, appliances, or equipment into the state.
3645 Section 136. Section **4-11-112**, which is renumbered from Section 4-11-12 is
3646 renumbered and amended to read:
3647 **[~~4-11-12~~]. 4-11-112. Quarantine authorized.**
3648 The commissioner, in order to protect the bee industry of the state against bee health or
3649 management issues, may quarantine the entire state, an entire county, or any apiary or specific
3650 hive within the state[~~, as the commissioner considers necessary~~].
3651 Section 137. Section **4-11-113**, which is renumbered from Section 4-11-13 is
3652 renumbered and amended to read:

3653 **[~~4-11-13~~]. 4-11-113. Unlawful acts specified.**
3654 It is unlawful for a person to:
3655 (1) extract honey in any place where bees can gain access either during or after the
3656 extraction process;
3657 [~~(2) remove honey or wax, or attempt to salvage, or salvage any hives, apiary~~
3658 ~~equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant,~~
3659 ~~unless specifically authorized by a county bee inspector or the commissioner;~~]
3660 [~~(3)~~] (2) maintain any neglected or abandoned hives, apiary equipment, or appliances
3661 other than in an enclosure that prohibits the entrance of bees;
3662 [~~(4)~~] (3) raise bees without being registered with the department; or
3663 [~~(5) operate a wax-salvage plant without a license;~~]
3664 [~~(6) store an empty hive body, apiary equipment, or appliances in a manner that may~~
3665 ~~propagate pests, disease, or bee feeding frenzy; or~~]
3666 [~~(7)~~] (4) knowingly sell a colony, apiary equipment, or [~~appliances that are~~] appliance
3667 that is inoculated with terminal disease pathogens.
3668 Section 138. Section **4-11-114**, which is renumbered from Section 4-11-14 is
3669 renumbered and amended to read:
3670 **[~~4-11-14~~]. 4-11-114. Maintenance of abandoned apiary, equipment, or**
3671 **appliance -- Nuisance.**
3672 (1) It is a public nuisance to keep [~~or maintain~~] an abandoned or diseased apiary, apiary
3673 equipment, or appliance anywhere other than in an enclosure that prohibits the entry of bees.
3674 (2) Items listed in Subsection (1) are subject to seizure and destruction by the county
3675 bee inspector.
3676 (3) Upon discovery of, or receipt of a written complaint concerning, an abandoned
3677 apiary site, apiary equipment, or appliance, the [~~county~~] bee inspector shall attempt to notify
3678 the registered owner, if any.
3679 (4) (a) A registered owner notified under Subsection (3) shall remove the abandoned
3680 apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.
3681 (b) The [~~county~~] bee inspector or the department shall verify the removal or protection
3682 in accordance with Subsection (4)(a) at the expiration of the 15-day period.
3683 (c) If a registered owner does not comply with Subsection (4)(a), the [~~county~~] bee

3684 inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and
3685 appliances.
3686 (5) A [~~county~~] bee inspector or the department may seize and destroy an abandoned
3687 apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or
3688 appliances do not indicate a registered owner.
3689 Section 139. Section **4-11-115**, which is renumbered from Section 4-11-17 is
3690 renumbered and amended to read:
3691 **[~~4-11-17~~]. 4-11-115. Maintaining gentle stock.**
3692 A beekeeper may not intentionally maintain an aggressive or unmanageable stock,
3693 whether African or European in origin.
3694 Section 140. Section **4-12-4** is amended to read:
3695 **4-12-4. Distribution of commercial and customer-formula feed -- Registration or**
3696 **permit required -- Application -- Fees -- Expiration -- Renewal.**
3697 (1) No person may distribute a commercial feed in this state which is not registered
3698 with the department. Application for registration shall be made to the department upon forms
3699 prescribed and furnished by it accompanied with an annual registration fee, determined by the
3700 department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), for each brand name of commercial feed
3701 registered. Upon receipt of a proper application and payment of the appropriate fee, the
3702 commissioner shall issue a registration to the applicant allowing the applicant to distribute the
3703 registered commercial feed in this state through December 31 of the year in which the
3704 registration is issued, subject to suspension or revocation for cause.
3705 (2) A person who distributes customer-formula feed is not required to register such
3706 feed, but is required to obtain a permit from the department before distribution. Application
3707 for a customer-formula feed distribution permit shall be made to the department upon forms
3708 prescribed and furnished by it accompanied with an annual permit fee determined by the
3709 department pursuant to Subsection [~~4-2-2~~] 4-2-103(2). Upon receipt by the department of a
3710 proper application and payment of the appropriate fee as prescribed by the department, the
3711 commissioner shall issue a permit to the applicant allowing the applicant to distribute
3712 customer-formula feed in this state through December 31 of the year in which the permit is
3713 issued, subject to suspension or revocation for cause.
3714 (3) Each registration is renewable for a period of one year upon the payment of an

3715 annual registration renewal fee in an amount equal to the current applicable original
3716 registration fee. Each renewal fee shall be paid on or before December 31 of each year.
3717 (4) A customer-formula feed permit is renewable for a period of one year upon the
3718 payment of an annual permit renewal fee in an amount equal to the current applicable original
3719 permit fee. Each permit renewal fee shall be paid on or before December 31 of each year.
3720 Section 141. Section **4-13-101**, which is renumbered from Section 4-13-1 is
3721 renumbered and amended to read:
3722 **CHAPTER 13. UTAH FERTILIZER ACT**
3723 **[~~4-13-1~~]. 4-13-101. Title.**
3724 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Utah Fertilizer Act."
3725 Section 142. Section **4-13-102**, which is renumbered from Section 4-13-2 is
3726 renumbered and amended to read:
3727 **[~~4-13-2~~]. 4-13-102. Definitions.**
3728 As used in this chapter:
3729 (1) "Adulterated fertilizer" means any commercial fertilizer that contains an ingredient
3730 that renders it injurious to beneficial plant life when applied in accordance with the directions
3731 on the label, or contains crop or weed seed, or is inadequately labeled to protect plant life.
3732 (2) "Brand" means any term, design, or trade mark used in connection with one or
3733 several grades of commercial fertilizer or soil amendment.
3734 (3) "Commercial fertilizer" means any substance that contains one or more recognized
3735 plant nutrients that is used for its plant nutrient content and is designed for use or claimed to
3736 have value in promoting plant growth, exclusive of unmanipulated animal and vegetable
3737 manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by rule of
3738 the department.
3739 (4) "Distributor" means any person who:
3740 (a) imports, consigns, manufactures, produces, compounds, mixes, or blends
3741 commercial fertilizer;
3742 (b) imports, consigns, manufactures, produces, compounds, sizes, or blends a soil
3743 amendment; or
3744 (c) offers for sale, sells, barters, or otherwise supplies commercial fertilizer or a soil
3745 amendment in this state.

3746 (5) "Fertilizer material" means a commercial fertilizer that contains either:
3747 (a) quantities of no more than one of the primary plant nutrients (nitrogen, phosphoric
3748 acid and potash);
3749 (b) approximately 85% plant nutrients in the form of a single chemical compound; or
3750 (c) plant or animal residues or by-products, or a natural material deposit that is
3751 processed so that its primary plant nutrients have not been materially changed, except through
3752 purification and concentration.
3753 (6) "Grade" means the percentage of total nitrogen, available phosphorus or phosphoric
3754 acid, and soluble potassium or soluble potash stated in whole numbers in the same terms,
3755 order, and percentages as in the guaranteed analysis; provided, that specialty fertilizers may be
3756 guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or
3757 phosphoric acid, and soluble potassium or soluble potash and that fertilizer materials such as
3758 bone meal, manures, and similar raw materials may be guaranteed in fractional units.
3759 (7) (a) "Guaranteed analysis" means the minimum percentage by weight of plant
3760 nutrients claimed in the following order and form:

3761 Total nitrogen (N) ____ percent
3762 Available phosphoric acid (P0) ____ percent
3763 Soluble potash (K0) ____ percent

3764 (b) For unacidulated mineral phosphatic materials and basic slag, bone, tankage, and
3765 other organic phosphate materials, it means the total phosphoric acid or degree of fineness.
3766 (c) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in
3767 multiples of one hundred pounds per ton, when required by rule.
3768 (d) (i) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium
3769 may be permitted or required by rule of the department.
3770 (ii) The guarantees for such other nutrients shall be expressed in the form of the
3771 element.
3772 (iii) The sources of such other nutrients, such as oxides, salt, chelates, may be required
3773 to be stated on the application for registration and may be included as a parenthetical statement
3774 on the label.
3775 (iv) Other beneficial substances or compounds, determinable by laboratory methods,
3776 also may be guaranteed by permission of the department.

3777 (v) Any plant nutrients or other substances or compounds guaranteed are subject to
3778 inspection and analysis in accord with the methods and rules prescribed by the department.
3779 (8) "Investigational allowance" means an allowance for variations inherent in the
3780 taking, preparation, and analysis of an official sample of commercial fertilizer or soil
3781 amendment.
3782 (9) "Label" means the display of all written, printed, or graphic matter upon the
3783 immediate container or statement accompanying a commercial fertilizer or soil amendment.
3784 (10) "Labeling" means all written, printed, or graphic matter upon or accompanying
3785 any commercial fertilizer or soil amendment, or advertisements, brochures, posters, television
3786 and radio announcements used in promoting the sale of such commercial fertilizers or soil
3787 amendments.
3788 (11) "Mixed fertilizer" means a commercial fertilizer containing any combination of
3789 fertilizer materials.
3790 (12) "Official sample" means any sample of commercial fertilizer or soil amendment
3791 taken by the department and designated as "official."
3792 (13) "Percent" or "percentage" means the percentage by weight.
3793 (14) "Registrant" means any person who registers a commercial fertilizer or a soil
3794 amendment under the provisions of this chapter.
3795 (15) (a) "Soil amendment" means any substance that is intended to improve the
3796 physical characteristics of soil.
3797 (b) "Soil amendment" does not include any commercial fertilizer, agriculture liming
3798 materials, unmanipulated animal manure, unmanipulated vegetable manure, pesticides, or other
3799 material exempt by rule of the department.
3800 (16) "Specialty fertilizer" means any commercial fertilizer distributed primarily for
3801 non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks,
3802 cemeteries, greenhouses, and nurseries.
3803 (17) "Ton" means a net weight of 2,000 pounds avoirdupois.
3804 Section 143. Section **4-13-103**, which is renumbered from Section 4-13-3 is
3805 renumbered and amended to read:
3806 **[~~4-13-3~~]. 4-13-103. Distribution of commercial fertilizer or soil amendment --**
3807 **Registration required -- Application -- Fees -- Expiration -- Renewal -- Exemptions**

3808 **specified -- Blenders and mixers to register name under which business conducted --**
3809 **Blenders and mixers fee.**
3810 (1) (a) Each brand and grade of commercial fertilizer or soil amendment shall be
3811 registered in the name of the person whose name appears upon the label before being
3812 distributed in this state.
3813 (b) The application for registration shall be submitted to the department on a form
3814 prescribed and furnished by it, and shall be accompanied by a fee determined by the department
3815 pursuant to Subsection [~~4-2-2~~] 4-2-103(2) for each brand and grade.
3816 (c) Upon approval by the department, a copy of the registration shall be furnished to
3817 the applicant.
3818 (d) (i) Each registration expires at midnight on December 31 of the year in which
3819 issued.
3820 (ii) Each registration is renewable for a period of one year upon the payment of an
3821 annual registration renewal fee in an amount equal to the current applicable original
3822 registration fee.
3823 (iii) Each renewal fee shall be paid on or before December 31 of each year.
3824 (2) The application for registration shall include the following information:
3825 (a) the net weight;
3826 (b) the brand and grade;
3827 (c) the guaranteed analysis;
3828 (d) the name and address of the registrant; and
3829 (e) any other information as the department may prescribe by rule.
3830 (3) A distributor is not required to register any commercial fertilizer which has been
3831 registered by another person under this chapter if the label does not differ in any respect.
3832 (4) (a) A distributor is not required to register each grade of commercial fertilizer
3833 formulated by a consumer before mixing, but is required to:
3834 (i) register the name under which the business of blending or mixing is conducted;
3835 (ii) pay an annual blenders license fee determined by the department pursuant to
3836 Subsection [~~4-2-2~~] 4-2-103(2); and
3837 (iii) label the mixed fertilizer or soil amendment as provided in Section [~~4-13-4~~]
3838 4-13-104.

3839 (b) (i) A blenders license shall expire at midnight on December 31 of the year in which
3840 it is issued.
3841 (ii) A blenders license is renewable for a period of one year upon the payment of an
3842 annual license renewal fee in an amount equal to the current applicable original blenders
3843 license fee.
3844 (iii) Each renewal fee shall be paid on or before December 31 of each year.
3845 (5) (a) A fee shall be assessed on fertilizer and soil amendment products sold in the
3846 state.
3847 (b) The fee shall be:
3848 (i) determined by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2); and
3849 (ii) paid by the manufacturer or distributor on a schedule specified by rule.
3850 (c) Revenue generated by the fee shall be deposited in the General Fund as dedicated
3851 credits to be used by the department for education about and promotion of proper fertilizer
3852 distribution, handling, and use.
3853 Section 144. Section **4-13-104**, which is renumbered from Section 4-13-4 is
3854 renumbered and amended to read:
3855 **[~~4-13-4~~]. 4-13-104. Labeling requirements for specialty fertilizer, bulk**
3856 **commercial fertilizer, packaged mixed fertilizer, and soil amendments specified.**
3857 (1) Each container of specialty commercial fertilizer distributed in this state shall bear
3858 a label setting forth:
3859 (a) its net weight;
3860 (b) brand and grade;
3861 (c) guaranteed analysis;
3862 (d) the name and address of the registrant; and
3863 (e) the lot number.
3864 (2) (a) Each bulk shipment of commercial fertilizer distributed in this state shall be
3865 accompanied by a printed or written statement setting forth the information specified in
3866 Subsections (1)(a) through (e).
3867 (b) The statement shall be delivered to the purchaser at the time the bulk fertilizer is
3868 delivered.
3869 (3) Each sale of packaged mixed fertilizer shall be labeled, or labeling furnished the

3870 consumer, to show its net weight, guaranteed analysis, lot number, and the name and address of
3871 the distributor.
3872 (4) (a) Each container of soil amendment shall conform to the requirements of
3873 Subsection (1), and if distributed in bulk, with Subsection (2).
3874 (b) The name or chemical designation and content of the soil amending ingredient or
3875 any other information prescribed by rule of the department shall appear whether distributed in a
3876 container or in bulk.
3877 Section 145. Section **4-13-105**, which is renumbered from Section 4-13-5 is
3878 renumbered and amended to read:
3879 **[~~4-13-5~~]. 4-13-105. Enforcement -- Inspection and samples authorized --**
3880 **Methods for sampling and analysis prescribed -- Warrants.**
3881 (1) The department shall periodically sample, inspect, analyze, and test commercial
3882 fertilizers and soil amendments distributed within this state to determine if they comply with
3883 this chapter.
3884 (2) Methods of analysis and sampling shall be in accordance with those adopted by the
3885 department from sources such as the Association of Official Analytical Chemists Journal.
3886 (3) In determining whether a commercial fertilizer or soil amendment is deficient, the
3887 department shall be guided solely by the official sample.
3888 (4) (a) The department is authorized to enter any public or private premises or carriers
3889 during regular business hours in order to have access to commercial fertilizers or soil
3890 amendments subject to this chapter.
3891 (b) If admittance is refused, the department may proceed immediately to obtain an ex
3892 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
3893 for the purpose of making inspections and obtaining samples.
3894 Section 146. Section **4-13-106**, which is renumbered from Section 4-13-6 is
3895 renumbered and amended to read:
3896 **[~~4-13-6~~]. 4-13-106. Distribution of fertilizers not complying with labeling**
3897 **requirements prohibited -- Guaranteed analysis deficient -- Penalty assessed -- Time for**
3898 **payment -- Court action to vacate or amend finding authorized.**
3899 (1) No person shall distribute in this state a commercial fertilizer, fertilizer material,
3900 soil amendment or specialty fertilizer if the official sample thereof establishes that the

3901 commercial fertilizer, fertilizer material, soil amendment or specialty fertilizer is deficient in
3902 the nutrients guaranteed on the label by an amount exceeding the values established by rule or
3903 if the overall index value of the official sample is below the level established by rule.
3904 (2) If an official sample, after analysis, demonstrates the guaranteed analysis is
3905 deficient in one or more of its primary plant foods (NPK) beyond the investigational allowance
3906 prescribed by rule, or if the over-all index value of the official sample is below the level
3907 established by rule, a penalty of three times the commercial value of the deficiency or
3908 deficiencies of the lot represented by the official sample may be assessed against the registrant.
3909 (3) All penalties assessed under this section shall be paid to the department within
3910 three months after notice from the department.
3911 (4) Any registrant aggrieved by the finding of an official sample deficiency may file a
3912 complaint with a court of competent jurisdiction to vacate or amend the finding of the
3913 department.
3914 Section 147. Section **4-13-107**, which is renumbered from Section 4-13-7 is
3915 renumbered and amended to read:
3916 **[~~4-13-7~~]. 4-13-107. Department to publish commercial values applied to**
3917 **components of commercial fertilizer.**
3918 The department shall annually publish the values per unit of nitrogen, available
3919 phosphoric acid, and soluble potash in commercial fertilizers in this state for the purpose of
3920 notifying registrants of the commercial value to be applied to commercial fertilizers under
3921 Section [~~4-13-6~~] 4-13-106.
3922 Section 148. Section **4-13-108**, which is renumbered from Section 4-13-8 is
3923 renumbered and amended to read:
3924 **[~~4-13-8~~]. 4-13-108. Suspension or revocation authorized -- Refusal to register**
3925 **authorized -- Grounds -- Stop sale, use, or removal order authorized -- Court action --**
3926 **Procedure -- Costs.**
3927 (1) The department may revoke or suspend the registration of any brand of commercial
3928 fertilizer or soil amendment, or refuse to register any brand of commercial fertilizer or soil
3929 amendment upon satisfactory evidence that the registrant has used fraudulent or deceptive
3930 practices in registration or distribution in this state.
3931 (2) (a) The department may issue a "stop sale, use or removal order" to the owner or

3932 person in possession of any designated lot of commercial fertilizer or soil amendment which it
3933 finds or has reason to believe is being offered or exposed for sale in violation of this chapter.
3934 (b) The order shall be in writing and no commercial fertilizer or soil amendment
3935 subject to it shall be moved or offered or exposed for sale, except upon the subsequent written
3936 release of the department.
3937 (c) Before a release is issued, the department may require the owner or person in
3938 possession of the "stopped" lot to pay the expense incurred by the department in connection
3939 with the withdrawal of the product from the market.
3940 (3) (a) The department is authorized in a court of competent jurisdiction to seek an
3941 order of seizure or condemnation of any fertilizer which violates this chapter or, upon proper
3942 grounds, to obtain a temporary restraining order or permanent injunction, to prevent violation
3943 of this chapter.
3944 (b) No bond shall be required of the department in any injunctive proceeding under this
3945 section.
3946 (4) If condemnation is ordered, the fertilizer or soil amendment shall be disposed of as
3947 the court directs; provided, that in no event shall it order condemnation without giving the
3948 claimant of the fertilizer or soil amendment an opportunity to apply to the court for permission
3949 to relabel, reprocess, or otherwise bring the product into conformance, or to remove it from the
3950 state.
3951 (5) If the court orders condemnation of the commercial fertilizer or soil amendment,
3952 court costs, fees, storage, and other expenses shall be awarded against the claimant of the
3953 fertilizer or soil amendment.
3954 Section 149. Section **4-13-109**, which is renumbered from Section 4-13-9 is
3955 renumbered and amended to read:
3956 **[~~4-13-9~~]. 4-13-109. Sales or exchanges of commercial fertilizers or soil**
3957 **amendments between manufacturers, importers, or manipulators permitted.**
3958 Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of
3959 commercial fertilizers or soil amendments to each other by importers, manufacturers, or
3960 manipulators who mix fertilizer or soil amendment materials for sale or as preventing the free
3961 and unrestricted shipment of commercial fertilizer or soil amendments to manufacturers or
3962 manipulators who have registered their brands as required by this chapter.

3963 Section 150. Section **4-14-101**, which is renumbered from Section 4-14-1 is
3964 renumbered and amended to read:
3965 **CHAPTER 14. UTAH PESTICIDE CONTROL ACT**
3966 **[~~4-14-1~~]. 4-14-101. Title.**
3967 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Utah Pesticide Control Act."
3968 Section 151. Section **4-14-102**, which is renumbered from Section 4-14-2 is
3969 renumbered and amended to read:
3970 **[~~4-14-2~~]. 4-14-102. Definitions.**
3971 As used in this chapter:
3972 (1) "Active ingredient" means an ingredient that:
3973 (a) prevents, destroys, repels, controls, or mitigates pests; or
3974 (b) acts as a plant regulator, defoliant, or desiccant.
3975 (2) "Adulterated pesticide" means a pesticide with a strength or purity that is below the
3976 standard of quality expressed on the label under which [~~it~~] the pesticide is offered for sale.
3977 (3) "Animal" means all vertebrate or invertebrate species.
3978 (4) "Beneficial insect" means an insect that is:
3979 (a) an effective pollinator of plants;
3980 (b) a parasite or predator of pests; or
3981 (c) otherwise beneficial.
3982 (5) "Defoliant" means a substance or mixture intended to cause leaves or foliage to
3983 drop from a plant, with or without causing abscission.
3984 (6) "Desiccant" means a substance or mixture intended to artificially accelerate the
3985 drying of plant or animal tissue.
3986 (7) "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive,
3987 deliver, or offer to deliver pesticides in this state.
3988 (8) "Environment" means all living plants and animals, water, air, land, and the
3989 interrelationships that exist between them.
3990 (9) (a) "Equipment" means any type of ground, water, or aerial equipment or
3991 contrivance using motorized, mechanical, or pressurized power to apply a pesticide.
3992 (b) "Equipment" does not mean any pressurized hand-sized household apparatus used
3993 to apply a pesticide or any equipment or contrivance used to apply a pesticide that is dependent

3994 solely upon energy expelled by the person making the pesticide application.
3995 (10) "EPA" means the United States Environmental Protection Agency.
3996 (11) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.
3997 (12) (a) "Fungus" means a nonchlorophyll-bearing thallophyte or a
3998 nonchlorophyll-bearing plant of an order lower than mosses and liverworts, including rust,
3999 smut, mildew, mold, yeast, and bacteria.
4000 (b) "Fungus" does not include fungus existing on or in:
4001 (i) a living person or other animal; or
4002 (ii) processed food, beverages, or pharmaceuticals.
4003 (13) "Insect" means an invertebrate animal generally having a more or less obviously
4004 segmented body:
4005 (a) usually belonging to the Class Insecta, comprising six-legged, usually winged
4006 forms, including beetles, bugs, bees, and flies; and
4007 (b) allied classes of arthropods that are wingless usually having more than six legs,
4008 including spiders, mites, ticks, centipedes, and wood lice.
4009 (14) "Label" means any written, printed, or graphic matter on, or attached to, a
4010 pesticide or a container or wrapper of a pesticide.
4011 (15) (a) "Labeling" means all labels and all other written, printed, or graphic matter:
4012 (i) accompanying a pesticide or equipment; or
4013 (ii) to which reference is made on the label or in literature accompanying a pesticide or
4014 equipment.
4015 (b) "Labeling" does not include any written, printed, or graphic matter created by the
4016 EPA, the United States Departments of Agriculture or Interior, the United States Department of
4017 Health, Education, and Welfare, state experimental stations, state agricultural colleges, and
4018 other federal or state institutions or agencies authorized by law to conduct research in the field
4019 of pesticides.
4020 (16) "Land" means land, water, air, and plants, animals, structures, buildings,
4021 contrivances, and machinery appurtenant or situated thereon, whether fixed or mobile,
4022 including any used for transportation.
4023 (17) "Misbranded" means any label or labeling that is false or misleading or that does
4024 not strictly comport with the label and labeling requirements set forth in Section [~~4-14-4~~]

4025 4-14-104.
4026 (18) "Misuse" means use of any pesticide in a manner inconsistent with [~~its~~] the
4027 pesticide's label or labeling.
4028 (19) "Nematode" means invertebrate animals of the Phylum Nemathelminthes and
4029 Class Nematoda, including unsegmented round worms with elongated, fusiform, or saclike
4030 bodies covered with cuticle, also known as nemas or eelworms.
4031 (20) (a) "Pest" means:
4032 (i) any insect, rodent, nematode, fungus, weed; or
4033 (ii) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or other
4034 microorganism that is injurious to health or to the environment or that the department declares
4035 to be a pest.
4036 (b) "Pest" does not include:
4037 (i) viruses, bacteria, or other microorganisms on or in a living person or other living
4038 animal; or
4039 (ii) protected wildlife species identified in Section 23-13-2 that are regulated by the
4040 Division of Wildlife Resources in accordance with Sections 23-14-1 through 23-14-3.
4041 (21) "Pesticide" means any:
4042 (a) substance or mixture of substances, including a living organism, that is intended to
4043 prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug,
4044 fungus, weed, or other form of plant or animal life that is normally considered to be a pest or
4045 that the commissioner declares to be a pest;
4046 (b) any substance or mixture of substances intended to be used as a plant regulator,
4047 defoliant, or desiccant;
4048 (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder,
4049 adhesive, or emulsifying agent with deflocculating properties of its own used with a pesticide
4050 to aid [~~its~~] the pesticide's application or effect; and
4051 (d) any other substance designated by the department by rule.
4052 (22) "Pesticide applicator" is a person who:
4053 (a) applies or supervises the application of a pesticide; and
4054 (b) is required by this chapter to have a license.
4055 (23) (a) "Pesticide applicator business" means an entity that:

4056 (i) is authorized to do business in this state; and
4057 (ii) offers pesticide application services.
4058 (b) "Pesticide applicator business" does not include an individual licensed agricultural
4059 applicator who may work for hire.
4060 (24) "Pesticide dealer" means any person who distributes restricted use pesticides.
4061 (25) (a) "Plant regulator" means any substance or mixture intended, through
4062 physiological action, to accelerate or retard the rate of growth or rate of maturation, or
4063 otherwise alter the behavior of ornamental or crop plants.
4064 (b) "Plant regulator" does not include plant nutrients, trace elements, nutritional
4065 chemicals, plant inoculants, or soil amendments.
4066 (26) "Restricted use pesticide" means:
4067 (a) a pesticide, including a highly toxic pesticide, that is a serious hazard to beneficial
4068 insects, animals, or land; or
4069 (b) any pesticide or pesticide use restricted by the administrator of EPA or by the
4070 commissioner.
4071 (27) "Weed" means any plant that grows where not wanted.
4072 (28) "Wildlife" means all living things that are neither human, domesticated, nor pests.
4073 Section 152. Section **4-14-103**, which is renumbered from Section 4-14-3 is
4074 renumbered and amended to read:
4075 **[~~4-14-3~~]. 4-14-103. Registration required for distribution -- Application --**
4076 **Fees -- Renewal -- Local needs registration -- Distributor or applicator license -- Fees --**
4077 **Renewal.**
4078 (1) (a) [~~No~~] A person [~~may distribute a pesticide in this state~~] that is not registered with
4079 the department may not distribute a pesticide in this state.
4080 (b) Application for registration shall be made to the department upon forms prescribed
4081 and furnished by [~~it~~] the department accompanied with an annual registration fee determined
4082 by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2) for each pesticide registered.
4083 (c) Upon receipt by the department of a proper application and payment of the
4084 appropriate fee, the commissioner shall issue a registration to the applicant allowing
4085 distribution of the registered pesticide in this state through June 30 of each year, subject to
4086 suspension or revocation for cause.

4087 (d) (i) Each registration is renewable for a period of one year upon the payment of an
4088 annual registration renewal fee in an amount equal to the current applicable original
4089 registration fee.
4090 (ii) Each renewal fee shall be paid on or before June 30 of each year.
4091 (2) The application shall include the following information:
4092 (a) the name and address of the applicant and the name and address of the person
4093 whose name will appear on the label, if other than the applicant's name;
4094 (b) the name of the pesticide;
4095 (c) a complete copy of the label [~~which~~] that will appear on the pesticide; and
4096 (d) any information prescribed by rule of the department considered necessary for the
4097 safe and effective use of the pesticide.
4098 (3) (a) Forms for the renewal of registration shall be mailed to registrants at least 30
4099 days before their registration expires.
4100 (b) A registration in effect on June 30 for which a renewal application has been filed
4101 and the registration fee tendered shall continue in effect until the applicant is notified either
4102 that the registration is renewed or that [~~it~~] the registration is suspended or revoked pursuant to
4103 Section [~~4-14-8~~] 4-14-108.
4104 (4) The department may, before approval of any registration, require the applicant to
4105 submit the complete formula of any pesticide, including active and inert ingredients, and may
4106 also, for any pesticide not registered according to 7 U.S.C. Sec. 136a or for any pesticide on
4107 which restrictions are being considered, require a complete description of all tests and test
4108 results that support the claims made by the applicant or the manufacturer of the pesticide.
4109 (5) A registrant who desires to register a pesticide to meet special local needs
4110 according to 7 U.S.C. Sec. 136v(c) shall, in addition to complying with Subsections (1) and
4111 (2), satisfy the department that:
4112 (a) a special local need exists;
4113 (b) the pesticide warrants the claims made for [~~it~~] the pesticide;
4114 (c) the pesticide, if used in accordance with commonly accepted practices, will not
4115 cause unreasonable adverse effects on the environment; and
4116 (d) the proposed classification for use conforms with 7 U.S.C. Sec. 136a(d).
4117 (6) [~~No~~] A registration is not required for a pesticide distributed in this state pursuant

4118 to an experimental use permit issued by the EPA or under Section [~~4-14-5~~] 4-14-105.
4119 (7) [~~No~~] A pesticide dealer may not distribute a restricted use pesticide in this state
4120 without a license.
4121 (8) A person shall receive a license before applying:
4122 (a) a restricted use pesticide; or
4123 (b) a general use pesticide for hire or in exchange for compensation.
4124 (9) (a) A license to engage in an activity listed in Subsection (7) or (8) may be obtained
4125 by:
4126 (i) submitting an application on a form provided by the department;
4127 (ii) showing evidence of competence in the pesticide profession, as established by rule,
4128 and complying with the rules adopted by the department under this chapter;
4129 (iii) demonstrating good character;
4130 (iv) having no outstanding infractions and owing no money to the department; and
4131 (v) paying the license fee determined by the department according to Subsection
4132 [~~4-2-2~~] 4-2-103(2).
4133 (b) A person may apply for a triennial license that expires on December 31 of the
4134 second calendar year after the calendar year in which the license is issued.
4135 (c) Notwithstanding Section 63J-1-504, the department shall retain the fees as
4136 dedicated credits and may only use the fees to administer and enforce this title.
4137 Section 153. Section **4-14-104**, which is renumbered from Section 4-14-4 is
4138 renumbered and amended to read:
4139 **[~~4-14-4~~]. 4-14-104. Labeling requirement for pesticides specified.**
4140 (1) Each container of pesticide distributed in this state shall bear a label setting forth:
4141 (a) the name, brand, or trademark under which [~~it~~] the pesticide is distributed;
4142 (b) subject to Subsection (2), an accurate statement of the ingredients on [~~that~~]:
4143 (i) the part of the immediate container [~~(and~~] that is presented or displayed under
4144 customary conditions of purchase; and
4145 (ii) on the outside container and wrapper of the retail package, if there be one, through
4146 which the ingredient statement on the immediate container cannot be clearly read[~~) which is~~
4147 ~~presented or displayed under customary conditions of purchase; provided, that the ingredient~~
4148 ~~statement may appear prominently on another part of the container as permitted pursuant to~~

4149 ~~Section 2(q)(2)(A) of FIFRA if the size or form of the container makes it impracticable to place~~
4150 ~~it on the part of the retail package which is presented or displayed under customary conditions~~
4151 ~~of purchase;~~];
4152 (c) a warning or caution statement if necessary, which, if complied with together with
4153 any requirements imposed under Section 3(d) of FIFRA, is adequate to protect [~~the~~] health and
4154 the environment;
4155 (d) the net weight or measure of the content;
4156 (e) the name and address of the manufacturer, registrant, or person for whom
4157 manufactured;
4158 (f) the EPA registration number assigned to each establishment in which [~~it~~] the
4159 pesticide was produced and the EPA registration number assigned to the pesticide, if required
4160 by regulations under FIFRA;
4161 (g) the federal use classification under which the pesticide is registered or designated
4162 for "experimental use only"; and
4163 (h) directions for use of the pesticide sufficient to [~~effectuate~~] carry out the purposes
4164 for which the product is intended and which, if complied with together with any requirements
4165 imposed under Section 3(d) of FIFRA, are adequate to protect health and the environment.
4166 (2) An ingredient statement may appear prominently on another part of a container, as
4167 permitted under Section 2(q)(2)(A) of FIFRA, if the size or form of the container makes it
4168 impractical to place the ingredient statement on the part of the retail package that is presented
4169 or displayed under customary conditions of purchase.
4170 [~~(2)~~] (3) If the pesticide is highly toxic the label shall, in addition to the other label
4171 requirements, display:
4172 (a) the skull and crossbones;
4173 (b) the word "POISON" in red prominently displayed on a background of distinctly
4174 contrasting color; and
4175 (c) a statement of a practical treatment [~~(~~],first aid or otherwise[~~)~~], in case of poisoning
4176 by the pesticide.
4177 Section 154. Section **4-14-105**, which is renumbered from Section 4-14-5 is
4178 renumbered and amended to read:
4179 **[~~4-14-5~~]. 4-14-105. Issuance of experimental use permits -- Application --**

4180 **Terms and conditions for issuance.**
4181 (1) The department upon application may:
4182 (a) issue an experimental use permit to any person if [~~it~~] the department determines
4183 that the applicant needs such a permit in order to accumulate information necessary to register
4184 a pesticide under Section [~~4-14-3~~] 4-14-103; or
4185 (b) refuse to issue an experimental permit if [~~it~~] the department determines that
4186 issuance is not warranted or that the pesticide use to be made under the proposed terms and
4187 conditions may cause unreasonable adverse effects on the environment.
4188 (2) The department may also with respect to issuance of an experimental use permit:
4189 (a) prescribe the terms and conditions for the conduct of the experimental use [~~which~~]
4190 that in all events shall be under the supervision of the department; and
4191 (b) revoke or modify any experimental use permit if [~~it~~] the department determines that
4192 the terms or conditions of the experimental use are being violated, or that the terms and
4193 conditions prescribed are inadequate to avoid unreasonable adverse effects to the environment.
4194 (3) Application for an experimental use permit may be made before, after, or
4195 simultaneously with an application for registration.
4196 Section 155. Section **4-14-106**, which is renumbered from Section 4-14-6 is
4197 renumbered and amended to read:
4198 **[~~4-14-6~~]. 4-14-106. Department authorized to make and enforce rules.**
4199 The department may, by following the procedures and requirements of Title 63G,
4200 Chapter 3, Utah Administrative Rulemaking Act, adopt rules to:
4201 (1) declare as a pest any form of plant or animal life that is injurious to health or the
4202 environment, except:
4203 (a) a human being; or
4204 (b) a bacteria, virus, or other microorganism on or in a living person or animal;
4205 (2) establish, in accordance with the regulations [~~promulgated~~] issued by the EPA
4206 under 7 U.S.C. Sec. 136w(c)(2), whether pesticides registered for special local needs under the
4207 authority of 7 U.S.C. Sec. 136v(c) are highly toxic to man;
4208 (3) establish, consistent with EPA regulations, that certain pesticides or quantities of
4209 substances contained in these pesticides are injurious to the environment;
4210 (4) adopt a list of "restricted use pesticides" for the state or designated areas within the

4211 state if [~~it~~] the department determines upon substantial evidence presented at a public hearing
4212 and upon recommendation of the pesticide committee that restricted use is necessary to prevent
4213 damage to property or to the environment;
4214 (5) establish qualifications for a pesticide applicator business; and
4215 (6) adopt any rule, not inconsistent with federal regulations [~~promulgated~~] issued under
4216 FIFRA, considered necessary to administer and enforce this chapter, including rules relating
4217 to the sale, distribution, use, and disposition of pesticides if necessary to prevent damage and to
4218 protect the public health.
4219 Section 156. Section **4-14-107**, which is renumbered from Section 4-14-7 is
4220 renumbered and amended to read:
4221 **[~~4-14-7~~]. 4-14-107. Enforcement -- Inspection and sampling authorized --**
4222 **Notice of deficiency to be given registrant -- Objects of inspection delineated -- Warrants.**
4223 (1) The department, to determine compliance with this chapter, shall periodically:
4224 (a) sample, inspect, and analyze pesticides distributed within this state;
4225 (b) observe and investigate the use and application of pesticides within this state; and
4226 (c) inspect equipment used to apply pesticides in this state to determine if [~~they~~
4227 ~~comply~~] the equipment complies with this chapter.
4228 (2) (a) If a pesticide sample, upon analysis, fails to comply with this chapter, the
4229 department shall give written notice to that effect to the registrant or owner of the pesticide.
4230 (b) Nothing in this chapter, however, shall be construed as requiring the department to
4231 refer minor violations for criminal prosecution or for the institution of condemnation
4232 proceedings if [~~it~~] the department believes the public interest will best be served through
4233 informal action.
4234 (3) The department, for the purpose of enforcing this section, is authorized at
4235 reasonable times[~~,~~] to enter any private or public premises for the purpose of:
4236 (a) inspecting any equipment used in applying pesticides;
4237 (b) inspecting or sampling lands actually or reported to be exposed to pesticides;
4238 (c) inspecting storage or disposal areas;
4239 (d) investigating complaints of injury to animals or lands;
4240 (e) sampling pesticides wherever located, including in vehicles; or
4241 (f) observing the use and application of a pesticide.

4242 (4) The department may proceed immediately, if admittance is refused, to obtain an ex
4243 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
4244 for any purpose specified in Subsection (3) of this section.
4245 Section 157. Section **4-14-108**, which is renumbered from Section 4-14-8 is
4246 renumbered and amended to read:
4247 **[~~4-14-8~~]. 4-14-108. Suspension or revocation -- Grounds -- Stop sale, use, or**
4248 **removal order authorized -- Court action -- Procedure -- Award of costs authorized.**
4249 (1) The department may revoke or suspend the registration of any pesticide upon
4250 satisfactory evidence that the registrant has used fraudulent or deceptive practices in the
4251 registration of the pesticide or in [~~its~~] the pesticide's distribution in this state.
4252 (2) (a) The department may issue a "stop sale, use, or removal order" to the owner or
4253 distributor of any designated pesticide or lot of pesticide [~~which it~~] that the department finds or
4254 has reason to believe is being offered or exposed for sale in violation of this chapter.
4255 (b) The order described in Subsection (2)(a) shall be in writing and no pesticide subject
4256 to [~~it~~] the order shall be moved, offered, or exposed for sale, except upon the subsequent
4257 written release by the department.
4258 (c) Before a release is issued, the department may require the owner or distributor of
4259 the "stopped" pesticide or lot to pay the expense incurred by the department in connection with
4260 the withdrawal of the product from the market.
4261 (3) (a) The department is authorized in a court of competent jurisdiction to seek an
4262 order of seizure or condemnation of a pesticide [~~which~~] that violates this chapter or, upon
4263 proper grounds, to obtain a temporary restraining order or permanent injunction to prevent the
4264 violation of this chapter.
4265 (b) No bond shall be required of the department in an injunctive proceeding brought
4266 under this section.
4267 (4) [~~If~~] (a) Subject to Subsection (4)(b), if condemnation is ordered, the pesticide or
4268 equipment shall be disposed of as the court directs[~~; provided, that in no event shall it~~].
4269 (b) The department may not order condemnation without giving the registrant or other
4270 person an opportunity to apply to the court for permission to relabel, reprocess, or otherwise
4271 bring the pesticide into conformance, or for permission to remove [~~it~~] the pesticide from the
4272 state.

4273 (5) If the court orders condemnation, court costs, fees, storage, and other costs shall be
4274 awarded against the claimant of the pesticide or equipment.
4275 (6) The department may:
4276 (a) deny an application for a pesticide applicator license;
4277 (b) revoke a pesticide applicator license for cause; or
4278 (c) suspend a pesticide applicator license for cause.
4279 (7) (a) If a pesticide applicator license is revoked or suspended under Subsection (6),
4280 the license shall be returned to the department within 14 days of the day on which the licensee
4281 received notice of the revocation or suspension.
4282 (b) A licensee who fails to return a license, as described in Subsection (7)(a), may be
4283 subjected to an administrative fine of up to $100 for each 14 days the license is not returned.
4284 Section 158. Section **4-14-109**, which is renumbered from Section 4-14-9 is
4285 renumbered and amended to read:
4286 **[~~4-14-9~~]. 4-14-109. Examination requirements for license to act as applicator**
4287 **may be waived through reciprocal agreement.**
4288 The department may waive any or all examination requirements specified in rule for a
4289 noncommercial, commercial, or private pesticide applicator through a reciprocal agreement
4290 with another state whose examination requirements and standards for licensure are
4291 substantially similar to those of Utah.
4292 Section 159. Section **4-14-110**, which is renumbered from Section 4-14-12 is
4293 renumbered and amended to read:
4294 **[~~4-14-12~~]. 4-14-110. Defenses.**
4295 (1) As an affirmative defense to any action brought as a result of the alleged misuse or
4296 misapplication of a pesticide, a person may present evidence that as of the time of the alleged
4297 violation, the person was in compliance with label directions, this chapter, and any rules issued
4298 in accordance with this chapter.
4299 (2) A person is not liable for injuries resulting from the misuse or misapplication of a
4300 pesticide unless the person was negligent.
4301 Section 160. Section **4-14-111**, which is renumbered from Section 4-14-13 is
4302 renumbered and amended to read:
4303 **[~~4-14-13~~]. 4-14-111. Registration required for a pesticide business.**

4304 (1) A pesticide applicator business shall register with the department by:
4305 (a) submitting an application on a form provided by the department;
4306 (b) paying the registration fee; and
4307 (c) certifying that the business is in compliance with this chapter and departmental
4308 rules authorized by this chapter.
4309 (2) (a) By following the procedures and requirements of Section 63J-1-504, the
4310 department shall establish a registration fee based on the number of pesticide applicators
4311 employed by the pesticide applicator business.
4312 (b) (i) Notwithstanding Section 63J-1-504, the department shall deposit the fees as
4313 dedicated credits and may only use the fees to administer and enforce this chapter.
4314 (ii) The Legislature may annually designate the revenue generated from the fee as
4315 nonlapsing in an appropriations act.
4316 (3) The department shall issue a business registration certificate to a pesticide
4317 applicator business if the individual or entity:
4318 (a) has complied with the requirements of this section;
4319 (b) has shown evidence of competence in the pesticide profession and meets the
4320 certification requirements established by rule;
4321 (c) demonstrates good character;
4322 (d) has no outstanding infractions and owes no money to the department; and
4323 (e) pays the licensing fee established by the department.
4324 (4) A registration certificate expires on December 31 of the second calendar year after
4325 the calendar year in which the registration certificate is issued.
4326 (5) (a) The department may suspend a registration certificate if the pesticide applicator
4327 business violates this chapter or any rules authorized by it.
4328 (b) A pesticide applicator business whose registration certificate has been suspended
4329 may apply to the department for reinstatement of the registration certificate by demonstrating
4330 compliance with this chapter and rules authorized by [~~it~~] this chapter.
4331 (6) A pesticide applicator business shall:
4332 (a) only employ a pesticide applicator who has received a license from the department,
4333 as required by Section [~~4-14-3~~] 4-14-103; and
4334 (b) ensure that all employees comply with this chapter and the rules authorized by [~~it~~]

4335 this chapter.
4336 Section 161. Section **4-15-101**, which is renumbered from Section 4-15-1 is
4337 renumbered and amended to read:
4338 **CHAPTER 15. THE UTAH NURSERY ACT**
4339 **[~~4-15-1~~]. 4-15-101. Title.**
4340 This chapter [~~shall be known and may be cited~~] is known as "The Utah Nursery Act."
4341 Section 162. Section **4-15-102**, which is renumbered from Section 4-15-1.5 is
4342 renumbered and amended to read:
4343 **[~~4-15-1.5~~]. 4-15-102. Background and purpose.**
4344 The Legislature finds that:
4345 (1) nursery stock can harbor and vector plant pests and diseases;
4346 (2) unregulated production and shipping of nursery stock presents an unacceptable risk
4347 to the state's agricultural, forestry, and horticultural interests, and to the state's general
4348 environmental quality; and
4349 (3) it is necessary to ensure that nurseries produce healthy plants and that nursery stock
4350 shipped to other nurseries, brokers, and out-of-state customers meets national nursery stock
4351 cleanliness standards.
4352 Section 163. Section **4-15-103**, which is renumbered from Section 4-15-2 is
4353 renumbered and amended to read:
4354 **[~~4-15-2~~]. 4-15-103. Definitions.**
4355 As used in this part:
4356 (1) "Balled and burlapped stock" means nursery stock [~~which~~] that is removed from the
4357 growing site with a ball of soil containing its root system intact and encased in burlap or other
4358 material to hold the soil in place.
4359 (2) "Bare-root stock" means nursery stock [~~which~~] that is removed from the growing
4360 site with the root system free of soil.
4361 (3) "Compliance agreement" means any written agreement between a person and a
4362 regulatory agency to achieve compliance with any set of requirements being enforced by the
4363 department.
4364 (4) "Container stock" means nursery stock [~~which~~] that is transplanted in soil or in a
4365 potting mixture contained within a metal, clay, plastic, or other rigid container for a period

4366 sufficient to allow newly developed fibrous roots to form, so that if the plant is removed from
4367 the container [~~its~~] the plant's root-media ball will remain intact.
4368 (5) "Etiolated growth" means bleached and unnatural growth resulting from the
4369 exclusion of sunlight.
4370 (6) "Minimum indices of vitality" mean standards adopted by the department to
4371 determine the health and vigor of nursery stock offered for sale in this state.
4372 (7) "National nursery stock cleanliness standards" means nursery stock that:
4373 (a) is free from quarantine pests and pests of concern;
4374 (b) has all nonquarantine plant pests under effective control;
4375 (c) meets the national nursery stock cleanliness standards; and
4376 (d) is eligible for nursery stock certification and shipping permits.
4377 (8) "Nonestablished container stock" means deciduous nursery stock [~~which~~] that is
4378 transplanted in soil or in a potting mixture contained within a metal, clay, plastic, or other rigid
4379 container for a period insufficient to allow the formation of fibrous roots sufficient to form a
4380 root-media ball.
4381 (9) "Nursery" means any place where nursery stock is propagated and grown for sale or
4382 distribution.
4383 (10) "Nursery agent" means a person who solicits or takes order for the sale of nursery
4384 stock, other than on the premises of a nursery or nursery outlet.
4385 [~~(10)~~] (11) "Nursery outlet" means any place or location where nursery stock is offered
4386 for wholesale or retail sale.
4387 [~~(11)~~] (12) (a) "Nursery stock" means:
4388 (i) all plants, whether field grown, container grown, or collected native plants;
4389 (ii) trees, shrubs, vines, grass sod;
4390 (iii) seedlings, perennials, biennials; and
4391 (iv) buds, cuttings, grafts, or scions grown or collected or kept for propagation, sale, or
4392 distribution[~~; except that it does not include~~].
4393 (b) "Nursery stock" does not mean:
4394 (i) dormant bulbs, tubers, roots, corms, rhizomes, or pips;
4395 (ii) field, vegetable, or flower seeds; or
4396 (iii) bedding plants, annual plants, florists' greenhouse or field-grown plants, or flowers

4397 or cuttings.
4398 [~~(12)~~] (13) "Packaged stock" means bare-root stock that is packed either in bundles or
4399 in single plants with the roots in some type of moisture-retaining material designed to retard
4400 evaporation and hold the moisture-retaining material in place.
4401 [~~(13)~~] (14) "Pests of concern" means a nonquarantine pest that:
4402 (a) is not known to occur in the state, or [~~which~~] that has a limited distribution within
4403 the state[~~,~~]; and
4404 (b) has the potential to negatively impact nursery stock health or pose an unacceptable
4405 economic or environmental risk.
4406 [~~(14)~~] (15) "Place of business" means each separate nursery, or nursery outlet, where
4407 nursery stock is offered for sale, sold, or distributed.
4408 [~~(15)~~] (16) "Plant pests" means:
4409 (a) the egg, pupal, and larval stage, as well as any other living stage of any insect, mite,
4410 nematode, slug, snail, protozoa, or other invertebrate animal;
4411 (b) bacteria;
4412 (c) fungi;
4413 (d) parasitic plant or a reproductive part of a parasitic plant;
4414 (e) [~~a~~] virus or viroid;
4415 (f) phytoplasma; or
4416 (g) any infectious substance that can injure or cause disease or damage in any plant.
4417 [~~(16)~~] (17) "Quarantine pest" means a pest that poses potential negative economic or
4418 environmental impact to an area in which the pest currently:
4419 (a) does not exist; or
4420 (b) exists, but its presence is not widely distributed or is being officially controlled.
4421 [~~(17)~~] (18) "Shipping permit or certificate of inspection" means a sticker, stamp,
4422 imprint, or other document that accompanies nursery stock shipped intrastate and documents
4423 that the originating nursery:
4424 (a) is licensed; and
4425 (b) (i) has stock that has passed [~~its~~] annual inspection; or
4426 (ii) produces stock that meets the National Nursery Stock Compliance Standard.
4427 Section 164. Section **4-15-104**, which is renumbered from Section 4-15-3 is

4428 renumbered and amended to read:
4429 **[~~4-15-3~~]. 4-15-104. Department authorized to make and enforce rules.**
4430 The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
4431 Rulemaking Act, to make and enforce [~~such~~] rules [~~as in its judgment are~~] necessary to
4432 administer and enforce this chapter.
4433 Section 165. Section **4-15-105**, which is renumbered from Section 4-15-4 is
4434 renumbered and amended to read:
4435 **[~~4-15-4~~]. 4-15-105. Unlawful to offer nursery stock for sale or to solicit**
4436 **orders for nursery stock without license.**
4437 It is unlawful for any person in this state to offer nursery stock for sale at a nursery or
4438 nursery outlet, or to solicit or receive orders for nursery stock for a person who regularly
4439 engages in the business of operating a nursery or nursery outlet, without a license issued by the
4440 department.
4441 Section 166. Section **4-15-106**, which is renumbered from Section 4-15-5 is
4442 renumbered and amended to read:
4443 **[~~4-15-5~~]. 4-15-106. License -- Application -- Fees -- Expiration -- Renewal.**
4444 (1) (a) Application for a license to operate a nursery or nursery outlet or to solicit or
4445 receive orders of nursery stock for a person regularly engaged in the business of operating a
4446 nursery or nursery outlet shall be made to the department on forms prescribed and furnished by
4447 [~~it~~] the department.
4448 (b) Upon receipt of a proper application and compliance with applicable rules, and
4449 payment of a license fee determined by the department according to Subsection [~~4-2-2~~]
4450 4-2-103(2) for each place of business where the applicant intends to offer nursery stock for
4451 wholesale or retail sale, or the payment of a fee determined by the department pursuant to
4452 Subsection [~~4-2-2~~] 4-2-103(2) in the case of an agent, the commissioner, if satisfied the
4453 convenience and necessity of the industry and the public will be served, shall issue a license to
4454 engage in the otherwise proscribed activity through December 31 of the year in which the
4455 license is issued, subject to suspension or revocation for cause.
4456 (2) A license to operate a nursery or nursery outlet or an agent's license is renewable on
4457 or before December 31 of each year for a period of one year upon the payment of an annual
4458 license renewal fee determined by the department according to Subsection [~~4-2-2~~] 4-2-103(2).

4459 Section 167. Section **4-15-107**, which is renumbered from Section 4-15-6 is
4460 renumbered and amended to read:
4461 **[~~4-15-6~~]. 4-15-107. Nursery stock for wholesale or retail sale -- Graded and**
4462 **sized -- Labels and tags -- Information to appear on label or tag.**
4463 (1) Each type of nursery stock delivered to a nursery or nursery outlet for subsequent
4464 wholesale or retail sale shall:
4465 (a) be sized and graded in accordance with the applicable rules of the department; and
4466 (b) bear a tag or label with the name, grade, size, and variety of the stock.
4467 (2) Each bundle, single lot, or single nursery stock sold at retail shall bear a secure tag
4468 or label with the common or botanical name, grade, size, and variety of the stock legibly
4469 printed or written on [~~it~~] the bundle, single lot, or single nursery stock.
4470 Section 168. Section **4-15-108**, which is renumbered from Section 4-15-7 is
4471 renumbered and amended to read:
4472 **[~~4-15-7~~]. 4-15-108. Inspection -- Issuance of certificate -- Destruction of**
4473 **infested or diseased stock.**
4474 (1) (a) Each nursery may be inspected by the department at least once each year.
4475 (b) If, upon the inspection described in Subsection (1)(a), it appears that the nursery
4476 and [~~its~~] the nursery's stock are free of insect pests and plant disease, the department shall issue
4477 [~~a~~] an inspection certificate [~~to that effect~~] to the nursery.
4478 (2) (a) Each nursery outlet may be inspected by the department at least once each year
4479 during the period nursery stock is offered for retail sale. [~~An inspection certificate may be~~
4480 ~~issued by the department~~]
4481 (b) The department may issue an inspection certificate to a nursery outlet to permit the
4482 interstate shipment of nursery stock if the stock contemplated for shipment appears free of
4483 insect pests and plant disease.
4484 (3) Nursery stock found to be infested with insect pests or infected with plant disease
4485 shall be destroyed or otherwise treated as determined by the department.
4486 Section 169. Section **4-15-109**, which is renumbered from Section 4-15-8 is
4487 renumbered and amended to read:
4488 **[~~4-15-8~~]. 4-15-109. Transport of out-of-state nursery stock to Utah --**
4489 **Certificate of inspection to be filed with department by out-of-state nurseries -- Option in**

4490 **department to accept exchange list in lieu of certificate of inspection -- Imported stock to**
4491 **be tagged -- Treatment of stock not tagged.**
4492 [~~(1) Out-of-state~~]
4493 (1) (a) Subject to Subsection (1)(b), out-of-state nurseries and nursery outlets
4494 transporting nursery stock to a nursery or nursery outlet in this state shall annually deliver to
4495 the department a certified duplicate copy of the "state of origin" certificate of inspection for
4496 each such out-of-state nursery or nursery outlet[~~, provided, that the~~].
4497 (b) The department may accept and exchange a list of certified or licensed out-of-state
4498 nurseries or nursery outlets in lieu of a certificate of inspection for each such individual nursery
4499 or nursery outlet.
4500 (2) Nursery stock originating outside and imported into this state for customer delivery
4501 or for resale shall bear a tag:
4502 (a) stating that the nursery stock has been inspected and certified free from plant pests
4503 and disease[~~. The tag shall also bear~~]; and
4504 (b) bearing the name and address of the shipper or consignor.
4505 (3) A shipment of nursery stock destined for delivery in this state [~~which~~] that is not
4506 accompanied with [~~such a tag~~] the tag described in Subsection (2) may be:
4507 (a) returned to the owner or consignor at [~~such person's expense, or may be~~] the owner
4508 or consignor's expense; or
4509 (b) destroyed, or otherwise disposed of, by the department without compensation to the
4510 owner or consignor.
4511 Section 170. Section **4-15-110**, which is renumbered from Section 4-15-9 is
4512 renumbered and amended to read:
4513 **[~~4-15-9~~]. 4-15-110. Nursery stock offered or advertised for sale -- Unlawful to**
4514 **misrepresent name, origin, grade, variety, quality, or vitality -- Information required in**
4515 **advertisements.**
4516 [~~No~~] (1) A person shall not misrepresent the name, origin, grade, variety, quality, or
4517 indice of vitality of any nursery stock advertised or offered for sale at a nursery or nursery
4518 outlet.
4519 (2) All advertisements of nursery stock shall clearly state the name, size, and grade of
4520 the stock where applicable.

4521 Section 171. Section **4-15-111**, which is renumbered from Section 4-15-10 is
4522 renumbered and amended to read:
4523 **[~~4-15-10~~]. 4-15-111. Infested or diseased stock not to be offered for sale --**
4524 **Identification of "nonestablished container stock" -- Requirements for container stock --**
4525 **Inspected and certified stock only to be offered for sale -- Prohibition against coating**
4526 **aerial plant surfaces.**
4527 (1) Nursery stock [~~which~~] that is infested with plant pests, including noxious weeds, or
4528 infected with disease or [~~which~~] that does not meet minimum indices of vitality may not be
4529 offered for sale.
4530 (2) All nonestablished container stock offered for sale shall be identified by the words
4531 "nonestablished container stock" legibly printed on a water resistant tag [~~which~~] that states the
4532 length of time [~~it~~] the stock has been planted or the date [~~it~~] the stock was planted and may not
4533 be offered for sale in any manner [~~which~~] that leads a purchaser to believe [~~it~~] the stock is
4534 container stock.
4535 (3) All container stock offered for sale shall be established with a root-media mass that
4536 will retain its shape and hold together when removed from the container.
4537 (4) No nursery stock other than officially inspected and certified stock shall be offered
4538 for wholesale or retail sale in this state.
4539 (5) Colored waxes or other materials [~~which~~] that coat the aerial parts of a plant and
4540 change the appearance of the plant surface are prohibited.
4541 Section 172. Section **4-15-112**, which is renumbered from Section 4-15-11 is
4542 renumbered and amended to read:
4543 **[~~4-15-11~~]. 4-15-112. Enforcement -- Inspection -- Stop sale order -- Procedure**
4544 **-- Warrants.**
4545 (1) (a) The department may issue a "stop sale" order to any nursery or nursery outlet
4546 upon discovery or notification of a quarantine pest or pest of concern, or if the department has
4547 reason to believe the nursery is offering, advertising, or selling nursery stock in violation of
4548 Section [~~4-15-10~~] 4-15-111.
4549 (b) The "stop sale" order described in Subsection (1)(a) shall be in writing and no
4550 nursery stock subject to [~~it~~] the order shall be advertised or sold, except upon subsequent
4551 written release by the department.

4552 (2) (a) The department is authorized for the purpose of ascertaining compliance with
4553 this chapter to enter and inspect any nursery or nursery outlet where nursery stock is kept
4554 during [~~their~~] the nursery or nursery outlet's business hours.
4555 (b) If access for the purpose of inspection is denied, the department may proceed
4556 immediately to the nearest court of competent jurisdiction and obtain an ex parte warrant or its
4557 equivalent to permit inspection of the nursery or nursery outlet.
4558 Section 173. Section **4-15-113**, which is renumbered from Section 4-15-12 is
4559 renumbered and amended to read:
4560 **[~~4-15-12~~]. 4-15-113. Suspension or revocation -- Grounds -- Notice and**
4561 **hearing.**
4562 [~~The~~] (1) Subject to Subsection (2), the department may suspend or revoke the license
4563 of any nursery, nursery outlet, or agent that violates Section [~~4-15-9 or 4-15-10; provided, that~~
4564 ~~no~~] 4-15-110 or 4-15-111.
4565 (2) A suspension or revocation shall not be effective until after the nursery, nursery
4566 outlet, or agent is afforded notice and a hearing.
4567 Section 174. Section **4-15-114**, which is renumbered from Section 4-15-14 is
4568 renumbered and amended to read:
4569 **[~~4-15-14~~]. 4-15-114. Compliance agreements.**
4570 The department may make compliance agreements with the responsible officials of
4571 other states and nursery establishments to achieve compliance with any set of requirements
4572 being enforced by the department.
4573 Section 175. Section **4-16-101**, which is renumbered from Section 4-16-1 is
4574 renumbered and amended to read:
4575 **Part 1. Organization**
4576 **[~~4-16-1~~]. 4-16-101. Short title.**
4577 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Utah Seed Act."
4578 Section 176. Section **4-16-102**, which is renumbered from Section 4-16-2 is
4579 renumbered and amended to read:
4580 **[~~4-16-2~~]. 4-16-102. Definitions.**
4581 As used in this chapter:
4582 (1) "Advertisement" means any representation made relative to seeds, plants, bulbs, or

4583 ground stock other than those on the label of a seed container, disseminated in any manner.
4584 (2) "Agricultural seeds" mean seeds of grass, forage plants, cereal crops, fiber crops,
4585 sugar beets, seed potatoes, or any other kinds of seed or mixtures of seed commonly known
4586 within this state as agricultural or field seeds.
4587 (3) "Flower seeds" mean seeds of herbaceous plants grown for their blooms,
4588 ornamental foliage, or other ornamental plants commonly known and sold under the name of
4589 flower seeds in this state.
4590 (4) "Foundation seed," "registered seed," or "certified seed" means seed that is
4591 produced and labeled in accordance with procedures officially recognized by a seed certifying
4592 agency approved and accredited in this state.
4593 (5) (a) "Hybrid" means the first generation seed of a cross produced by controlling
4594 pollination and by combining:
4595 (i) two or more inbred lines;
4596 (ii) one inbred or a single cross with an open-pollinated variety; or
4597 (iii) two varieties or species, except open-pollinated varieties of corn, Zea mays.
4598 (b) The second generation and subsequent generations from the crosses referred to in
4599 Subsection (5)(a) are not to be regarded as hybrids.
4600 (c) Hybrid designations shall be treated as variety names.
4601 (6) "Kind" means one or more related species or subspecies of seed which singly or
4602 collectively is known by one name, for example, corn, oats, alfalfa, and timothy.
4603 (7) (a) "Label" means any written, printed, or graphic representation accompanying and
4604 pertaining to any seeds, plants, bulbs, or ground stock whether in bulk or in containers.
4605 (b) "Label" includes representations on invoices, bills, and letterheads.
4606 (8) "Lot" means a definite quantity of seed identified by a number or other mark, every
4607 part or bag of which is uniform within recognized tolerances.
4608 (9) "Noxious-weed seeds" mean weed seeds declared noxious by the commissioner.
4609 (10) "Pure seed," "germination," or other terms in common use for testing seeds for
4610 purposes of labeling shall have ascribed to them the meaning set forth for such terms in the
4611 most recent edition of "Rules for Seed Testing" published by the Association of Official Seed
4612 Analysts.
4613 (11) "Seeds for sprouting" means seeds sold for sprouting for salad or culinary

4614 purposes.
4615 (12) "Sowing" means the placement of agricultural seeds, vegetable seeds, flower
4616 seeds, tree and shrub seeds, or seeds for sprouting in a selected environment for the purpose of
4617 obtaining plant growth.
4618 (13) "Treated" means seed that has received an application of a substance to reduce,
4619 control, or repel certain disease organisms, fungi, insects or other pests which may attack the
4620 seed or its seedlings, or has received some other treatment to improve its planting value.
4621 (14) "Tree and shrub seeds" mean seeds of woody plants commonly known and sold
4622 under the name of tree and shrub seeds in this state.
4623 (15) "Variety" means a subdivision of a kind characterized by growth, yield, plant,
4624 fruit, seed, or other characteristic, which differentiate it from other plants of the same kind.
4625 (16) "Vegetable seeds" mean seeds of crops grown in gardens or on truck farms that
4626 are generally known and sold under the name of vegetable seeds, plants, bulbs, and ground
4627 stocks in this state.
4628 (17) "Weed seeds" mean seeds of any plant generally recognized as a weed within this
4629 state.
4630 Section 177. Section **4-16-103**, which is renumbered from Section 4-16-3 is
4631 renumbered and amended to read:
4632 **[~~4-16-3~~]. 4-16-103. Department authorized to make and enforce rules --**
4633 **Cooperation with state and federal agencies authorized.**
4634 (1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
4635 Rulemaking Act, to make and enforce [~~such~~] rules [~~as in its judgment are deemed necessary to~~
4636 ~~administer and enforce this chapter; and, in conjunction with its administration and~~
4637 ~~enforcement, it is authorized to~~].
4638 (2) The department may cooperate with other state agencies, other states, and with the
4639 United States Department of Agriculture or other departments or agencies of the federal
4640 government.
4641 Section 178. Section **4-16-201**, which is renumbered from Section 4-16-4 is
4642 renumbered and amended to read:
4643 **Part 2. Regulations**
4644 **[~~4-16-4~~]. 4-16-201. Labeling requirements specified for containers of**

4645 **agricultural seed, mixtures of lawn and turf seed, vegetable seed, flower seed, tree and**
4646 **shrub seed, and seeds for sprouting.**
4647 (1) Each container of agricultural seed offered or exposed for sale or transported for
4648 sowing into this state shall be labeled with the following information:
4649 (a) the common name of the kind or kind and variety of each seed component in excess
4650 of 5% by weight of the whole and the percent by weight of each component in the order of its
4651 predominance, provided that:
4652 (i) if any component is required by rule of the department to be labeled as a variety, the
4653 label, in addition to stating the common name of the seed, shall specify the name of the variety
4654 or, if allowed by rule of the department, state "Variety Not Stated";
4655 (ii) if any component is a hybrid seed, that fact shall be stated on the label; and
4656 (iii) if more than one component is required to be named, the word "mixture" shall
4657 appear;
4658 (b) the name and address of the person who labeled the seed, or who offers or exposes
4659 it for sale in this state;
4660 (c) the lot number or other lot identification;
4661 (d) the percentage by weight of all weed seeds;
4662 (e) the percentage by weight of agricultural or crop seeds other than those named on
4663 the label;
4664 (f) the percentage by weight of inert matter;
4665 (g) the name and rate of occurrence per pound of each kind of restricted noxious-weed
4666 seed for which tolerance is permitted;
4667 (h) the origin, if known, of alfalfa, red clover, or field corn and, if the origin is
4668 unknown, that fact shall be stated; and
4669 (i) the month and year seed tests were conducted specifying:
4670 (i) percent of germination, exclusive of hard seed;
4671 (ii) percent of hard seed; and
4672 (iii) total percent of germination and hard seed.
4673 (2) Each container of seed mixtures for lawn or turf seed offered or exposed for sale or
4674 transported for sowing into this state shall be labeled with the following information:
4675 (a) the common name of the kind or kind and variety of each agricultural seed

4676 component in excess of 5% by weight of the whole, and the percentage by weight of pure seed
4677 in order of its predominance in columnar form;
4678 (b) the name and address of the person who labeled the seed, or who offers or exposes
4679 it for sale in this state;
4680 (c) the lot number or other lot identification;
4681 (d) the percentage by weight of all weed seeds;
4682 (e) the percentage by weight of agricultural seeds or crop seeds other than those
4683 required to be named on the label;
4684 (f) the percentage by weight of inert matter;
4685 (g) the name and rate of occurrence per pound of each kind of restricted noxious-weed
4686 seed for which tolerance is permitted;
4687 (h) the month and year seed tests were conducted specifying:
4688 (i) percent of germination, exclusive of hard seed; and
4689 (ii) percent of hard seed;
4690 (i) the word "mixed" or "mixture"; and
4691 (j) its net weight.
4692 (3) Each container of vegetable seeds weighing one pound or less offered or exposed
4693 for sale or prepared for home gardens or household plantings or preplanted in containers, mats,
4694 tapes, or other devices shall be labeled with the following information:
4695 (a) the common name of the kind and variety of seed;
4696 (b) the name and address of the person who labeled the seed, or who offers or exposes
4697 it for sale in this state;
4698 (c) the calendar month and year the seed was tested or the year for which the seed was
4699 packaged;
4700 (d) if germination of the seed is less than the germination standard last established for
4701 the seed by the department, the label shall specify:
4702 (i) percentage of germination, exclusive of hard seed;
4703 (ii) percentage of hard seed, if present;
4704 (iii) the calendar month and year the germination test was completed to determine the
4705 percentages; and
4706 (iv) the words "Below Standard" in not less than eight-point type; and

4707 (e) if the seeds are placed in a germination medium, mat, tape, or other device which
4708 makes it difficult to determine the quantity of the seed without removing the seeds, a statement
4709 to indicate the minimum number of seeds in the container.
4710 (4) Each container of vegetable seeds weighing more than one pound offered or
4711 exposed for sale or transported for sowing into this state shall be labeled with the following
4712 information:
4713 (a) the common name of each kind and variety of seed component present in excess of
4714 5% by weight of the whole and the percentage by weight of each in order of its predominance;
4715 (b) the name and address of the person who labeled the seed, or who offers or exposes
4716 it for sale in this state;
4717 (c) the lot number or other lot identification;
4718 (d) the month and year seed tests were conducted specifying:
4719 (i) the percentage of germination, exclusive of hard seed; and
4720 (ii) the percentage of hard seed, if present; and
4721 (e) the name and rate of occurrence per pound of each kind of restricted noxious-weed
4722 seed for which tolerance is permitted.
4723 (5) Each container of flower seeds prepared in packets for use in home flower gardens
4724 or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting
4725 devices and offered or exposed for sale in this state shall be labeled with the following
4726 information:
4727 (a) the common name of the kind and variety of the seeds or a statement of the type
4728 and performance characteristics of the seed;
4729 (b) the name and address of the person who labeled the seed, or who offers or exposes
4730 it for sale in this state;
4731 (c) the calendar month and year the seed was tested or the year for which the seed was
4732 packaged;
4733 (d) if germination of the seed is less than the germination standard last established by
4734 the department, the label shall specify:
4735 (i) percentage of germination, exclusive of hard seed;
4736 (ii) percentage of hard seed, if present; and
4737 (iii) the words "Below Standard" in not less than eight-point type; and

4738 (e) if the seeds are placed in a germination medium, mat, tape, or other device which
4739 makes it difficult to determine the quantity of seed without removing the seeds, a statement to
4740 indicate the minimum number of seeds in the container.
4741 (6) Each container of flower seeds in other than packets prepared for use in home
4742 flower gardens or household plantings and other than in preplanted containers, mats, tapes, and
4743 other devices offered or exposed for sale in this state shall be labeled with the following
4744 information:
4745 (a) the common name of the kind and variety of the seed or a statement of the type and
4746 performance characteristics of the seed;
4747 (b) the name and address of the person who labeled the seed, or who offers or exposes
4748 it for sale in this state;
4749 (c) the lot number or other lot identification;
4750 (d) the month and year the seed was tested, or the year for which it was packaged; and
4751 (e) for those kinds of seeds for which standard testing procedures are prescribed:
4752 (i) the percentage of germination, exclusive of hard seed; and
4753 (ii) the percentage of hard seed, if present.
4754 (7) Each container of tree and shrub seeds offered or exposed for sale or transported for
4755 sowing into this state shall be labeled with the following information:
4756 (a) the common name of the species of seed and subspecies, if appropriate;
4757 (b) the scientific name of the genus and species and subspecies, if appropriate;
4758 (c) the name and address of the person who labeled the seed or who offers or exposes it
4759 for sale in this state;
4760 (d) the lot number or other lot identification;
4761 (e) information as to origin as follows:
4762 (i) for seed collected from a predominantly indigenous stand, the area of collection
4763 given by latitude and longitude, or geographic description, or political subdivision such as state
4764 or county; and
4765 (ii) for seed collected from other than a predominantly indigenous stand, identity of the
4766 area of collection and the origin of the stand or state "origin not indigenous";
4767 (f) the elevation or the upper and lower limits of elevation within which said seed was
4768 collected;

4769 (g) purity as a percentage of pure seed by weight;
4770 (h) for those species for which standard germination testing procedures are prescribed
4771 by the commissioner, the following:
4772 (i) percentage of germination, exclusive of hard seed;
4773 (ii) percentage of hard seed, if present; and
4774 (iii) the calendar month and year the test was completed to determine such percentages;
4775 and
4776 (i) for those species for which standard germination testing procedures have not been
4777 prescribed by the commissioner, the calendar year in which the seed was collected.
4778 (8) Each container of seeds for sprouting offered or exposed for sale or transported for
4779 sowing into this state shall be labeled with the following information:
4780 (a) the name and address of the person who labeled the seed, or who offers or exposes
4781 it for sale in this state;
4782 (b) the commonly accepted name of the kind or kinds in order of predominance;
4783 (c) lot number;
4784 (d) percentage by weight of each pure seed component in excess of 5% of the whole,
4785 other crop seeds, inert matter, and weed seeds, if any;
4786 (e) percentage of germination of each pure seed component; and
4787 (f) the calendar month and year the seed was tested or the year for which the seed was
4788 packaged.
4789 (9) Any written or printed matter of any label shall appear in English.
4790 Section 179. Section **4-16-202**, which is renumbered from Section 4-16-5 is
4791 renumbered and amended to read:
4792 **[~~4-16-5~~]. 4-16-202. Distribution of seeds -- Germination tests required -- Date**
4793 **to appear on label -- Seed to be free of noxious weed seed -- Special requirements for**
4794 **treated seeds -- Prohibitions.**
4795 (1) No person in this state shall offer or expose any agricultural, vegetable, flower, or
4796 tree and shrub seed or seeds for sprouting for sale or sowing unless:
4797 (a) (i) for agricultural seeds, including mixtures of agricultural seeds:
4798 (A) a test to determine the percentage of germination has been performed within 18
4799 months, exclusive of the month the seed is tested and the date the seed is offered for sale; and

4800 (B) the date of the test appears on the label;
4801 (ii) for vegetable, flower, or tree and shrub seed or seeds for sprouting:
4802 (A) a test to determine the percentage of germination has been performed within nine
4803 months, exclusive of the month the seed is tested and the date the seed is offered for sale; and
4804 (B) the date of the test appears on the label;
4805 (iii) for hermetically sealed agricultural, vegetable, flower, or tree and shrub seed:
4806 (A) a test to determine the percentage of germination has been performed within 36
4807 months, exclusive of the month the seed is tested and the date the seed is offered for sale;
4808 provided, that hermetically sealed seeds may be offered or exposed for sale after 36 months if
4809 they have been retested for germination within nine months, exclusive of the month the seed is
4810 retested and the date the seeds are offered or exposed for sale; and
4811 (B) the date of the test appears on the label;
4812 (b) its package or other container is truthfully labeled and in accordance with Section
4813 [~~4-16-4~~] 4-16-201; and
4814 (c) it is free of noxious weed seed, subject to any tolerance as may be prescribed by the
4815 department through rule.
4816 (2) The label on any package or other container of an agricultural, vegetable, flower, or
4817 tree and shrub seed which has been treated and for which a claim is made on account of the
4818 treatment, in addition to the labeling requirements specified in Section [~~4-16-4~~] 4-16-201,
4819 shall:
4820 (a) state that the seeds have been treated;
4821 (b) state the commonly accepted name, generic chemical name, or abbreviated
4822 chemical name of the substance used for treatment;
4823 (c) if the seed is treated with an inoculant, state the date beyond which the inoculant is
4824 not considered effective; and
4825 (d) include a caution statement consistent with rules of the department if the treatment
4826 substance remains with the seed in an amount which is harmful to vertebrate animals;
4827 provided, that the caution statement for mercurials and similarly toxic substances, as defined by
4828 rule of the department, shall state the seed has been treated with poison with "POISON" printed
4829 in red letters on a background of distinctly contrasting color together with a representation of
4830 the skull and crossbones.

4831 (3) A person may not:
4832 (a) use the word "trace" as a substitute for a statement required under this chapter;
4833 (b) disseminate any false or misleading advertisement about agricultural, vegetable,
4834 flower, or tree and shrub seed or seeds for sprouting; or
4835 (c) detach, alter, or destroy any label or substitute any seed in a manner which defeats
4836 the purpose of this chapter.
4837 Section 180. Section **4-16-203**, which is renumbered from Section 4-16-7 is
4838 renumbered and amended to read:
4839 **[~~4-16-7~~]. 4-16-203. Inspection -- Samples -- Analysis -- Seed testing facilities**
4840 **to be maintained -- Rules to control offensive seeds -- Notice of offending seeds --**
4841 **Warrants.**
4842 (1) (a) The department shall periodically enter public or private premises from which
4843 seeds are distributed, offered, or exposed for sale to sample, inspect, analyze, and test
4844 agricultural, vegetable, flower, or tree and shrub seeds or seeds for sprouting distributed within
4845 this state to determine compliance with this chapter.
4846 (b) To perform the duties specified in Subsection (1)(a), the department shall:
4847 (i) establish and maintain facilities for testing the purity and germination of seeds;
4848 (ii) prescribe by rule uniform methods for sampling and testing seeds; and
4849 (iii) establish fees for rendering service.
4850 (2) The department shall prescribe by rule weed seeds and noxious weed seeds and fix
4851 the tolerances permitted for those offensive seeds.
4852 (3) (a) If a seed sample, upon analysis, fails to comply with this chapter, the department
4853 shall give written notice to that effect to any person who is distributing, offering, or exposing
4854 the seeds for sale. [~~Nothing~~]
4855 (b) Notwithstanding Subsection (3)(a), nothing in this chapter[~~, however,~~] shall be
4856 construed as requiring the department to refer minor violations for criminal prosecution or for
4857 the institution of condemnation proceedings if it believes the public interest will best be served
4858 through informal action.
4859 (4) The department may proceed immediately, if admittance is refused, to obtain an ex
4860 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
4861 for the purpose of making inspections and obtaining samples.

4862 Section 181. Section **4-16-301**, which is renumbered from Section 4-16-8 is
4863 renumbered and amended to read:
4864 **Part 3. Enforcement**
4865 **[~~4-16-8~~]. 4-16-301. Enforcement -- Stop sale, use, or removal authorized --**
4866 **Court action -- Procedures -- Costs.**
4867 (1) (a) The department may issue a "stop sale, use, or removal order" to the distributor,
4868 owner, or person in possession of any designated agricultural, vegetable, flower, or tree and
4869 shrub seed or seeds for sprouting or lot of seed which it finds or has reason to believe violates
4870 this chapter.
4871 (b) The order shall be in writing and no seed subject to it shall be moved, offered, or
4872 exposed for sale, except upon subsequent written release by the department.
4873 (c) Before a release is issued, the department may require the distributor or owner of
4874 the "stopped" seed or lot to pay the expense incurred by the department in connection with the
4875 withdrawal of the product from the market.
4876 (2) (a) The department is authorized in a court of competent jurisdiction to seek an
4877 order of seizure or condemnation of any seed which violates this chapter or, upon proper
4878 grounds, to obtain a temporary restraining order or permanent injunction to prevent violation of
4879 this chapter.
4880 (b) No bond may be required of the department in an injunctive proceeding brought
4881 under this section.
4882 (3) (a) If condemnation is ordered, the seed shall be disposed of as the court directs.
4883 (b) The court may not order condemnation without giving the claimant of the seed an
4884 opportunity to apply to the court for permission to relabel, reprocess, or otherwise bring the
4885 seed into conformance, or for permission to remove it from the state.
4886 (c) If the court orders condemnation, court costs, fees, storage, and other costs shall be
4887 awarded against the claimant of the seed.
4888 Section 182. Section **4-16-302**, which is renumbered from Section 4-16-10 is
4889 renumbered and amended to read:
4890 **[~~4-16-10~~]. 4-16-302. False or misleading advertising with respect to seed**
4891 **quality prohibited.**
4892 Unless agricultural, vegetable, flower, or tree and shrub seeds or seeds for sprouting

4893 sold, advertised, or exposed or offered for sale in this state for propagation or planting have
4894 been registered or certified by an officially recognized seed certifying agency approved and
4895 accredited in this state, a person may not:
4896 (1) use orally or in writing:
4897 (a) the term "foundation," "registered," or "certified" seed along with other words; or
4898 (b) any other term or form of words which suggests that the seed has been certified or
4899 registered by an inspection agency duly authorized by any state, or that there has been
4900 registration or certification, or either; or
4901 (2) use any tags similar to registration or certification tags.
4902 Section 183. Section **4-16-303**, which is renumbered from Section 4-16-11 is
4903 renumbered and amended to read:
4904 **[~~4-16-11~~]. 4-16-303. Distributors of seed to keep record of each lot of seed**
4905 **distributed.**
4906 (1) Each person whose name appears on the label of agricultural, vegetable, flower, or
4907 tree and shrub seeds or seeds for sprouting shall keep:
4908 (a) a complete record of each lot of agricultural, vegetable, flower, tree and shrub seed
4909 or seeds for sprouting distributed in this state for a period of two years; and
4910 (b) a file sample of each lot of seed for a period of one year after final disposition of
4911 the lot.
4912 (2) The records and samples pertaining to the distribution of the seeds shall be
4913 available to the department for inspection during regular business hours.
4914 Section 184. Section **4-16-401**, which is renumbered from Section 4-16-9 is
4915 renumbered and amended to read:
4916 **Part 4. Testing**
4917 **[~~4-16-9~~]. 4-16-401. Designation of official testing agency for certification of**
4918 **seed.**
4919 (1) The agricultural experiment station at Utah State University is designated as the
4920 official state agency responsible for the production, approval, and testing of foundation seeds in
4921 this state.
4922 (2) This agency shall perform all functions necessary for seed certification including
4923 the determination of the adaptability of established and new crop varieties for planting in this

4924 state, whether produced in this state or elsewhere and the determination of eligibility of crop
4925 varieties for registration and certification in the state.
4926 (3) In performing its responsibility, the experiment station may contract, subject to
4927 available funds, upon such terms and conditions as it [~~deems~~] considers appropriate with a
4928 private seed certifying agency.
4929 Section 185. Section **4-16-501**, which is renumbered from Section 4-16-6 is
4930 renumbered and amended to read:
4931 **Part 5. Exemption**
4932 **[~~4-16-6~~]. 4-16-501. Chapter does not apply to seed not intended for sowing,**
4933 **to seed at seed processing plant, or to seed transported or delivered for transportation in**
4934 **the ordinary course of business.**
4935 (1) This chapter does not apply to:
4936 [~~(1)~~] (a) seed or grain not intended for sowing;
4937 [~~(2)~~] (b) subject to Subsection (2), seed at, or consigned to, a seed processing or
4938 cleaning plant; [~~provided, that any label or any other representation which is made with respect~~
4939 ~~to the uncleaned or unprocessed seed is subject to this chapter;~~] or
4940 [~~(3)~~] (c) to any carrier in respect to any seed transported or delivered for transportation
4941 in the ordinary course of its business as a carrier[~~; provided, the carrier is not engaged in~~
4942 ~~producing, processing, or marketing agricultural, vegetable, flower, or tree and shrub seeds or~~
4943 ~~seeds for sprouting~~].
4944 (2) Any label or other representation which is made with respect to seed described in
4945 Subsection (1)(b) is made with respect to the uncleaned or unprocessed seed is subject to this
4946 chapter.
4947 (3) A carrier described in Subsection (1)(c) may not be engaged in producing,
4948 processing, or marketing agricultural, vegetable, flower, or tree and shrub seeds or seeds for
4949 sprouting.
4950 Section 186. Section **4-17-101**, which is renumbered from Section 4-17-1 is
4951 renumbered and amended to read:
4952 **CHAPTER 17. UTAH NOXIOUS WEED ACT**
4953 **[~~4-17-1~~]. 4-17-101. Title.**
4954 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Utah Noxious Weed Act."

4955 Section 187. Section **4-17-102**, which is renumbered from Section 4-17-2 is
4956 renumbered and amended to read:
4957 **[~~4-17-2~~]. 4-17-102. Definitions.**
4958 As used in this chapter:
4959 (1) "Commission" means the county legislative body of [~~the counties~~] each county of
4960 this state.
4961 (2) "Commissioner" means the commissioner of agriculture and food or the
4962 commissioner's representative.
4963 (3) "County noxious weed" means any plant [~~which~~] that is:
4964 (a) not on the state noxious weed list[~~, is~~];
4965 (b) especially troublesome in a particular county[~~,~~]; and [~~is~~]
4966 (c) declared by the county legislative body to be a noxious weed within [~~its~~] the county.
4967 (4) "Noxious weed" means any plant the commissioner determines to be especially
4968 injurious to public health, crops, livestock, land, or other property.
4969 Section 188. Section **4-17-103**, which is renumbered from Section 4-17-3 is
4970 renumbered and amended to read:
4971 **[~~4-17-3~~]. 4-17-103. Commissioner -- Functions, powers, and duties.**
4972 The commissioner [~~has the following powers and duties~~] or the commissioner's
4973 designee shall:
4974 (1) [~~investigates and designates~~] investigate and designate noxious weeds on a
4975 statewide basis;
4976 (2) [~~compiles and publishes~~] compile and publish annually a list of statewide noxious
4977 weeds;
4978 (3) [~~coordinates and assists~~] coordinate and assist in inter-county noxious weed
4979 enforcement activities;
4980 (4) [~~determines~~] determine whether each county complies with this chapter;
4981 (5) [~~assists~~] assist a county [~~which~~] that fails to carry out the provisions of this chapter
4982 in [~~its~~] the county's implementation of a weed control program;
4983 (6) [~~prescribes~~] prescribe the form and general substantive content of notices to the
4984 public and to individuals concerning the prevention and control of noxious weeds;
4985 (7) [~~compiles and publishes~~] compile and publish a list of articles capable of

4986 disseminating noxious weeds or seeds and designate treatment to prevent dissemination; and
4987 (8) [~~regulates~~] regulate the flow of contaminated articles into the state and between
4988 counties to prevent the dissemination of noxious weeds or seeds.
4989 Section 189. Section **4-17-104**, which is renumbered from Section 4-17-3.5 is
4990 renumbered and amended to read:
4991 **[~~4-17-3.5~~]. 4-17-104. Creation of State Weed Committee -- Membership --**
4992 **Powers and duties -- Expenses.**
4993 (1) There is created a State Weed Committee composed of eight members, with each
4994 member representing one of the following:
4995 (a) the Department of Agriculture and Food;
4996 (b) the Department of Natural Resources;
4997 (c) the Utah State University Agricultural Experiment Station;
4998 (d) the Utah State University Extension Service;
4999 (e) the Utah Association of Counties;
5000 (f) private agricultural industry;
5001 (g) the Utah Weed Control Association; and
5002 (h) the Utah Weed Supervisors Association.
5003 (2) The commissioner shall select the members of the committee from those nominated
5004 by each of the respective groups or agencies following approval by the Agricultural Advisory
5005 Board.
5006 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
5007 expire, the commissioner shall appoint each new member or reappointed member to a four-year
5008 term.
5009 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
5010 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5011 committee members are staggered so that approximately half of the committee is appointed
5012 every two years.
5013 (4) (a) Members may be removed by the commissioner for cause.
5014 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
5015 appointed for the unexpired term.
5016 (5) The State Weed Committee shall:

5017 (a) confer and advise on matters pertaining to the planning, implementation, and
5018 administration of the state noxious weed program;
5019 (b) recommend names for membership on the committee; and
5020 (c) serve as members of the executive committee of the Utah Weed Control
5021 Association.
5022 (6) A member may not receive compensation or benefits for the member's service, but
5023 may receive per diem and travel expenses in accordance with:
5024 (a) Section 63A-3-106;
5025 (b) Section 63A-3-107; and
5026 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5027 63A-3-107.
5028 Section 190. Section **4-17-105**, which is renumbered from Section 4-17-4 is
5029 renumbered and amended to read:
5030 **[~~4-17-4~~]. 4-17-105. County weed control board -- Appointment --**
5031 **Composition -- Terms -- Removal -- Compensation.**
5032 (1) [~~Each~~] A county executive of [~~the counties~~] a county may, with the advice and
5033 consent of the county legislative body, appoint a county weed control board comprised of not
5034 less than three nor more than five appointed members.
5035 (2) (a) If the county legislative body is the county commission, the chair of the county
5036 legislative body shall appoint one member of the county legislative body who shall act as a
5037 coordinator between the county and the county weed control board.
5038 (b) If the county legislative body is a county council, the county executive shall serve
5039 on the county weed control board and act as coordinator between the county and the county
5040 weed control board.
5041 (3) Two members of the board shall be farmers or ranchers whose primary source of
5042 income is derived from production agriculture.
5043 (4) Members are appointed to four year terms of office and serve with or without
5044 compensation as determined by each county legislative body.
5045 (5) Members may be removed for cause and any vacancy [~~which~~] that occurs on a
5046 county weed control board shall be filled by appointment for the unexpired term of the vacated
5047 member.

5048 Section 191. Section **4-17-106**, which is renumbered from Section 4-17-4.5 is
5049 renumbered and amended to read:
5050 **[~~4-17-4.5~~]. 4-17-106. Commissioner may require county weed control board to**
5051 **justify failure to enforce provisions.**
5052 If the commissioner determines that the weed control board of any county has failed to
5053 perform [~~its~~] the board's duties under this chapter, the commissioner may require the board to
5054 justify, in writing, [~~its~~] the board's failure to enforce these provisions within [~~its~~] the board's
5055 county.
5056 Section 192. Section **4-17-107**, which is renumbered from Section 4-17-5 is
5057 renumbered and amended to read:
5058 **[~~4-17-5~~]. 4-17-107. County weed control board responsible for control of**
5059 **noxious weeds -- Cooperation with other county boards -- Authority to designate noxious**
5060 **weed -- Public hearing before removal of noxious weed from state list.**
5061 (1) A county weed control board is responsible, under the general direction of the
5062 county executive, for the formulation and implementation of a county-wide coordinated
5063 noxious weed control program designed to prevent and control noxious weeds within [~~its~~] the
5064 board's county.
5065 (2) A county weed control board is required, under the general direction of [~~its~~] the
5066 board's commission, to cooperate with other county weed control boards to prevent and control
5067 the spread of noxious weeds.
5068 (3) (a) A county legislative body may declare a particular weed or competitive plant,
5069 not appearing on the state noxious weed list, a county noxious weed within [~~its county, or the~~]
5070 the board's county.
5071 (b) A county executive, with the approval of the county legislative body, may petition
5072 the commissioner for removal of a particular noxious weed from the state noxious weed list.
5073 (c) The county legislative body may not approve a petition of the county executive to
5074 the commissioner to remove a noxious weed unless [~~it~~] the county legislative body has first
5075 conducted a public hearing after due notice.
5076 Section 193. Section **4-17-108**, which is renumbered from Section 4-17-6 is
5077 renumbered and amended to read:
5078 **[~~4-17-6~~]. 4-17-108. Weed control supervisor -- Qualification -- Appointment**

5079 **-- Duties.**
5080 (1) (a) Each commission may employ one or more weed control supervisors qualified
5081 to:
5082 (i) detect and treat noxious weeds; and
5083 (ii) direct the weed control program for the county weed control board.
5084 (b) A person may be a weed control supervisor for more than one county weed control
5085 board.
5086 (c) Terms and conditions of employment shall be prescribed by the commission.
5087 (2) A supervisor, under the direction of the local county weed control board, shall:
5088 (a) examine all land under the jurisdiction of the county weed control board to
5089 determine whether this chapter and the rules adopted by the department have been met;
5090 (b) compile data on infested areas;
5091 (c) consult and advise upon matters pertaining to the best and most practical method of
5092 noxious weed control and prevention;
5093 (d) render assistance and direction for the most effective control and prevention;
5094 (e) investigate violations of this chapter;
5095 (f) enforce noxious weed controls within the county; and
5096 (g) perform any other duties required by the county weed control board.
5097 Section 194. Section **4-17-109**, which is renumbered from Section 4-17-7 is
5098 renumbered and amended to read:
5099 **[~~4-17-7~~]. 4-17-109. Notice of noxious weeds to be published annually in**
5100 **county -- Notice to particular property owners to control noxious weeds -- Methods of**
5101 **prevention or control specified -- Failure to control noxious weeds considered public**
5102 **nuisance.**
5103 (1) Each county weed control board before May 1 of each year shall post a general
5104 notice of the noxious weeds within the county in at least three public places within the county
5105 and publish the same notice on:
5106 (a) at least three occasions in a newspaper or other publication of general circulation
5107 within the county; and
5108 (b) as required in Section 45-1-101.
5109 (2) (a) If the county weed control board determines that particular property within the

5110 county requires prompt and definite attention to prevent or control noxious weeds, [~~it~~] the
5111 county weed control board shall serve the owner or the person in possession of the property,
5112 personally or by certified mail, a notice specifying when and what action is required to be taken
5113 on the property.
5114 (b) Methods of prevention or control may include definite systems of tillage, cropping,
5115 use of chemicals, and use of livestock.
5116 (3) An owner or person in possession of property who fails to take action to control or
5117 prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance.
5118 Section 195. Section **4-17-110**, which is renumbered from Section 4-17-8 is
5119 renumbered and amended to read:
5120 **[~~4-17-8~~]. 4-17-110. Noxious weeds -- Failure to control after notice of**
5121 **nuisance -- Notice and hearing -- Control at county expense -- Owner liable for county**
5122 **costs -- Charges lien against property.**
5123 (1) If the owner or person in possession of the property fails to take action to control or
5124 prevent the spread of noxious weeds within five working days after the property is declared a
5125 public nuisance, the county may, after reasonable notification, enter the property, without the
5126 consent of the owner or the person in possession, and perform any work necessary, consistent
5127 with sound weed prevention and control practices, to control the weeds.
5128 [~~(2) Any expense incurred by the county in controlling the noxious weeds is paid by~~
5129 ~~the~~]
5130 (2) (a) If the county controls weeds on a piece of property, as described in Subsection
5131 (1), and seeks reimbursement from the property owner of record or the person in possession of
5132 the property, the county shall send the property owner or person in possession of the property a
5133 documented description of the expense and a demand for payment within 30 days of the day on
5134 which the weed control took place.
5135 (b) The property owner of record or the person in possession of the property, as the
5136 case may be, shall reimburse the county for the county's expense within 90 days after receipt of
5137 the [~~charges incurred by the county.~~] demand for payment, as described in Subsection (2)(a).
5138 (c) If the demand for payment is not paid within 90 days after [~~notice of the charges~~]
5139 receipt, the charges become a lien against the property and are collectible by the county
5140 treasurer at the time general property taxes are collected.

5141 Section 196. Section **4-17-111**, which is renumbered from Section 4-17-8.5 is
5142 renumbered and amended to read:
5143 **[~~4-17-8.5~~]. 4-17-111. Hearing before county weed control board -- Appeal of**
5144 **decision to the county legislative body -- Judicial review.**
5145 (1) Any person served with notice to control noxious weeds may request a hearing to
5146 appeal the terms of the notice before the county weed control board within 10 days of receipt of
5147 such notice and may appeal the decision of the county weed control board to the county
5148 legislative body.
5149 (2) Any person served with notice to control noxious weeds who has had a hearing
5150 before both the county weed control board and the county legislative body may further appeal
5151 the decision of the county legislative body by filing written notice of appeal with a court of
5152 competent jurisdiction.
5153 Section 197. Section **4-17-112**, which is renumbered from Section 4-17-10 is
5154 renumbered and amended to read:
5155 **[~~4-17-10~~]. 4-17-112. Jurisdiction of state and local agencies to control weeds.**
5156 The departments or agencies of state and local governments shall develop, implement,
5157 and pursue an effective program for the control and containment of noxious weeds on all lands
5158 under [~~their~~] the department's or agency's control or jurisdiction, including highways,
5159 roadways, rights-of-way, easements, game management areas, and state parks and recreation
5160 areas.
5161 Section 198. Section **4-17-113**, which is renumbered from Section 4-17-11 is
5162 renumbered and amended to read:
5163 **[~~4-17-11~~]. 4-17-113. County noxious weed control fund authorized.**
5164 [~~Authority is hereby granted commissions to~~] A commission may establish and
5165 maintain a noxious weed control fund in each county for use in the administration of this
5166 chapter.
5167 Section 199. Section **4-17-114**, which is renumbered from Section 4-2-8.7 is
5168 renumbered and amended to read:
5169 **[~~4-2-8.7~~]. 4-17-114. Invasive Species Mitigation Account created.**
5170 (1) As used in this section, "project" means an undertaking that:
5171 (a) rehabilitates or treats an area infested with, or threatened by, an invasive species; or

5172 (b) conducts research related to invasive species.
5173 (2) (a) There is created a restricted account within the General Fund known as the
5174 "Invasive Species Mitigation Account."
5175 (b) The restricted account shall consist of:
5176 (i) money appropriated by the Legislature;
5177 (ii) grants from the federal government; and
5178 (iii) grants or donations from a person.
5179 (3) (a) After consulting with the Department of Natural Resources and the
5180 Conservation Commission, the department may expend money in the restricted account:
5181 (i) on a project implemented by:
5182 (A) the department; or
5183 (B) the Conservation Commission; or
5184 (ii) by giving a grant for a project to:
5185 (A) a state agency;
5186 (B) a federal agency;
5187 (C) a federal, state, tribal, or private landowner;
5188 (D) a political subdivision;
5189 (E) a county weed board;
5190 (F) a cooperative weed management area; or
5191 (G) a university.
5192 (b) The department may use up to 10% of restricted account funds appropriated under
5193 Subsection (2)(b)(i) on:
5194 (i) department administration; or
5195 (ii) project planning, monitoring, and implementation expenses.
5196 (c) A project that receives funds from the Invasive Species Mitigation Account may not
5197 spend more than 10% of an award of funds on planning and administration costs.
5198 (d) A federal landowner that receives restricted account funds for a project shall match
5199 the funds received from the restricted account with an amount that is equal to or greater than
5200 the amount received from the restricted account.
5201 (4) In giving a grant, the department shall consider the effectiveness of a project in the
5202 rehabilitation or treatment of an area infested with, or threatened by, an invasive species.

5203 Section 200. Section **4-17-115**, which is renumbered from Section 4-2-8.6 is
5204 renumbered and amended to read:
5205 **[~~4-2-8.6~~]. 4-17-115. Cooperative agreements and grants to rehabilitate areas**
5206 **infested with or threatened by invasive species.**
5207 After consulting with the Department of Natural Resources and the Conservation
5208 Commission, the department may:
5209 (1) enter into a cooperative agreement with a political subdivision, a state agency, a
5210 federal agency, [~~or a federal, state, tribal~~] a tribe, a county weed board, a cooperative weed
5211 management area, a university, or a private landowner to:
5212 (a) rehabilitate or treat an area infested with, or threatened by, an invasive species; or
5213 (b) conduct research related to invasive species;
5214 (2) expend money from the Invasive Species Mitigation Account created in Section
5215 [~~4-2-8.7~~] 4-17-114; and
5216 (3) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5217 make rules to:
5218 (a) administer this section; and
5219 (b) give grants from the Invasive Species Mitigation Account.
5220 Section 201. Section **4-18-101** is amended to read:
5221 **CHAPTER 18. CONSERVATION COMMISSION ACT**
5222 **Part 1. Duties and Administration**
5223 **4-18-101. Title.**
5224 This chapter is known as the "Conservation Commission Act."
5225 Section 202. Section **4-18-102** is amended to read:
5226 **4-18-102. Purpose declaration.**
5227 (1) The Legislature finds and declares that:
5228 (a) the soil and water resources of this state constitute one of [~~its~~] the state's basic
5229 assets; and
5230 (b) the preservation of [~~these~~] soil and water resources requires planning and programs
5231 to ensure:
5232 (i) the development and utilization of [~~these~~] soil and water resources; and
5233 (ii) [~~their~~] soil and water resources' protection from the adverse effects of wind and

5234 water erosion, sediment, and sediment related pollutants.
5235 (2) The Legislature finds that local production of food is essential for:
5236 (a) the security of the state's food supply; and
5237 (b) the self-sufficiency of the state's citizens.
5238 (3) The Legislature finds that sustainable agriculture is critical to:
5239 (a) the success of rural communities;
5240 (b) the historical culture of the state;
5241 (c) maintaining healthy farmland;
5242 (d) maintaining high water quality;
5243 (e) maintaining abundant wildlife;
5244 (f) high-quality recreation for citizens of the state; and
5245 (g) helping to stabilize the state economy.
5246 (4) The Legislature finds that livestock grazing on public lands is important for the
5247 proper management, maintenance, and health of public lands in the state.
5248 (5) The Legislature encourages each agricultural producer in the state to operate in a
5249 reasonable and responsible manner to maintain the integrity of land, soil, water, and air.
5250 (6) [~~To~~] The department shall administer the Utah Agriculture Certificate of
5251 Environmental Stewardship Program, created in Section 4-18-107, to encourage each
5252 agricultural producer in this state to operate in a reasonable and responsible manner to maintain
5253 the integrity of the state's resources[~~, the state shall administer the Utah Agriculture Certificate~~
5254 ~~of Environmental Stewardship Program, created in Section 4-18-107~~].
5255 Section 203. Section **4-18-103** is amended to read:
5256 **4-18-103. Definitions.**
5257 As used in this chapter:
5258 (1) (a) "Agricultural discharge" means the release of agriculture water from the
5259 property of a farm, ranch, or feedlot that:
5260 (i) pollutes a surface body of water, including a stream, lake, pond, marshland,
5261 watercourse, waterway, river, ditch, or other water conveyance system;
5262 (ii) pollutes ground water; or
5263 (iii) constitutes a significant nuisance to urban land.
5264 (b) "Agricultural discharge" does not include:

5265 (i) runoff from a farm, ranch, or feedlot, or the return flow of water from an irrigated
5266 field onto land that is not part of a body of water; or
5267 (ii) a release of water from a farm, ranch, or feedlot into a normally dry water
5268 conveyance leading to an active body of water, if the release does not reach the water of a lake,
5269 pond, stream, marshland, river, or other active body of water.
5270 (2) "Agricultural operation" means a farm, ranch, or animal feeding operation.
5271 (3) "Agriculture water" means:
5272 (a) water used by a farm, ranch, or feedlot for the production of food, fiber, or fuel;
5273 (b) the return flow of water from irrigated agriculture; or
5274 (c) agricultural storm water runoff.
5275 (4) "Alternate" means a substitute for a district supervisor if the district supervisor
5276 cannot attend a meeting.
5277 (5) (a) "Animal feeding operation" means a facility where animals, other than aquatic
5278 animals, are stabled or confined and fed or maintained for a total of 45 days or more in any
5279 12-month period.
5280 (b) "Animal feeding operation" does not include an operation where animals are in
5281 areas such as pastures or rangeland that sustain crops or forage growth during the normal
5282 growing season.
5283 (6) "Best management practices" means practices, including management policies and
5284 the use of technology, used by each sector of agriculture in the production of food and fiber
5285 that are commonly accepted practices, or that are at least as effective as commonly accepted
5286 practices, and that:
5287 (a) protect the environment;
5288 (b) protect human health;
5289 (c) ensure the humane treatment of animals; and
5290 (d) promote the financial viability of agricultural production.
5291 (7) "Certified agricultural operation" means an agricultural operation that is certified
5292 under the Utah Agriculture Certificate of Environmental Stewardship Program in accordance
5293 with Section 4-18-107.
5294 (8) "Certified conservation planner" means a planner of a state conservation district, or
5295 other qualified planner, that is approved by the commission to certify an agricultural operation

5296 under the Utah Agriculture Certificate of Environmental Stewardship Program, created in
5297 Section 4-18-107.
5298 (9) "Commission" means the Conservation Commission created in Section 4-18-104.
5299 (10) "Comprehensive nutrient management plan" or "nutrient management plan"
5300 means a plan to properly store, handle, and spread manure and other agricultural byproducts to:
5301 (a) protect the environment; and
5302 (b) provide nutrients for the production of crops.
5303 (11) "Coordinated resource management plan" means a plan of action created at a local
5304 level with broad participation of land owners, natural resource agencies, and interested
5305 stakeholders to protect or enhance the environment, human health, humane treatment of
5306 animals, and financial viability in the community.
5307 (12) "District" or "conservation district" has the same meaning as "conservation
5308 district" as defined in Section 17D-3-102.
5309 (13) "Pollution" means a harmful human-made or human-induced alteration to the
5310 water of the state, including an alteration to the chemical, physical, biological, or radiological
5311 integrity of water that harms the water of the state.
5312 (14) "State technical standards" means a collection of best management practices that
5313 will protect the environment in a reasonable and economical manner for each sector of
5314 agriculture as required by this chapter.
5315 (15) "Sustainable agriculture" means agriculture production and practices that promote:
5316 (a) the environmental responsibility of owners and operators of farms, ranches, and
5317 feedlots; and
5318 (b) the profitability of owners and operators of farms, ranches, and feedlots.
5319 Section 204. Section **4-18-104** is amended to read:
5320 **4-18-104. Conservation Commission created -- Composition -- Appointment --**
5321 **Terms -- Compensation -- Attorney general to provide legal assistance.**
5322 (1) There is created within the department the Conservation Commission to perform
5323 the functions specified in this chapter.
5324 (2) The Conservation Commission shall be [~~comprised of 16~~] composed of 15
5325 members, including:
5326 (a) the director of the Extension Service at Utah State University or the director's

5327 designee;
5328 (b) the president of the Utah Association of Conservation Districts or the president's
5329 designee;
5330 (c) the commissioner or the commissioner's designee;
5331 (d) the executive director of the Department of Natural Resources or the executive
5332 director's designee;
5333 (e) the executive director of the Department of Environmental Quality or the executive
5334 director's designee;
5335 (f) the chair [~~and the vice chair~~], or the chair's designee, of the State Grazing Advisory
5336 Board, created in Section [~~4-20-1.5~~] 4-20-103;
5337 (g) the president of the County Weed Supervisors Association;
5338 (h) seven district supervisors who provide district representation on the commission on
5339 a multicounty basis; and
5340 (i) the director of the School and Institutional Trust Lands Administration or the
5341 director's designee.
5342 (3) If a district supervisor is unable to attend a meeting, an alternate may serve in the
5343 place of the district supervisor for that meeting.
5344 (4) The members of the commission specified in Subsection (2)(h) shall:
5345 (a) be recommended by the commission to the governor; and
5346 (b) be appointed by the governor with the consent of the Senate.
5347 (5) (a) Except as required by Subsection (5)(b), as terms of current commission
5348 members expire, the governor shall appoint each new member or reappointed member to a
5349 four-year term.
5350 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
5351 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5352 commission members are staggered so that approximately half of the commission is appointed
5353 every two years.
5354 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
5355 appointed for the unexpired term.
5356 (7) The commissioner is chair of the commission.
5357 (8) Attendance of a majority of the commission members at a meeting constitutes a

5358 quorum.
5359 (9) A member may not receive compensation or benefits for the member's service, but
5360 may receive per diem and travel expenses in accordance with:
5361 (a) Section 63A-3-106;
5362 (b) Section 63A-3-107; and
5363 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5364 63A-3-107.
5365 (10) The commission shall keep a record of [~~its~~] the commission's actions.
5366 (11) The attorney general shall provide legal services to the commission upon request.
5367 Section 205. Section **4-18-105** is amended to read:
5368 **4-18-105. Conservation Commission -- Functions and duties.**
5369 (1) The commission shall:
5370 (a) facilitate the development and implementation of the strategies and programs
5371 necessary to:
5372 (i) protect, conserve, utilize, and develop the soil, air, and water resources of the state;
5373 and
5374 (ii) promote the protection, integrity, and restoration of land for agricultural and other
5375 beneficial purposes;
5376 (b) disseminate information regarding districts' activities and programs;
5377 (c) supervise the formation, reorganization, or dissolution of districts according to the
5378 requirements of Title 17D, Chapter 3, Conservation District Act;
5379 (d) prescribe uniform accounting and recordkeeping procedures for districts and
5380 require each district to submit annually an audit of [~~its~~] the district's funds to the commission;
5381 (e) approve and make loans for agricultural purposes, through the advisory board
5382 described in Section 4-18-106, from the Agriculture Resource Development Fund, for:
5383 (i) rangeland improvement and management projects;
5384 (ii) watershed protection and flood prevention projects;
5385 (iii) agricultural cropland soil and water conservation projects;
5386 (iv) programs designed to promote energy efficient farming practices; and
5387 (v) programs or improvements for agriculture product storage or protections of a crop
5388 or animal resource;

5389 (f) administer federal or state funds, including loan funds under this chapter, in
5390 accordance with applicable federal or state guidelines and make loans or grants from those
5391 funds to land occupiers for:
5392 (i) conservation of soil or water resources;
5393 (ii) maintenance of rangeland improvement projects;
5394 (iii) development and implementation of coordinated resource management plans, as
5395 defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and
5396 (iv) control or eradication of noxious weeds and invasive plant species:
5397 (A) in cooperation and coordination with local weed boards; and
5398 (B) in accordance with Section [~~4-2-8.7~~] 4-17-114;
5399 (g) seek to coordinate soil and water protection, conservation, and development
5400 activities and programs of state agencies, local governmental units, other states, special interest
5401 groups, and federal agencies;
5402 (h) plan watershed and flood control projects in cooperation with appropriate local,
5403 state, and federal authorities, and coordinate flood control projects in the state;
5404 (i) assist other state agencies with conservation standards for agriculture when
5405 requested; and
5406 (j) when assigned by the governor, when required by contract with the Department of
5407 Environmental Quality, or when required by contract with the United States Environmental
5408 Protection Agency:
5409 (i) develop programs for the prevention, control, or abatement of new or existing
5410 pollution to the soil, water, or air of the state;
5411 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
5412 chapter;
5413 (iii) conduct studies, investigations, research, and demonstrations relating to
5414 agricultural pollution issues;
5415 (iv) give reasonable consideration in the exercise of its powers and duties to the
5416 economic impact on sustainable agriculture;
5417 (v) meet the requirements of federal law related to water and air pollution in the
5418 exercise of [~~its~~] the commission's powers and duties; and
5419 (vi) establish administrative penalties relating to agricultural discharges as defined in

5420 Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.
5421 (2) The commission may:
5422 (a) employ, with the approval of the department, an administrator and necessary
5423 technical experts and employees;
5424 (b) execute contracts or other instruments necessary to exercise its powers;
5425 (c) take necessary action to promote and enforce the purpose and findings of Section
5426 4-18-102;
5427 (d) sue and be sued; and
5428 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
5429 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and
5430 Subsections (2)(b) and (c).
5431 [~~(3) If, under Subsection (2)(a), the commission employs an individual who was~~
5432 ~~formerly an employee of a conservation district or the Utah Association of Conservation~~
5433 ~~Districts, the Department of Human Resource Management shall:~~]
5434 [~~(a) recognize the employee's employment service credit from the conservation district~~
5435 ~~or association in determining leave accrual in the employee's new position within the state;~~
5436 ~~and~~]
5437 [~~(b) set the initial wage rate for the employee at the level that the employee was~~
5438 ~~receiving as an employee of the conservation district or association.~~]
5439 [~~(4) An employee described in Subsection (3) is exempt from the career service~~
5440 ~~provisions of Title 67, Chapter 19, Utah State Personnel Management Act, and shall be~~
5441 ~~designated under schedule codes and parameters established by the Department of Human~~
5442 ~~Resource Management under Subsection 67-19-15(1)(p) until the commission, under~~
5443 ~~parameters established by the Department of Human Resource Management, designates the~~
5444 ~~employee under a different schedule recognized under Section 67-19-15.~~]
5445 [~~(5) (a) For purposes of the report required by Subsection (5)(b), the commissioner~~
5446 ~~shall study the organizational structure of the employees described in Subsection (3).~~]
5447 [~~(b) The commissioner shall report to the Natural Resources, Agriculture, and~~
5448 ~~Environmental Quality Appropriations Subcommittee by no later than that subcommittee's~~
5449 ~~November 2015 interim meeting regarding the study required by Subsection (5)(a).~~]
5450 Section 206. Section **4-18-106** is amended to read:

5451 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**
5452 **money -- Authority board.**
5453 (1) There is created a revolving loan fund known as the Agriculture Resource
5454 Development Fund.
5455 (2) The Agriculture Resource Development Fund shall consist of:
5456 (a) money appropriated to it by the Legislature;
5457 (b) sales and use tax receipts transferred to the fund in accordance with Section
5458 59-12-103;
5459 (c) money received for the repayment of loans made from the fund;
5460 (d) money made available to the state for agriculture resource development from any
5461 source; and
5462 (e) interest earned on the fund.
5463 (3) The commission shall make loans from the Agriculture Resource Development
5464 Fund as provided by Subsections 4-18-105(1)(e)(i) through (iv).
5465 (4) The commission may appoint an advisory board that shall:
5466 (a) oversee the award process for loans, as described in this section;
5467 (b) make recommendations to the commission regarding loans; and
5468 (c) recommend [~~the~~] policies and procedures for the Agriculture Resource
5469 Development Fund[~~;~~] that are consistent with statute.
5470 Section 207. Section **4-18-107** is amended to read:
5471 **4-18-107. Utah Agriculture Certificate of Environmental Stewardship Program.**
5472 (1) There is created the Utah Agriculture Certificate of Environmental Stewardship
5473 Program.
5474 (2) The commission, with the assistance of the department and with the advice of the
5475 Water Quality Board[~~;~~] created in Section 19-1-106, shall make rules in accordance with Title
5476 63G, Chapter 3, Utah Administrative Rulemaking Act that establish:
5477 (a) (i) best management practices;
5478 (ii) state technical standards; and
5479 (iii) guidelines for nutrient management plans;
5480 (b) requirements for qualification under the Utah Agriculture Certificate of
5481 Environmental Stewardship Program that:

5482 (i) are consistent with sustainable agriculture;
5483 (ii) help prevent harm to the environment, including prevention of an agricultural
5484 discharge; and
5485 (iii) encourage agricultural operations in the state to follow:
5486 (A) best management practices; and
5487 (B) nutrient management plans that meet the state technical standards appropriate for
5488 each type of agricultural operation;
5489 (c) the procedure for qualification under the Utah Agriculture Certificate of
5490 Environmental Stewardship Program;
5491 (d) the requirements and certification process for an individual to become a certified
5492 conservation planner; and
5493 (e) standards and procedures for administering the Utah Agriculture Certificate of
5494 Environmental Stewardship Program, including:
5495 (i) renewal of a certification under Subsection (4)(b);
5496 (ii) investigation and revocation of a certification under Subsection (6); and
5497 (iii) revocation of a certification under Subsection (7)(b).
5498 (3) An owner or operator of an agricultural operation may apply to certify the
5499 agricultural operation under the Utah Agriculture Certificate of Environmental Stewardship
5500 Program in accordance with this section.
5501 (4) (a) Except as provided in Subsection (6) or (7), a certified agricultural operation
5502 remains certified for a period of five years after the day on which the agricultural operation
5503 becomes certified.
5504 (b) A certified agricultural operation may, in accordance with commission rule, renew
5505 the certification for an additional five years to keep the certification for a total period of 10
5506 years after the day on which the agricultural operation becomes certified.
5507 (5) Subject to review by the commissioner or the commissioner's designee, a certified
5508 conservation planner shall certify each qualifying agricultural operation that applies to the Utah
5509 Agriculture Certificate of Environmental Stewardship Program.
5510 (6) (a) Upon request of the Department of Environmental Quality or upon receipt by
5511 the department of a citizen environmental complaint, the department shall, with the assistance
5512 of certified conservation planners as necessary, investigate a certified agricultural operation to

5513 determine whether the agricultural operation has committed a significant violation of the
5514 requirements of the Utah Agriculture Certificate of Environmental Stewardship Program.
5515 (b) If, after completing an investigation described in Subsection (6)(a), the department
5516 determines that a certified agricultural operation has committed a significant violation of the
5517 requirements for the Utah Agriculture Certificate of Environmental Stewardship Program, the
5518 department shall report the violation to the commission.
5519 (c) Upon receipt of a report described in Subsection (6)(b), the commission shall
5520 review the report and:
5521 (i) revoke the agricultural operation's certification; or
5522 (ii) set terms and conditions for the agricultural operation to maintain its certification.
5523 (7) (a) If, for a certification renewal under Subsection (4)(b), or an investigation under
5524 Subsection (6)(a), the department requests access to a certified agricultural operation, the
5525 certified agricultural operation shall, at a reasonable time, allow access for the department to:
5526 (i) inspect the agricultural operation; or
5527 (ii) review the records of the agricultural operation.
5528 (b) If a certified agricultural operation denies the department access as described in
5529 Subsection (7)(a), the commission may revoke the agricultural operation's certification.
5530 (8) If the commission changes a requirement of the Utah Agriculture Certificate of
5531 Environmental Stewardship Program after an agricultural operation is certified in accordance
5532 with former requirements, during the certification and renewal periods described in
5533 Subsections (4)(a) and (b) the agricultural operation may choose whether to abide by a new
5534 requirement, but the agricultural operation is not subject to the new requirement until the
5535 agricultural operation reapplies for certification.
5536 (9) Nothing in this section exempts an agricultural discharge made by a certified
5537 agricultural operation from the provisions of Subsection 19-5-105.5(3)(b).
5538 (10) (a) Except as provided in Subsections 19-5-105.6(2) and (3), a certified agriculture
5539 operation may not be required to implement additional projects or best management practices
5540 to address nonpoint source discharges.
5541 (b) The Division of Water Quality shall consider an agriculture operation's compliance
5542 with certification under an approved agriculture environmental stewardship program a
5543 mitigating factor for penalty purposes, as provided in Section 19-5-105.6.

5544 Section 208. Section **4-18-108** is amended to read:
5545 **4-18-108. Grants for environmental improvement projects -- Criteria for award**
5546 **-- Duties of commission.**
5547 (1) (a) Subject to appropriation, the commission, as described in Subsection (4), may
5548 make a grant to an owner or operator of a farm or ranch to pay for the costs of plans or projects
5549 to improve manure management, control surface water runoff, or address other environmental
5550 issues on the farm or ranch operation, including the costs of preparing or implementing a
5551 nutrient management plan.
5552 (b) The commission shall make a grant described in Subsection (1)(a) from funds
5553 appropriated by the Legislature for that purpose.
5554 (2) (a) In awarding a grant, the commission shall consider the following criteria:
5555 (i) the ability of the grantee to pay for the costs of plans or projects to improve manure
5556 management or control surface water runoff;
5557 (ii) the availability of:
5558 (A) matching funds provided by the grantee or another source; or
5559 (B) material, labor, or other items of value provided in lieu of money by the grantee or
5560 another source; and
5561 (iii) the benefits that accrue to the general public by the awarding of a grant.
5562 (b) The commission may establish by rule additional criteria for the awarding of a
5563 grant.
5564 (3) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
5565 Administrative Rulemaking Act, to implement this section.
5566 (4) The commission:
5567 (a) shall be responsible for awarding a grant or loan for water quality or other
5568 environmental issues; and
5569 (b) may appoint an advisory board to:
5570 (i) assist with the award process; and
5571 (ii) make recommendations to the commission regarding awards.
5572 Section 209. Section **4-18-201** is enacted to read:
5573 **Part 2. Salinity Offset Fund**
5574 **4-18-201. Title -- Definitions.**

5575 (1) This part is known as "Salinity Offset Fund."
5576 (2) As used in this part, "Colorado River Salinity Offset Program" means a program,
5577 administered by the Division of Water Quality, allowing oil, gas, or mining companies and
5578 other entities to provide funds to finance salinity reduction projects in the Colorado River
5579 Basin by purchasing salinity credits as offsets against discharges made by the company under
5580 permits issued by the Division of Water Quality.
5581 Section 210. Section **4-18-202**, which is renumbered from Section 4-2-8.5 is
5582 renumbered and amended to read:
5583 **[~~4-2-8.5~~]. 4-18-202. Salinity Offset Fund.**
5584 [~~(1) As used in this section, "Colorado River Salinity Offset Program" means a~~
5585 ~~program, administered by the Division of Water Quality, allowing oil, gas, or mining~~
5586 ~~companies and other entities to provide funds to finance salinity reduction projects in the~~
5587 ~~Colorado River Basin by purchasing salinity credits as offsets against discharges made by the~~
5588 ~~company under permits issued by the Division of Water Quality.~~]
5589 [~~(2)~~] (1) (a) There is created an expendable special revenue fund known as the "Salinity
5590 Offset Fund."
5591 (b) The fund shall consist of:
5592 (i) money received from the Division of Water Quality that has been collected as part
5593 of the Colorado River Salinity Offset Program;
5594 (ii) grants from local governments, the state, or the federal government;
5595 (iii) grants from private entities; and
5596 (iv) interest on fund money.
5597 [~~(3)~~] (2) (a) The department shall:
5598 (i) subject to the rules established under Subsection [~~(3)~~] (2)(a)(ii), distribute fund
5599 money to farmers, ranchers, mutual irrigation companies, and other entities in the state to assist
5600 in financing irrigation, rangeland, and watershed improvement projects that will, in accordance
5601 with the Colorado River Salinity Offset Program, reduce salinity in the Colorado River; and
5602 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5603 make rules establishing:
5604 (A) a project funding application process;
5605 (B) project funding requirements;

5606 (C) project approval criteria; and
5607 (D) standards for evaluating the effectiveness of funded projects in reducing salinity in
5608 the Colorado River.
5609 (b) The department may require entities seeking fund money to provide matching
5610 funds.
5611 (c) The department shall submit to the Division of Water Quality proposed funding
5612 projects for the division's review and approval.
5613 (d) The Division of Water Quality and the department shall establish a committee to
5614 review and approve projects, as funding allows.
5615 [~~(4)~~] (3) (a) Except as provided in Subsection [~~(4)~~] (3)(b), the department may use fund
5616 money for the administration of the fund, but this amount may not exceed 10% of the receipts
5617 to the fund.
5618 (b) The department may not use earned interest for administration of the fund.
5619 Section 211. Section **4-19-101** is enacted to read:
5620 **CHAPTER 19. RURAL REHABILITATION**
5621 **4-19-101. Title.**
5622 This chapter is known as "Rural Rehabilitation."
5623 Section 212. Section **4-19-102**, which is renumbered from Section 4-19-1 is
5624 renumbered and amended to read:
5625 **[~~4-19-1~~]. 4-19-102. Department responsible for conduct and administration**
5626 **of rural rehabilitation program.**
5627 The department shall conduct and administer the rural rehabilitation program within the
5628 state in accordance with the agreement entered into in January 1975, between the United States
5629 of America through its Farm Home Administration and the state through its commissioner.
5630 Section 213. Section **4-19-103**, which is renumbered from Section 4-19-2 is
5631 renumbered and amended to read:
5632 **[~~4-19-2~~]. 4-19-103. Department authorized to approve and make grants and**
5633 **loans, acquire property, and lease or operate property.**
5634 The department, in conjunction with the administration of the rural rehabilitation
5635 program, may:
5636 (1) approve and make a loan to a farm or agricultural cooperative association regulated

5637 under Title 3, Uniform Agricultural Cooperative Association Act, subject to Section [~~4-19-3~~]
5638 4-19-104, including:
5639 (a) taking security for the loan through a mortgage, trust deed, pledge, or other security
5640 device;
5641 (b) purchasing a promissory note, real estate contract, mortgage, trust deed, or other
5642 instrument or evidence of indebtedness; and
5643 (c) collecting, compromising, canceling, or adjusting a claim or obligation arising out
5644 of the administration of the rural rehabilitation program;
5645 (2) purchase or otherwise obtain property in which the department has acquired an
5646 interest on account of a mortgage, trust deed, lien, pledge, assignment, judgment, or other
5647 means at any execution or foreclosure sale;
5648 (3) operate or lease, if necessary to protect its investment, property in which it has an
5649 interest, or sell or otherwise dispose of the property; and
5650 (4) approve and make an education loan or an education grant to an individual for the
5651 purpose of attending a vocational school, college, or university to obtain additional education,
5652 qualifications, or skills.
5653 Section 214. Section **4-19-104**, which is renumbered from Section 4-19-3 is
5654 renumbered and amended to read:
5655 **[~~4-19-3~~]. 4-19-104. Loans -- Not to exceed period of 10 years -- Agricultural**
5656 **Advisory Board to approve loans and renewals, methods of payments, and interest rates**
5657 **-- Guidelines in fixing interest rates declared.**
5658 (1) The department may not make a loan authorized under this chapter for a period to
5659 exceed 10 years, but the loan is renewable.
5660 (2) [~~The~~] Except as provided in Subsection (5), the Agricultural Advisory Board
5661 created in Section 4-2-108 shall approve:
5662 (a) all loans and renewals;
5663 (b) the methods of repayment; and
5664 (c) the interest rates charged.
5665 (3) In fixing interest rates, the Agricultural Advisory Board shall consider:
5666 (a) the current applicable interest rate or rates being charged by the USDA Farm
5667 Service Agency on similar loans;

5668 (b) the current prime rate charged by leading lending institutions; and
5669 (c) any other pertinent economic data.
5670 (4) The interest rates established shall be compatible with guidelines stated in this
5671 section.
5672 (5) The Agricultural Advisory Board may create a subcommittee from the board's
5673 membership to approve a loan or renewal under this section.
5674 Section 215. Section **4-19-105**, which is renumbered from Section 4-19-4 is
5675 renumbered and amended to read:
5676 **[~~4-19-4~~]. 4-19-105. Utah Rural Rehabilitation Fund.**
5677 (1) The department shall deposit all income generated from the administration of the
5678 rural rehabilitation program in a separate fund known as the "Utah Rural Rehabilitation Fund."
5679 (2) The state treasurer shall maintain the Utah Rural Rehabilitation Fund and record all
5680 debits and credits made to the fund by the department.
5681 Section 216. Section **4-20-101**, which is renumbered from Section 4-20-1 is
5682 renumbered and amended to read:
5683 **CHAPTER 20. RANGELAND IMPROVEMENT ACT**
5684 **[~~4-20-1~~]. 4-20-101. Title.**
5685 [~~(1)~~] This chapter is known as the "Rangeland Improvement Act."
5686 [~~(2) As used in this chapter:~~]
5687 [~~(a) "Cooperative weed management association" means a multigovernmental~~
5688 ~~association cooperating together to control noxious weeds in a geographic area that includes~~
5689 ~~some portion of Utah.~~]
5690 [~~(b) "Fees" mean the revenue collected by the United States Secretary of Interior from~~
5691 ~~assessments on livestock using public lands.~~]
5692 [~~(c) "Grazing district" means an administrative unit of land:~~]
5693 [~~(i) designated by the commissioner as being valuable for grazing and for raising~~
5694 ~~forage crops; and~~]
5695 [~~(ii) which consists of any combination of the following:~~]
5696 [~~(A) public land;~~]
5697 [~~(B) private land;~~]
5698 [~~(C) state land; and~~]

5699 [~~(D) school and institutional trust land as defined in Section 53C-1-103.~~]
5700 [~~(d) "Public lands" mean vacant, unappropriated, reserved, and unreserved federal~~
5701 ~~lands.~~]
5702 [~~(e) "Regional board" means a regional grazing advisory board whose members are~~
5703 ~~appointed under Section 4-20-1.6.~~]
5704 [~~(f) "Restricted account" means the Rangeland Improvement Account created in Section~~
5705 ~~4-20-2.~~]
5706 [~~(g) "Sales" or "leases" mean the sale or lease, respectively, of isolated or disconnected~~
5707 ~~tracts of public lands by the United States Secretary of Interior.~~]
5708 [~~(h) "State board" means the State Grazing Advisory Board created under Section~~
5709 ~~4-20-1.5.~~]
5710 Section 217. Section **4-20-102** is enacted to read:
5711 **4-20-102. Definitions.**
5712 As used in this chapter:
5713 (1) "Cooperative weed management association" means a multigovernmental
5714 association cooperating to control noxious weeds in a geographic area that includes some
5715 portion of Utah.
5716 (2) "Fees" means the revenue collected by the United States secretary of interior from
5717 assessments on livestock using public lands.
5718 (3) "Grazing district" means an administrative unit of land:
5719 (a) designated by the commissioner as valuable for grazing and for raising forage
5720 crops; and
5721 (b) that consists of any combination of the following:
5722 (i) public lands;
5723 (ii) private land;
5724 (iii) state land; and
5725 (iv) school and institutional trust land as defined in Section 53C-1-103.
5726 (4) "Public lands" mean vacant, unappropriated, reserved, and unreserved federal
5727 lands.
5728 (5) "Regional board" means a regional grazing advisory board with members appointed
5729 under Section 4-20-104.

5730 (6) "Restricted account" means the Rangeland Improvement Account created in
5731 Section 4-20-105.
5732 (7) "Sales" or "leases" means the sale or lease, respectively, of isolated or disconnected
5733 tracts of public lands by the United States secretary of interior.
5734 (8) "State board" means the State Grazing Advisory Board created under Section
5735 4-20-103.
5736 Section 218. Section **4-20-103**, which is renumbered from Section 4-20-1.5 is
5737 renumbered and amended to read:
5738 **[~~4-20-1.5~~]. 4-20-103. State Grazing Advisory Board -- Duties.**
5739 (1) (a) There is created within the department the State Grazing Advisory Board.
5740 (b) The commissioner shall appoint the following members:
5741 (i) one member from each regional board;
5742 (ii) one member from the Conservation Commission, created in Section 4-18-104;
5743 (iii) one representative of the Department of Natural Resources;
5744 (iv) two livestock producers at-large; and
5745 (v) one representative of the oil, gas, or mining industry.
5746 (2) The term of office for a state board member is four years.
5747 (3) Members of the state board shall elect a chair, who shall serve for two years.
5748 (4) A member may not receive compensation or benefits for the member's service but
5749 may receive per diem and travel expenses in accordance with:
5750 (a) Section 63A-3-106;
5751 (b) Section 63A-3-107; and
5752 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5753 63A-3-107.
5754 (5) The state board shall:
5755 (a) receive:
5756 (i) advice and recommendations from a regional board concerning:
5757 (A) management plans for public lands, state lands, and school and institutional trust
5758 lands as defined in Section 53C-1-103, within the regional board's region; and
5759 (B) any issue that impacts grazing on private lands, public lands, state lands, or school
5760 and institutional trust lands as defined in Section 53C-1-103, in its region; and

5761 (ii) requests for restricted account money from the entities described in Subsections
5762 (5)(c)(i) through (iv);
5763 (b) recommend state policy positions and cooperative agency participation in federal
5764 and state land management plans to the department and to the Public Lands Policy
5765 Coordinating Office, created under Section 63J-4-602; and
5766 (c) advise the department on the requests and recommendations of:
5767 (i) regional boards;
5768 (ii) county weed control boards, created in Section [~~4-17-4~~] 4-17-105;
5769 (iii) cooperative weed management associations; and
5770 (iv) conservation districts created under the authority of Title 17D, Chapter 3,
5771 Conservation District Act.
5772 Section 219. Section **4-20-104**, which is renumbered from Section 4-20-1.6 is
5773 renumbered and amended to read:
5774 **[~~4-20-1.6~~]. 4-20-104. Regional grazing advisory boards -- Duties.**
5775 (1) The commissioner shall appoint members to a regional board for each grazing
5776 district from nominations submitted by:
5777 (a) the Utah Cattlemen's Association;
5778 (b) the Utah [~~Woolgrower's~~] Woolgrowers Association;
5779 (c) the Utah Farm Bureau Federation; and
5780 (d) a conservation district, if the conservation district's boundaries include some
5781 portion of the grazing district.
5782 (2) Regional boards:
5783 (a) shall provide advice and recommendations to the state board; and
5784 (b) may receive money from the Rangeland Improvement Account created in Section
5785 [~~4-20-2~~] 4-20-105.
5786 (3) If a regional board receives money as authorized by Subsection (2)(b), the regional
5787 board shall elect a treasurer to expend the money:
5788 (a) as directed by the regional board; and
5789 (b) in accordance with Section [~~4-20-3~~] 4-20-106.
5790 Section 220. Section **4-20-105**, which is renumbered from Section 4-20-2 is
5791 renumbered and amended to read:

5792 **[~~4-20-2~~]. 4-20-105. Rangeland Improvement Account -- Administered by**
5793 **department.**
5794 (1) (a) There is created a restricted account within the General Fund known as the
5795 "Rangeland Improvement Account."
5796 (b) The restricted account shall consist of:
5797 (i) money received by the state from the United States Secretary of Interior under the
5798 Taylor Grazing Act, 43 U.S.C. Section 315 et seq., for sales, leases, and fees;
5799 (ii) grants or appropriations from the state or federal government; and
5800 (iii) grants from private foundations.
5801 (c) Interest earned on the restricted account shall be deposited into the General Fund.
5802 (2) The department shall:
5803 (a) administer the restricted account;
5804 (b) obtain from the United States Department of Interior the receipts collected from:
5805 (i) fees in each grazing district; and
5806 (ii) the receipts collected from the sale or lease of public lands; and
5807 (c) distribute restricted account money in accordance with Section [~~4-20-3~~] 4-20-106.
5808 Section 221. Section **4-20-106**, which is renumbered from Section 4-20-3 is
5809 renumbered and amended to read:
5810 **[~~4-20-3~~]. 4-20-106. Rangeland Improvement Account distribution.**
5811 (1) The department shall distribute restricted account money as provided in this
5812 section.
5813 (a) The department shall:
5814 (i) distribute pro rata to each school district the money received by the state under
5815 Subsection [~~4-20-2~~] 4-20-105(1)(b)(i) from the sale or lease of public lands based upon the
5816 amount of revenue generated from the sale or lease of public lands within the district; and
5817 (ii) ensure that all money generated from the sale or lease of public lands within a
5818 school district is credited and deposited to the general school fund of that school district.
5819 (b) (i) After the commissioner approves a request from a regional board, the
5820 department shall distribute pro rata to each regional board money received by the state under
5821 Subsection [~~4-20-2~~] 4-20-105(1)(b)(i) from fees based upon the amount of revenue generated
5822 from the imposition of fees within that grazing district.

5823 (ii) The regional board shall expend money received in accordance with Subsection (2).
5824 (c) (i) The department shall distribute or expend money received by the state under
5825 Subsections [~~4-20-2~~] 4-20-105(1)(b)(ii) and (iii) for the purposes outlined in Subsection (2).
5826 (ii) The department may require entities seeking funding from sources outlined in
5827 Subsections [~~4-20-2~~] 4-20-105(1)(b)(ii) and (iii) to provide matching funds.
5828 (2) The department shall ensure that restricted account distributions or expenditures
5829 under Subsections (1)(b) and (c) are used for:
5830 (a) range improvement and maintenance;
5831 (b) the control of predatory and depredating animals;
5832 (c) the control, management, or extermination of invading species, range damaging
5833 organisms, and poisonous or noxious weeds;
5834 (d) the purchase or lease of lands or a conservation easement for the benefit of a
5835 grazing district;
5836 (e) watershed protection, development, distribution, and improvement;
5837 (f) the general welfare of livestock grazing within a grazing district; and
5838 (g) subject to Subsection (3), costs to monitor rangeland improvement projects.
5839 (3) Annual account distributions or expenditures for the monitoring costs described in
5840 Subsection (2)(g) may not exceed 10% of the annual receipts of the fund.
5841 Section 222. Section **4-20-107**, which is renumbered from Section 4-20-8 is
5842 renumbered and amended to read:
5843 **[~~4-20-8~~]. 4-20-107. Audit of grazing districts -- State auditor to coordinate**
5844 **with Department of Interior in conduct of audit.**
5845 The state auditor is authorized to coordinate with the Department of Interior in auditing
5846 the books of the several advisory boards.
5847 Section 223. Section **4-20-108**, which is renumbered from Section 4-20-9 is
5848 renumbered and amended to read:
5849 **[~~4-20-9~~]. 4-20-108. Commissioner to supervise distribution of undistributed**
5850 **funds if United States alters or discontinues funding leaving funds or resources available.**
5851 If the United States alters or discontinues funding under the Taylor Grazing Act, 43
5852 U.S.C. Sec. 315 et seq., or the operation of advisory boards, leaving funds or other resources
5853 undistributed or otherwise without means for continuation, the commissioner shall supervise

5854 and control the distribution of such undistributed funds or other resources.
5855 Section 224. Section **4-20-109**, which is renumbered from Section 4-20-10 is
5856 renumbered and amended to read:
5857 **[~~4-20-10~~]. 4-20-109. Promotion of multiple use of rangeland resources.**
5858 (1) The department shall work cooperatively to promote efficient multiple-use
5859 management of the rangeland resources of the public lands administered by the federal Bureau
5860 of Land Management within the state to benefit the overall public interest.
5861 (2) The department may serve as an independent resource for mediating disputes
5862 concerning permit issues within the scope of Subsection (1).
5863 Section 225. Section **4-22-101** is enacted to read:
5864 **CHAPTER 22. DAIRY PROMOTION**
5865 **4-22-101. Title.**
5866 This chapter is known as "Dairy Promotion."
5867 Section 226. Section **4-22-102**, which is renumbered from Section 4-22-1 is
5868 renumbered and amended to read:
5869 **[~~4-22-1~~]. 4-22-102. Definitions.**
5870 As used in this chapter:
5871 (1) "Commission" means the Utah Dairy Commission.
5872 (2) "Dealer" means any person who buys and processes raw milk or milk fat, or who
5873 acts as agent in the sale or purchase of raw milk or milk fat, or who acts as a broker or factor
5874 with respect to raw milk or milk fat or any product derived from either.
5875 (3) "Producer" means a person who produces milk or milk fat from cows and who sells
5876 it for human or animal consumption, or for medicinal or industrial uses.
5877 (4) "Producer-handler" means any producer who processes raw milk or milk fat.
5878 Section 227. Section **4-22-103**, which is renumbered from Section 4-22-2 is
5879 renumbered and amended to read:
5880 **[~~4-22-2~~]. 4-22-103. Utah Dairy Commission created -- Composition -- Elected**
5881 **members -- Terms of elected members -- Qualifications for election.**
5882 (1) There is created an independent state agency known as the Utah Dairy Commission.
5883 (2) The Utah Dairy Commission consists of 13 members as follows:
5884 (a) the commissioner of agriculture and food, or the commissioner's representative;

5885 (b) the dean of the College of Agriculture at Utah State University, or the dean's
5886 representative;
5887 (c) the president of the Utah Dairy Women's Association or the president of the Utah
5888 Dairy Women's Association's representative;
5889 (d) a member from District 1, northern Cache County, which member shall have a
5890 Cornish, Lewiston, Richmond/Cove, or Trenton mailing address;
5891 (e) a member from District 2, central Cache County and Rich County, which member
5892 shall have a Newton, Clarkston, Amalga, Smithfield, Benson, Hyde Park, Mendon, or
5893 Petersboro mailing address;
5894 (f) a member from District 3, southern Cache County, which member shall have a
5895 Logan, Providence, Nibley, Hyrum, Paradise, Wellsville, College Ward, Young Ward, or
5896 Millville mailing address;
5897 (g) a member from District 4, Box Elder County;
5898 (h) a member from District 5, Weber and Morgan Counties;
5899 (i) a member from District 6, Salt Lake, Davis, Utah, and Tooele Counties;
5900 (j) a member from District 7, Wasatch, Summit, Duchesne, Uintah, and Daggett
5901 Counties;
5902 (k) a member from District 8, Millard, Beaver, Iron, and Washington Counties;
5903 (l) a member from District 9, Sanpete, Carbon, Emery, Grand, Juab, and San Juan
5904 Counties; and
5905 (m) a member from District 10, Piute, Wayne, Kane, Garfield, and Sevier Counties.
5906 (3) The ex officio members listed in Subsections (2)(a) and (b) shall serve without a
5907 vote.
5908 (4) The members listed in Subsections (2)(d) through (m) shall be elected to four-year
5909 terms of office as provided in Section [~~4-22-6~~] 4-22-105.
5910 (5) Members shall enter office on July 1 of the year in which they are elected.
5911 (6) The commission, by two-thirds vote, may alter the boundaries comprising the
5912 districts established in this section to maintain equitable representation of active milk
5913 producers on the commission.
5914 (7) Each member shall be:
5915 (a) a citizen of the United States;

5916 (b) 26 years of age or older;
5917 (c) an active milk producer with five consecutive years experience in milk production
5918 within this state immediately preceding election; and
5919 (d) a resident of Utah and the district represented.
5920 Section 228. Section **4-22-104**, which is renumbered from Section 4-22-3 is
5921 renumbered and amended to read:
5922 **[~~4-22-3~~]. 4-22-104. Commission -- Organization -- Quorum to transact**
5923 **business -- Vacancies -- Ineligibility to serve -- Compensation.**
5924 (1) The members of the commission shall elect a chair, vice chair, and secretary from
5925 [~~among their number~~] the commission.
5926 (2) Attendance of a simple majority of the commission members at a called meeting
5927 shall constitute a quorum for the transaction of official business.
5928 (3) The commission shall meet:
5929 (a) at the time and place designated by the chair; and
5930 (b) no less often than once every three months.
5931 (4) Vacancies [~~which~~] that occur on the commission for any reason shall be filled for
5932 the unexpired term of the vacated member by appointment of a majority of the remaining
5933 members.
5934 (5) If a member moves from the district that [~~he~~] the member represents or ceases to
5935 act as a producer during [~~his~~] the member's term of office, [~~he~~] the member shall resign from
5936 the commission within 30 days after moving from the district or ceasing production.
5937 (6) A member may not receive compensation or benefits for the member's service, but
5938 may receive per diem and travel expenses in accordance with:
5939 (a) Section 63A-3-106;
5940 (b) Section 63A-3-107; and
5941 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5942 63A-3-107.
5943 Section 229. Section **4-22-105**, which is renumbered from Section 4-22-6 is
5944 renumbered and amended to read:
5945 **[~~4-22-6~~]. 4-22-105. Commission to conduct elections -- Nomination of**
5946 **candidates -- Expenses of election paid by commission.**

5947 (1) (a) The commissioner shall administer all commission elections.
5948 (b) The commissioner shall mail a ballot to each producer within the district in which
5949 an election is to be held by May 15 of each election year.
5950 (c) The candidate who receives the highest number of votes cast in the candidate's
5951 district shall be elected.
5952 (d) The commissioner shall determine all questions of eligibility.
5953 (e) A ballot shall be postmarked by May 31 of an election year.
5954 (f) (i) All ballots received by the commissioner shall be counted and tallied by June 15.
5955 (ii) A member of the commission whose name appears on a ballot may not participate
5956 in counting or tallying the ballots.
5957 (2) Candidates for election to the commission shall be nominated, not later than April
5958 15, by a petition signed by [~~five~~] two or more producers who are residents of the district in
5959 which the election is to be held.
5960 (3) The names of all nominees shall be submitted to the commissioner on or before
5961 May 1 of each election year [~~in which an election is held~~].
5962 (4) All election expenses incurred by the commissioner shall be paid by the
5963 commission.
5964 Section 230. Section **4-22-106**, which is renumbered from Section 4-22-4 is
5965 renumbered and amended to read:
5966 **[~~4-22-4~~]. 4-22-106. Commission powers, duties, and functions.**
5967 The commission has and shall exercise the following functions, powers, and duties:
5968 (1) to employ and fix the salary of a full-time administrator, not a member of the
5969 commission, to administer the policies adopted, and perform the duties assigned, by the
5970 commission;
5971 (2) to conduct a campaign of research, nutritional education, and publicity, showing the
5972 value of milk, cream, and dairy products;
5973 (3) to encourage local, national, and international use of Utah dairy products and
5974 by-products, through advertising or otherwise;
5975 (4) to investigate and participate in studies of problems peculiar to producers in Utah
5976 and to take all actions consistent with this chapter to promote, protect, and stabilize the state
5977 dairy industry;

5978 (5) to sue and be sued, prosecute actions in the name of the state for the collection of
5979 the assessment imposed by Section [~~4-22-7~~] 4-22-201, enter into contracts, and incur
5980 indebtedness in furtherance of [~~its~~] the commission's business activities;
5981 (6) to cooperate with any local, state, or national organization engaged in activities
5982 similar to those of the commission;
5983 (7) to accept grants, donations, or gifts for use consistent with this chapter; and
5984 (8) to do all other things necessary for the efficient and effective management and
5985 operation of [~~its~~] the commission's business.
5986 Section 231. Section **4-22-107**, which is renumbered from Section 4-22-4.5 is
5987 renumbered and amended to read:
5988 **[~~4-22-4.5~~]. 4-22-107. Exemption from certain operational requirements.**
5989 The commission is exempt from:
5990 (1) Title 51, Chapter 5, Funds Consolidation Act;
5991 (2) Title 51, Chapter 7, State Money Management Act;
5992 (3) Title 63A, Utah Administrative Services Code;
5993 (4) Title 63J, Chapter 1, Budgetary Procedures Act; and
5994 (5) Title 67, Chapter 19, Utah State Personnel Management Act.
5995 Section 232. Section **4-22-108**, which is renumbered from Section 4-22-5 is
5996 renumbered and amended to read:
5997 **[~~4-22-5~~]. 4-22-108. Commission may require surety bond -- Payment of**
5998 **premium.**
5999 The commission may require the administrator, or any [~~of its~~] commission employees,
6000 to post a surety bond conditioned for the faithful performance of [~~their~~] the commission's
6001 official duties. The amount, form, and kind of such a bond shall be fixed by the commission
6002 and each bond premium shall be paid by the commission.
6003 Section 233. Section **4-22-201**, which is renumbered from Section 4-22-7 is
6004 renumbered and amended to read:
6005 **Part 2. Assessment**
6006 **[~~4-22-7~~]. 4-22-201. Assessment imposed on sale of milk or cream produced,**
6007 **sold, or contracted for sale in state -- Time of assessment -- Collection by dealer or**
6008 **producer-handler -- Penalty for delinquent payment or collection -- Statement to be given**

6009 **to producer.**
6010 (1) An assessment of 10 cents is imposed upon each 100 pounds of milk or cream
6011 produced and sold, or contracted for sale, through commercial channels in this state.
6012 (2) The assessment shall be:
6013 (a) based upon daily or monthly settlements; and
6014 (b) due at a time set by the commission, which may not be later than the last day of the
6015 month next succeeding the month of sale.
6016 (3) (a) The assessment shall be:
6017 (i) assessed against the producer at the time the milk or milk fat is delivered for sale;
6018 (ii) deducted from the sales price; and
6019 (iii) collected by the dealer or producer-handler.
6020 (b) The proceeds of the assessment shall be paid directly to the commission who shall
6021 issue a receipt to the dealer or producer-handler.
6022 (c) If a dealer or producer-handler fails to remit the proceeds of the assessment or
6023 deduct the assessment on time, a penalty equal to 10% of the amount due shall be added to the
6024 assessment.
6025 (4) (a) At the time of payment of the assessment, the dealer or producer-handler shall
6026 deliver a statement to the producer calculating the assessment.
6027 (b) The commission may require other relevant information to be included in the
6028 statement.
6029 (5) If the mandatory assessment required by the Dairy and Tobacco Adjustment Act of
6030 1983, Pub. L. No. 98-180, 97 Stat. 1128 (1150.152), is abolished, a producer who objects to
6031 payment of the assessment imposed under this section[~~,~~] may, by January 31, submit a written
6032 request to the commission for a refund of the amount of the assessment the producer paid
6033 during the previous year.
6034 Section 234. Section **4-22-202**, which is renumbered from Section 4-22-8 is
6035 renumbered and amended to read:
6036 **[~~4-22-8~~]. 4-22-202. Revenue from assessment used to promote dairy industry**
6037 **-- Deposit of funds -- Annual audit of books, records, and accounts -- Annual financial**
6038 **report to producers.**
6039 (1) The revenue derived from the assessment imposed by Section [~~4-22-7~~] 4-22-201

6040 shall be used exclusively for the:
6041 (a) administration of this chapter; and
6042 (b) promotion of the state's dairy industry.
6043 (2) (a) A voucher, receipt, or other written record for each withdrawal from the Utah
6044 Dairy Commission Fund shall be kept by the commission.
6045 (b) No funds shall be withdrawn from the fund except upon order of the commission.
6046 (3) The commission may deposit the proceeds of the assessment in one or more
6047 accounts in one or more banks approved by the state as depositories.
6048 (4) The books, records, and accounts of the commission's activities are public records.
6049 (5) (a) The accounts of the commission shall be audited once annually by a licensed
6050 accountant selected by the commission and approved by the state auditor.
6051 (b) The results of the audit shall be submitted to the:
6052 (i) commissioner;
6053 (ii) commission; and
6054 (iii) Division of Finance.
6055 (c) It is the responsibility of the commission to send annually a financial report to each
6056 producer.
6057 Section 235. Section **4-22-203**, which is renumbered from Section 4-22-8.5 is
6058 renumbered and amended to read:
6059 **[~~4-22-8.5~~]. 4-22-203. Additional assessment for government liaison and**
6060 **industry relations programs -- Exemption from the assessment.**
6061 (1) In addition to the assessment provided in Section [~~4-22-7~~] 4-22-201, an assessment
6062 of three-fourths of one cent is imposed upon each 100 pounds of milk or cream produced and
6063 sold, or contracted for sale, through commercial channels in this state for the purposes
6064 specified in Subsection (3).
6065 (2) The three-fourths of one cent assessment shall be paid in the same manner as the
6066 assessment required by Section [~~4-22-7~~] 4-22-201.
6067 (3) The commission shall use the revenue derived from the three-fourths of one cent
6068 assessment imposed by this section to contract out for services and expenses of government
6069 liaison and industry relations programs created to stabilize and protect the state's dairy industry
6070 and the health and welfare of the public.

6071 (4) A producer who objects to payment of the assessment imposed by this section may,
6072 by January 31, submit a written request to the commission to be exempted from payment of the
6073 assessment for that year. By January 1 each year, the commission shall send to each person
6074 subject to the assessment a postage-paid, self-addressed postcard [~~to each person subject to the~~
6075 ~~assessment~~] which may be returned to request an exemption.
6076 Section 236. Section **4-22-301**, which is renumbered from Section 4-22-9 is
6077 renumbered and amended to read:
6078 **Part 3. Liability and Enforcement**
6079 **[~~4-22-9~~]. 4-22-301. State disclaimer of liability.**
6080 The state is not liable for the acts or omissions of the commission, [~~its~~] commission
6081 officers, agents, or employees.
6082 Section 237. Section **4-22-302**, which is renumbered from Section 4-22-9.5 is
6083 renumbered and amended to read:
6084 **[~~4-22-9.5~~]. 4-22-302. Commission not eligible for coverage under Risk**
6085 **Management Fund.**
6086 The commission is not eligible to receive coverage under the Risk Management Fund
6087 created under Section 63A-4-201.
6088 Section 238. Section **4-22-303**, which is renumbered from Section 4-22-10 is
6089 renumbered and amended to read:
6090 **[~~4-22-10~~]. 4-22-303. Enforcement -- Inspection of books and records of dealer**
6091 **or producer-handler.**
6092 The commission at reasonable times may enter upon the premises and inspect the
6093 records of any dealer or producer-handler for the purpose of enforcing this chapter.
6094 Section 239. Section **4-23-101**, which is renumbered from Section 4-23-1 is
6095 renumbered and amended to read:
6096 **CHAPTER 23. AGRICULTURAL AND WILDLIFE DAMAGE PREVENTION ACT**
6097 **[~~4-23-1~~]. 4-23-101. Title.**
6098 This chapter [~~shall be~~] is known [~~and may be cited~~] as the "Agricultural and Wildlife
6099 Damage Prevention Act."
6100 Section 240. Section **4-23-102**, which is renumbered from Section 4-23-2 is
6101 renumbered and amended to read:

6102 **[~~4-23-2~~]. 4-23-102. Purpose declaration.**
6103 The Legislature finds and declares that it is important to the economy of the state to
6104 maintain agricultural production at [~~its~~] the highest possible level and at the same time, to
6105 promote, to protect, and preserve the wildlife resources of the state.
6106 Section 241. Section **4-23-103**, which is renumbered from Section 4-23-3 is
6107 renumbered and amended to read:
6108 **[~~4-23-3~~]. 4-23-103. Definitions.**
6109 As used in this chapter:
6110 (1) "Agricultural crops" means any product of cultivation;
6111 (2) "Board" means the Agricultural and Wildlife Damage Prevention Board;
6112 (3) "Bounty" means the monetary compensation paid to persons for the harvest of
6113 predatory or depredating animals;
6114 (4) "Damage" means any injury or loss to livestock, poultry, agricultural crops, or
6115 wildlife inflicted by predatory or depredating animals or depredating birds;
6116 (5) "Depredating animal" means a field mouse, gopher, ground squirrel, jack rabbit,
6117 raccoon, or prairie dog;
6118 (6) "Depredating bird" means a Brewer's blackbird or starling;
6119 (7) "Livestock" means cattle, horses, mules, sheep, goats, and swine;
6120 (8) "Predatory animal" means any coyote; and
6121 (9) "Wildlife" means any form of animal life generally living in a state of nature,
6122 except a predatory animal or a depredating animal or bird.
6123 Section 242. Section **4-23-104**, which is renumbered from Section 4-23-4 is
6124 renumbered and amended to read:
6125 **[~~4-23-4~~]. 4-23-104. Agricultural and Wildlife Damage Prevention Board**
6126 **created -- Composition -- Appointment -- Terms -- Vacancies -- Compensation.**
6127 (1) There is created an Agricultural and Wildlife Damage Prevention Board composed
6128 of the commissioner and the director of the Division of Wildlife Resources[~~,~~] who shall serve,
6129 respectively, as the board's chair and vice chair[~~,~~] together with seven other members appointed
6130 by the governor to four-year terms of office as follows:
6131 (a) one sheep producer representing wool growers of the state;
6132 (b) one cattle producer representing range cattle producers of the state;

6133 (c) one person from the United States Department of Agriculture;
6134 (d) one agricultural landowner representing agricultural landowners of the state;
6135 (e) one person representing wildlife interests in the state;
6136 (f) one person from the United States Forest Service; and
6137 (g) one person from the United States Bureau of Land Management.
6138 (2) Appointees' term of office shall commence June 1.
6139 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
6140 expire, the governor shall appoint each new member or reappointed member to a four-year
6141 term.
6142 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
6143 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6144 board members are staggered so that approximately half of the board is appointed every two
6145 years.
6146 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
6147 appointed for the unexpired term.
6148 (5) (a) Attendance of five members at a duly called meeting shall constitute a quorum
6149 for the transaction of official business.
6150 (b) The board shall convene at the times and places prescribed by the chair or vice
6151 chair.
6152 (6) A member may not receive compensation or benefits for the member's service, but
6153 may receive per diem and travel expenses in accordance with:
6154 (a) Section 63A-3-106;
6155 (b) Section 63A-3-107; and
6156 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6157 63A-3-107.
6158 Section 243. Section **4-23-105**, which is renumbered from Section 4-23-5 is
6159 renumbered and amended to read:
6160 **[~~4-23-5~~]. 4-23-105. Board responsibilities -- Damage prevention policy --**
6161 **Rules -- Methods to control predators and depredating birds and animals.**
6162 (1) The board is responsible for the formulation of the agricultural and wildlife damage
6163 prevention policy of the state and [~~in conjunction with its responsibility~~] may, consistent with

6164 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules to implement [~~its~~] the
6165 agricultural and wildlife damage prevention policy which shall be administered by the
6166 department.
6167 (2) In [~~its~~] the board's policy deliberations the board shall:
6168 (a) specify programs designed to prevent damage to livestock, poultry, and agricultural
6169 crops; and
6170 (b) specify methods for the prevention of damage and for the selective control of
6171 predators and depredating birds and animals including hunting, trapping, chemical toxicants,
6172 and the use of aircraft.
6173 (3) The board may also:
6174 (a) specify bounties on designated predatory animals and recommend procedures for
6175 the payment of bounty claims, recommend bounty districts, recommend persons not authorized
6176 to receive bounty, and recommend to the department other actions [~~it~~] the board's considers
6177 advisable for the enforcement of [~~its~~] the board's policies; and
6178 (b) cooperate with federal, state, and local governments, educational institutions, and
6179 private persons or organizations, through agreement or otherwise, to effectuate [~~its~~] the board's
6180 policies.
6181 Section 244. Section **4-23-106**, which is renumbered from Section 4-23-6 is
6182 renumbered and amended to read:
6183 **[~~4-23-6~~]. 4-23-106. Department to issue licenses and permits -- Department to**
6184 **issue aircraft use permits -- Reports.**
6185 (1) The department is responsible for the issuance of permits and licenses for the
6186 purposes of the federal Fish and Wildlife Act of 1956. [~~No~~]
6187 (2) (a) A state agency or private person [~~shall~~] may not use any aircraft for the
6188 prevention of damage without first obtaining a use permit from the department.
6189 (b) A state agency [~~which~~] that contemplates the use of aircraft for the protection of
6190 agricultural crops, livestock, poultry, or wildlife shall file an application with the department
6191 for an aircraft use permit to enable the agency to issue licenses to personnel within the agency
6192 charged with the responsibility to protect such resources. [~~Persons~~]
6193 (c) A person who [~~desire~~] desires to use privately owned aircraft for the protection of
6194 land, water, crops, wildlife, or livestock may not engage in any such protective activity without

6195 first obtaining an aircraft permit from the department.
6196 (d) Agencies and private persons [~~which~~] that obtain aircraft use permits shall file such
6197 reports with the department as it deems necessary in the administration of its licensing
6198 authority.
6199 Section 245. Section **4-23-107**, which is renumbered from Section 4-23-7 is
6200 renumbered and amended to read:
6201 **[~~4-23-7~~]. 4-23-107. Annual fees on sheep, goats, cattle, and turkeys --**
6202 **Determination by board -- Collection methods.**
6203 (1) To assist the department in meeting the annual expense of administering this
6204 chapter, the following annual predator control fees are imposed upon animals owned by
6205 persons whose interests this chapter is designed to protect:
6206 Sheep and goats (except on farm dairy
6207 goats or feeder lambs)..... at least $.70 but not
6208 more than $1 per head
6209 Cattle (except on farm dairy cattle)..... at least $.15 but not
6210 more than $.50 per head
6211 Turkeys (breeding stock only)..... at least $.05 but not
6212 more than $.10 per head
6213 (2) The amount of the fees imposed upon each category of animals specified in this
6214 section shall be determined by the board annually on or before January 1 of each year.
6215 (3) (a) Fee brand inspected cattle are subject to a predator control fee upon change of
6216 ownership or slaughter.
6217 (b) The fee shall be collected by the local brand inspector at the time of the inspection
6218 of cattle, or withheld and paid by the market from proceeds derived from the sale of the cattle.
6219 (c) Cattle that are fee brand inspected prior to confinement to a feedlot are not subject
6220 to any subsequent predator control fee.
6221 (4) (a) Fleece of sheared sheep is subject to a predator control fee upon sale of the
6222 fleece.
6223 (b) (i) The fee shall be withheld and paid by the marketing agency or purchaser of wool
6224 from proceeds derived from the sale of the fleece.
6225 (ii) The department shall enter into cooperative agreements with in-state and

6226 out-of-state wool warehouses and wool processing facilities for the collection of predator
6227 control fees on the fleece of sheep that graze on private or public range in the state.
6228 (c) The fee shall be based on the number of pounds of wool divided by 10 pounds for
6229 white face sheep and five pounds for black face sheep.
6230 (5) Predator control fees on turkey breeding stock shall be paid by the turkey
6231 cooperative.
6232 (6) (a) Livestock owners shall pay a predator control fee on any livestock that uses
6233 public or private range in the state which is not otherwise subject to the fee under Subsection
6234 (3) or (4).
6235 (b) By January 1, the commissioner shall mail to each owner of livestock specified in
6236 Subsection (6)(a) a reporting form requiring sufficient information on the type and number of
6237 livestock grazed in the state and indicating the fee imposed for each category of livestock.
6238 (c) Each owner shall file the completed form and the appropriate fee with the
6239 commissioner before April 1.
6240 (d) If any person who receives the reporting form fails to return the completed form
6241 and the imposed fee as required, the commissioner is authorized to commence suit through the
6242 office of the attorney general, in a court of competent jurisdiction, to collect the imposed fee,
6243 the amount of which shall be as determined by the commissioner.
6244 (7) All fees collected under this section shall be remitted to the department and
6245 deposited in the Agricultural and Wildlife Damage Prevention Account.
6246 Section 246. Section **4-23-108**, which is renumbered from Section 4-23-7.5 is
6247 renumbered and amended to read:
6248 **[~~4-23-7.5~~]. 4-23-108. Agricultural and Wildlife Damage Prevention Account.**
6249 (1) There is created in the General Fund a restricted account known as the Agricultural
6250 and Wildlife Damage Prevention Account.
6251 (2) Money received under Section [~~4-23-7~~] 4-23-107 shall be deposited by the
6252 commissioner [~~of agriculture and food in~~] into the Agricultural and Wildlife Damage
6253 Prevention Account to be appropriated for the purposes provided in this chapter.
6254 (3) Any supplemental contributions received by the department from livestock owners
6255 for predator control programs shall be deposited into the Agricultural and Wildlife Damage
6256 Prevention Account.

6257 Section 247. Section **4-23-109**, which is renumbered from Section 4-23-8 is
6258 renumbered and amended to read:
6259 **[~~4-23-8~~]. 4-23-109. Proceeds of sheep fee -- Refund of sheep fees -- Annual**
6260 **audit of books, records, and accounts.**
6261 (1) (a) Subject to the other provisions of this Subsection (1), the commissioner may
6262 spend an amount each year from the proceeds collected from the fee imposed on sheep for the
6263 promotion, advancement, and protection of the sheep interests of the state.
6264 (b) The amount described in Subsection (1)(a) shall be the equivalent to an amount
6265 that:
6266 (i) equals or exceeds 18 cents per head; and
6267 (ii) equals or is less than 25 cents per head.
6268 (c) The commissioner shall set the amount described in Subsection (1)(a):
6269 (i) on or before January 1 of each year; and
6270 (ii) in consultation with one or more statewide organizations that represent persons
6271 who grow wool.
6272 (d) A sheep fee is refundable in an amount equal to that part of the fee used to promote,
6273 advance, or protect sheep interests.
6274 (e) A refund claim shall be filed with the department on or before January 1 of the year
6275 immediately succeeding the year for which the fee was paid.
6276 (f) A refund claim shall be certified by the department to the state treasurer for
6277 payment from the Agricultural and Wildlife Damage Prevention Account created in Section
6278 [~~4-23-7.5~~] 4-23-108.
6279 (2) Any expense incurred by the department in administering refunds shall be paid
6280 from funds allocated for the promotion, advancement, and protection of the sheep interests of
6281 the state.
6282 (3) (a) The books, records, and accounts of the Utah Woolgrowers Association, or any
6283 other organization which receives funds from the agricultural and wildlife damage prevention
6284 account, for the purpose of promoting, advancing, or protecting the sheep interests of the state,
6285 shall be audited at least once annually by a licensed accountant.
6286 (b) The results of this audit shall be submitted to the commissioner.
6287 Section 248. Section **4-23-110**, which is renumbered from Section 4-23-10 is

6288 renumbered and amended to read:
6289 **[~~4-23-10~~]. 4-23-110. Applicability of chapter.**
6290 This chapter, unless contrary to a federal statute, shall apply to all federal, state, and
6291 private lands.
6292 Section 249. Section **4-23-111**, which is renumbered from Section 4-23-11 is
6293 renumbered and amended to read:
6294 **[~~4-23-11~~]. 4-23-111. Holding a raccoon or coyote in captivity prohibited --**
6295 **Penalty.**
6296 (1) No person may hold in captivity a raccoon or coyote, except as provided by rules of
6297 the Agricultural and Wildlife Damage Prevention Board.
6298 (2) The Division of Wildlife Resources, with the cooperation of the [~~Department of~~
6299 ~~Agriculture and Food~~] department and the Department of Health, shall enforce this section.
6300 (3) Any violation of this section is a class B misdemeanor.
6301 [~~(4) This section does not prohibit a person from continuing to keep a raccoon or~~
6302 ~~coyote that he owns as of the effective date of this act.~~]
6303 Section 250. Section **4-24-101**, which is renumbered from Section 4-24-1 is
6304 renumbered and amended to read:
6305 **CHAPTER 24. UTAH LIVESTOCK BRAND AND ANTI-THEFT ACT**
6306 **Part 1. Administration and Board**
6307 **[~~4-24-1~~]. 4-24-101. Title.**
6308 This chapter [~~shall be known and may be cited~~] is known as the "Utah Livestock Brand
6309 and Anti-Theft Act."
6310 Section 251. Section **4-24-102**, which is renumbered from Section 4-24-2 is
6311 renumbered and amended to read:
6312 **[~~4-24-2~~]. 4-24-102. Definitions.**
6313 As used in this chapter:
6314 (1) "Brand" means any identifiable mark applied to livestock which is intended to show
6315 ownership.
6316 (2) "Carcass" means any part of the body of an animal, including [~~hides,~~] entrails[~~,~~] and
6317 edible meats.
6318 (3) "Domesticated elk" [~~shall have the meaning as~~] means the same as that term is

6319 defined in Section 4-39-102.
6320 (4) "Hide" means any skins or wool removed from livestock.
6321 (5) "Livestock" means cattle, calves, horses, mules, sheep, goats, hogs, or domesticated
6322 elk.
6323 (6) (a) "Livestock market" means a public market place consisting of pens or other
6324 enclosures where cattle, calves, horses, or mules are received on consignment and kept for
6325 subsequent sale, either through public auction or private sale.
6326 (b) "Livestock market" does not mean:
6327 (i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock
6328 breeder, or feeder who is going out of business; or
6329 (ii) a place where an association of livestock breeders under [~~its~~] the association's own
6330 management, offers registered livestock or breeding sires for sale and assumes all
6331 responsibility for the sale, guarantees title to the livestock or sires sold, and arranges with the
6332 department for brand inspection of all animals sold.
6333 (7) "Mark" means any [~~dulap, waddle, or~~] cutting and shaping of the ears or brisket
6334 area of livestock which is intended to show ownership.
6335 (8) "Open range" means land upon which cattle, sheep, or other domestic animals are
6336 grazed or permitted to roam by custom, license, lease, or permit.
6337 [~~(8)~~] (9) "Slaughterhouse" means any building, plant, or establishment where animals
6338 are [~~killed~~] harvested, dressed, or processed and their meat or meat products [~~offered for sale~~]
6339 produced for human consumption.
6340 Section 252. Section **4-24-103**, which is renumbered from Section 4-24-3 is
6341 renumbered and amended to read:
6342 **[~~4-24-3~~]. 4-24-103. Department authorized to make and enforce rules.**
6343 The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
6344 Rulemaking Act, to make and enforce [~~such~~] rules as [~~in its judgment are~~] necessary to
6345 administer and enforce this chapter.
6346 Section 253. Section **4-24-104**, which is renumbered from Section 4-24-4 is
6347 renumbered and amended to read:
6348 **[~~4-24-4~~]. 4-24-104. Livestock Brand Board created -- Composition -- Terms**
6349 **-- Removal -- Quorum for transaction of business -- Compensation -- Duties.**

6350 (1) There is created the Livestock Brand Board consisting of seven members appointed
6351 by the governor as follows:
6352 (a) four cattle ranchers recommended by the Utah Cattlemen's Association, one of
6353 whom shall be a feeder operator;
6354 (b) one dairyman recommended by the Utah Dairymen's Association;
6355 (c) one livestock market operator recommended jointly by the Utah Cattlemen's
6356 Association and the Utah Dairymen's Association and the Livestock Market Association; and
6357 (d) one horse breeder recommended by the Utah Horse Council.
6358 (2) If a nominee is rejected by the governor, the recommending association shall
6359 submit another nominee.
6360 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
6361 expire, the governor shall appoint each new member or reappointed member to a four-year
6362 term.
6363 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
6364 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6365 board members are staggered so that approximately half of the board is appointed every two
6366 years.
6367 (4) (a) A member may, at the discretion of the governor, be removed at the request of
6368 the association that recommended the appointment.
6369 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
6370 appointed for the unexpired term.
6371 (5) One member elected by the board shall serve as chair for a term of one year and be
6372 responsible for the call and conduct of meetings of the Livestock Brand Board. Attendance of
6373 a simple majority of the members at a duly called meeting shall constitute a quorum for the
6374 transaction of official business.
6375 (6) A member may not receive compensation or benefits for the member's service, but
6376 may receive per diem and travel expenses in accordance with:
6377 (a) Section 63A-3-106;
6378 (b) Section 63A-3-107; and
6379 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6380 63A-3-107.

6381 (7) The Livestock Brand Board with the cooperation of the department shall direct the
6382 procedures and policies to be followed in administering and enforcing this chapter.
6383 Section 254. Section **4-24-105**, which is renumbered from Section 4-24-30 is
6384 renumbered and amended to read:
6385 **[~~4-24-30~~]. 4-24-105. Commission to appoint supervisor for brand inspection --**
6386 **Appointment subject to approval -- Salary.**
6387 (1) The commissioner shall appoint a state supervisor for livestock brand inspection,
6388 [~~but such appointment is~~] subject to the approval of the Livestock Brand Board.
6389 (2) The salary or compensation of the supervisor shall be fixed in accordance with
6390 standards adopted by the Division of Finance.
6391 Section 255. Section **4-24-201**, which is renumbered from Section 4-24-5 is
6392 renumbered and amended to read:
6393 **Part 2. Brand and Marks**
6394 **[~~4-24-5~~]. 4-24-201. Central Brand and Mark Registry -- Division of state into**
6395 **mark districts -- Identical or confusingly similar brands -- Publication of registered**
6396 **brands and marks.**
6397 (1) The department shall maintain a central Brand and Mark Registry which shall list
6398 each brand or mark recorded in this state. For each brand or mark registered the list shall
6399 specify:
6400 (a) the name and address of the registrant;
6401 (b) a facsimile of the brand recorded or a diagram showing the kind of mark recorded;
6402 (c) the location of the brand or mark upon the animal; and
6403 (d) the date the brand or mark is filed in the registry.
6404 (2) The commissioner may divide the state into districts for the purpose of recording
6405 marks but no mark [~~which in the opinion of the commissioner~~] that is identical or confusingly
6406 similar to a mark previously recorded in a district shall be recorded.
6407 (3) (a) No brand [~~which in the opinion of the commissioner~~] that is identical or
6408 confusingly similar to a brand previously filed in the central brand and mark registry shall be
6409 recorded.
6410 (b) If [~~it appears that two or more~~] two or more brands or marks appear identical or
6411 confusingly similar [~~brands or marks have been recorded,~~]:

6412 (i) the brand or mark first recorded shall prevail over a later conflicting brand or mark;
6413 [~~in which event,~~] and
6414 (ii) the later brand or mark shall be cancelled and all recording fees refunded to the
6415 owner.
6416 (4) (a) The commissioner shall publish from time to time a list of all brands and marks
6417 recorded in the central Brand and Mark Registry and may issue supplements to such
6418 publication containing additional brands and marks or changes in ownership of brands and
6419 marks recorded after the last publication.
6420 (b) The brand book shall contain a facsimile of all brands and marks recorded together
6421 with the owner's name and address.
6422 (c) The commissioner shall send one copy of the brand book and each supplement to
6423 each brand inspector, county clerk, county sheriff, livestock organization, and any other person
6424 deemed appropriate.
6425 (d) Brand books and supplements shall be available to the public at the cost of printing
6426 and distribution per book or supplement.
6427 Section 256. Section **4-24-202**, which is renumbered from Section 4-24-7 is
6428 renumbered and amended to read:
6429 **[~~4-24-7~~]. 4-24-202. Recordation of brand or mark.**
6430 (1) (a) Application for a recorded brand or mark shall be made to the department upon
6431 forms prescribed and furnished by [~~it~~] the department.
6432 (b) The application shall contain such information as the commissioner prescribes.
6433 (c) No application shall be approved without payment of the appropriate recording fee.
6434 (d) Upon receipt of a proper application, payment of the recording fee, and recordation
6435 of the brand or mark in the central Brand or Mark Registry of the department, the
6436 commissioner shall issue the applicant a certified copy of recording [~~which~~] that entitles the
6437 applicant to the exclusive use of the brand or mark recorded.
6438 (2) (a) Each recorded brand or mark filed with the central Brand and Mark Registry
6439 shall expire during the calendar year 1980, and during each fifth year thereafter.
6440 (b) The department shall give notice in writing to all persons who are owners of
6441 recorded brands and marks within a reasonable time prior to the date of expiration of
6442 recordation.

6443 (c) Brand or mark renewal is effected by filing an appropriate application with the
6444 department together with payment of the renewal fee.
6445 (d) A recorded brand or mark, not timely renewed, shall lapse and be removed from the
6446 central Brand and Mark Registry.
6447 Section 257. Section **4-24-203**, which is renumbered from Section 4-24-8 is
6448 renumbered and amended to read:
6449 **[~~4-24-8~~]. 4-24-203. Fees for recordation, transfer, renewal, and certified**
6450 **copies of brands and marks.**
6451 (1) The department, with the approval of the Livestock Brand Board, shall charge and
6452 collect fees for the recordation, transfer, and renewal of any brand or mark in each position, and
6453 may charge a fee for a certified copy of the recordation.
6454 (2) The fees shall be determined by the department pursuant to Subsection [~~4-2-2~~]
6455 4-2-103(2).
6456 Section 258. Section **4-24-204**, which is renumbered from Section 4-24-9 is
6457 renumbered and amended to read:
6458 **[~~4-24-9~~]. 4-24-204. Effect of recorded brand or mark -- Transfer --**
6459 **Reservation of certain brands.**
6460 [~~The~~] (1) Except as provided in Subsection (2), the owner of a recorded brand or mark
6461 has a vested property right in [~~it which~~] the brand or mark that is transferable by a duly
6462 acknowledged instrument[~~;~~], provided[~~;~~] that a transferee has no rights in the brand or mark
6463 until the instrument of transfer is recorded with the department. [~~No~~]
6464 (2) Notwithstanding any other provision of this chapter:
6465 (a) no person [~~however,~~] other than a member of the Ute Indian Tribe has any vested
6466 property right in the brand "ID" which is reserved exclusively for use by members of the Ute
6467 Indian Tribe on the Uintah and Ouray Reservation; and
6468 (b) no person other than a member of the Navajo Indian Tribe has any vested right in
6469 the brand "- N" (Bar N) which is reserved exclusively for use by members of the Navajo Indian
6470 Tribe on the Navajo Indian Reservation [~~so~~] as long as it appears on the left shoulder of the
6471 animal branded.
6472 (3) The left jaw of cattle is reserved exclusively for use by the department to identify
6473 diseased cattle.

6474 Section 259. Section **4-24-205**, which is renumbered from Section 4-24-10 is
6475 renumbered and amended to read:
6476 **[~~4-24-10~~]. 4-24-205. Livestock on open range or outside enclosure to be**
6477 **marked or branded -- Cattle upon transfer of ownership to be marked or branded --**
6478 **Exceptions.**
6479 (1) (a) Except as provided in Subsections (1)(b) and (c), no livestock shall forage upon
6480 an open range in this state or outside an enclosure unless they bear a brand or mark recorded in
6481 accordance with this chapter.
6482 (b) Swine, goats, and unweaned calves or colts are not required to bear a brand or mark
6483 to forage upon open range or outside an enclosure.
6484 (c) Domesticated elk may not forage upon open range or outside an enclosure under
6485 any circumstances as provided in Chapter 39, Domesticated Elk Act.
6486 (2) (a) Except as provided in Subsection (2)(b), all cattle, upon sale or other transfer of
6487 ownership, shall be branded or marked with the recorded brand or mark of the new owner
6488 within 30 days after transfer of ownership.
6489 (b) No branding or marking, upon change of ownership, is required within the 30-day
6490 period for:
6491 (i) unweaned calves;
6492 (ii) registered or certified cattle;
6493 (iii) youth project calves, if the number transferred is less than five; or
6494 (iv) dairy cattle held on farms.
6495 Section 260. Section **4-24-301**, which is renumbered from Section 4-24-6 is
6496 renumbered and amended to read:
6497 **Part 3. Inspections**
6498 **[~~4-24-6~~]. 4-24-301. State may be divided into brand inspection districts --**
6499 **Description filed with county clerk and sheriff.**
6500 (1) The commissioner, to facilitate and improve brand inspection, may divide the state
6501 into brand inspection districts.
6502 (2) A description covering each district shall be filed by the department with each
6503 county clerk and county sheriff in the state.
6504 (3) District boundaries may be changed as considered necessary by the commissioner,

6505 with the approval of the Livestock Brand Board.
6506 (4) Brand inspection stations within brand inspection districts may be located and
6507 established by the commissioner to assist in the enforcement of this chapter.
6508 Section 261. Section **4-24-302**, which is renumbered from Section 4-24-11 is
6509 renumbered and amended to read:
6510 **[~~4-24-11~~]. 4-24-302. Certificate of brand inspection necessary to carry out**
6511 **change of ownership -- Exception.**
6512 (1) Except as provided in Subsection (2), the ownership of cattle, horses, domesticated
6513 elk, or mules may not be transferred to any other person, through sale or otherwise, without a
6514 certificate of brand inspection issued by a department brand inspector.
6515 (2) (a) A brand inspection is not required to transfer ownership of dairy calves from the
6516 farm of origin under 60 days of age.
6517 (b) Any person who transports dairy calves that have not been brand inspected pursuant
6518 to Subsection (2)(a) shall be required to show a sales invoice upon request.
6519 Section 262. Section **4-24-303**, which is renumbered from Section 4-24-12 is
6520 renumbered and amended to read:
6521 **4-24-12. 4-24-303. Livestock -- Verification of ownership through brand**
6522 **inspection -- Issuance of certificate of brand inspection -- Brand inspector may demand**
6523 **evidence of ownership -- Brand inspection of livestock seized by the federal government**
6524 **prohibited -- Exception.**
6525 (1) A brand inspector, as an agent of the department, shall verify livestock ownership
6526 by conducting a brand inspection during daylight hours.
6527 (2) After conducting the brand inspection, the brand inspector, if satisfied that the
6528 livestock subject to inspection bears registered brands or marks owned by the owner of the
6529 livestock, shall issue a brand inspection certificate to the owner or owner's agent.
6530 (3) The brand inspector shall record the number, sex, breed, and brand or mark on each
6531 animal inspected together with the owner's name.
6532 (4) If any livestock subject to inspection bears a brand or mark other than that of the
6533 owner, or[~~;~~] if no brand or mark appears on such livestock, the brand inspector may demand
6534 evidence of ownership [~~such as a bill of sale or other evidence of ownership~~] before issuing a
6535 brand inspection certificate.

6536 (5) A brand inspector may not issue a brand inspection certificate for any privately
6537 owned livestock seized by the federal government unless:
6538 (a) the brand inspector receives consent from the livestock's owner;
6539 (b) the owner is unknown; or
6540 (c) the brand inspector receives a copy of a court order authorizing the seizure.
6541 Section 263. Section **4-24-304**, which is renumbered from Section 4-24-13 is
6542 renumbered and amended to read:
6543 **[~~4-24-13~~]. 4-24-304. Brand inspection required before slaughter -- Exceptions.**
6544 (1) Except as provided in Subsection (2), a brand inspection is required before any
6545 cattle, calves, horses, domesticated elk, or mules are slaughtered.
6546 (2) A person may slaughter cattle, calves, horses, or mules for that person's own use
6547 without a brand inspection if the requirements of [~~Subsection 4-32-4(2)~~] Section 4-32-106 are
6548 met.
6549 Section 264. Section **4-24-305**, which is renumbered from Section 4-24-14 is
6550 renumbered and amended to read:
6551 **[~~4-24-14~~]. 4-24-305. Transportation by air or rail -- Brand inspection required**
6552 **-- Application for brand inspection -- Time and place of inspection.**
6553 (1) Except as provided in Subsection (2), no person may offer, or railroad or airline
6554 company accept, any cattle, calves, horses, domesticated elk, or mules for transport until they
6555 have been brand inspected.
6556 (2) Before cattle, calves, horses, domesticated elk, or mules are transported by rail or
6557 air, the shipper shall:
6558 (a) request the department to inspect the brands and marks of the animals being
6559 transported; and
6560 (b) specify the time and place where the animals may be inspected.
6561 [~~(3) Cattle, calves, horses, domesticated elk, or mules transported by rail or air shall be~~
6562 ~~brand inspected:~~]
6563 [~~(a) at a stockyard or at the initial point of shipment; or~~]
6564 [~~(b) if approved by the department, at a point or station along the transportation route.~~]
6565 [~~(4) The department shall conduct the inspection at the time and place specified by the~~
6566 ~~shipper or at any other time and place as determined by the department.~~]

6567 Section 265. Section **4-24-306**, which is renumbered from Section 4-24-15 is
6568 renumbered and amended to read:
6569 **[~~4-24-15~~]. 4-24-306. Movement across state line -- Brand inspection required**
6570 **-- Exception -- Request for brand inspection -- Time and place of inspection.**
6571 (1) Except as provided in Subsection (2), a person may not drive or transport any cattle,
6572 calves, horses, domesticated elk, or mules from any place within this state to a place outside
6573 this state until they have been brand inspected.
6574 (2) Subsection (1) does not apply if the animals specified in Subsection (1) customarily
6575 forage on an open range which transgresses the Utah state line and that of an adjoining state.
6576 (3) The owner or person responsible for driving or transporting the animals shall[~~: (a)~~]
6577 request the department to inspect the brands and marks of the animals to be moved[~~; and~~].
6578 [~~(b) specify the time and place where the animals may be inspected.~~]
6579 (4) The department shall conduct the inspection at the time and place [~~specified by the~~
6580 ~~owner or responsible person or at any other time and place as~~] determined by the department.
6581 Section 266. Section **4-24-307**, which is renumbered from Section 4-24-17 is
6582 renumbered and amended to read:
6583 **[~~4-24-17~~]. 4-24-307. Transportation of sheep, cattle, domesticated elk, horses,**
6584 **or mules -- Brand certificate or other evidence of ownership required -- Transit permit --**
6585 **Contents.**
6586 (1) No person may transport any sheep, cattle, horses, domesticated elk, or mules
6587 without having an official state brand certificate or other proof of ownership in his possession.
6588 (2) Each person transporting livestock for another person shall have a transit permit
6589 signed by the owner or the owner's authorized agent specifying the:
6590 (a) name of the person driving the vehicle;
6591 (b) date of transportation;
6592 (c) place of origin or loading;
6593 (d) destination;
6594 (e) date of issuance; [~~and~~]
6595 (f) number of animals being transported[~~.~~]; and
6596 (g) full description of an animal being transported.
6597 Section 267. Section **4-24-308**, which is renumbered from Section 4-24-21 is

6598 renumbered and amended to read:
6599 **[~~4-24-21~~]. 4-24-308. Brand inspection fees.**
6600 (1) The department with the approval of the Livestock Brand Board may set and collect
6601 a fee for the issuance of any certificate of brand inspection.
6602 (2) Brand inspection fees incurred for the inspection of such animals at a livestock
6603 market may be withheld by the market and paid from the proceeds derived from their sale.
6604 (3) The fee shall be determined by the department pursuant to Subsection [~~4-2-2~~]
6605 4-2-103(2).
6606 Section 268. Section **4-24-309**, which is renumbered from Section 4-24-16.3 is
6607 renumbered and amended to read:
6608 **[~~4-24-16.3~~]. 4-24-309. Livestock emergency.**
6609 (1) As used in this section, "livestock emergency" means:
6610 (a) the presence of a contagious, infectious, or transmissible disease risk to livestock;
6611 or
6612 (b) a natural disaster which may affect livestock.
6613 (2) During a livestock emergency, the department may require a person transporting
6614 livestock to present the livestock for brand inspection.
6615 Section 269. Section **4-24-401**, which is renumbered from Section 4-24-18 is
6616 renumbered and amended to read:
6617 **Part 4. Sale, Transfer, and Travel**
6618 **[~~4-24-18~~]. 4-24-401. Hides and pelts -- Bill of sale to accompany purchase --**
6619 **Purchaser to maintain records -- Hides and records examination and inspection.**
6620 (1) (a) Any person who buys a hide or pelt shall secure a bill of sale from the seller.
6621 (b) The bill of sale shall be executed in duplicate[;] with one copy being retained by the
6622 seller and the other by the buyer.
6623 (c) The bill of sale shall specify the number of hides or pelts sold and the brand or
6624 mark borne by each hide [~~and~~] or pelt.
6625 (2) (a) Each hide buyer within this state shall maintain a record specifying the name
6626 and address of the seller, date of purchase, and the brands or other identification found on the
6627 hides and pelts purchased.
6628 (b) The hides and records of any hide buyer are subject to examination and inspection

6629 by the department at reasonable times and places.
6630 Section 270. Section **4-24-402**, which is renumbered from Section 4-24-19 is
6631 renumbered and amended to read:
6632 **[~~4-24-19~~]. 4-24-402. Livestock markets -- Records to be maintained --**
6633 **Retention of records -- Schedule of fees and charges to be posted.**
6634 (1) Each owner or operator of a livestock market shall keep a record of:
6635 (a) the date each consignment of livestock is received for sale together with the number
6636 of each type of livestock within such consignment;
6637 (b) the name and address of each buyer;
6638 (c) the date of sale and the number and species of livestock purchased by each buyer;
6639 and
6640 (d) the description and brand or mark appearing on each animal at the time of sale to
6641 the buyer.
6642 (2) The records mandated by this section shall be retained for a period of two years
6643 from the date on which the livestock market sold the livestock.
6644 (3) A schedule of all fees and commission rates charged by the livestock market shall
6645 be posted in a conspicuous place on the premises of each market.
6646 (4) A statement of the gross sales price, commission, and other fees charged for the
6647 sale of each consignment shall be available for inspection by the department, and a copy
6648 furnished the owner or consignor of the livestock.
6649 Section 271. Section **4-24-403**, which is renumbered from Section 4-24-31 is
6650 renumbered and amended to read:
6651 **[~~4-24-31~~]. 4-24-403. Websites promoting the sale of livestock.**
6652 (1) A website, created and maintained within the state, that markets the sale of
6653 livestock shall have the following statement clearly visible on each web page that displays
6654 advertised livestock: "Legality of Sales and Purchase, Health Laws. If you sell or purchase
6655 livestock on this site, you shall comply with all applicable legal requirements governing the
6656 transfer and shipment of livestock, including [~~Utah Code~~] Title 4, Chapter 24, Utah Livestock
6657 Brand and Anti-Theft Act, and Title 4, Chapter 31, Control of Animal Disease. Please contact
6658 the Utah Department of Agriculture and Food at 801-538-7137 with any questions."
6659 (2) A person who violates this section shall be subject to the penalties described in

6660 Section [~~4-24-32~~] 4-24-506.
6661 Section 272. Section **4-24-404**, which is renumbered from Section 4-24-20 is
6662 renumbered and amended to read:
6663 **[~~4-24-20~~]. 4-24-404. Livestock sold at market to be brand inspected --**
6664 **Proceeds of sale may be withheld -- Distribution of withheld proceeds -- Effect of receipt**
6665 **of proceeds by department -- Deposit of proceeds -- Use of proceeds if ownership not**
6666 **established.**
6667 (1) (a) Livestock may not be sold at any livestock market until after they have been
6668 brand inspected by the department. [~~Title~~]
6669 (b) The livestock market shall furnish to the buyer title to purchased livestock [~~shall be~~
6670 ~~furnished to the buyer by the livestock market~~].
6671 (2) (a) Upon notice from the department that a question exists concerning the
6672 ownership of consigned livestock, the operator of the livestock market or meat packing plant
6673 shall withhold the proceeds from the sale of the livestock for 60 days to allow the consignor of
6674 the questioned livestock to establish ownership.
6675 (b) If the owner or consignor fails within 60 days to establish ownership to the
6676 satisfaction of the department, the proceeds of the sale shall be transmitted to the department.
6677 (c) Receipt of the proceeds by the department shall relieve the livestock market or meat
6678 packing plant from further responsibility for the proceeds.
6679 (3) (a) Proceeds withheld under Subsection (2) shall be deposited [~~in~~] into the Utah
6680 Livestock Brand and Anti-Theft Account created in Section [~~4-24-24~~] 4-24-501.
6681 (b) If ownership is not satisfactorily established within one year, the department shall
6682 use the proceeds for animal identification.
6683 Section 273. Section **4-24-405**, which is renumbered from Section 4-24-22 is
6684 renumbered and amended to read:
6685 **[~~4-24-22~~]. 4-24-405. Travel permit in lieu of brand inspection certificate --**
6686 **Fees -- Permit to accompany animal.**
6687 (1) The department may issue a permit upon the payment of a fee determined by the
6688 department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), in lieu of a certificate of brand
6689 inspection, for the transport of any show horse, show mule, or show cattle [~~within or~~]
6690 transported from any place within this state to a place outside the state.

6691 (2) The words "travel permit" shall be stamped or printed on the permit.
6692 (3) A permit:
6693 (a) shall accompany each show animal while [~~it~~] the show animal is in transit and shall
6694 identify the animal to which [~~it~~] the permit applies by age, sex, color, brand, mark, and scars[~~.~~
6695 ~~A travel permit~~]; and
6696 (b) is valid for the calendar year of the date of issuance, which date shall appear on the
6697 permit.
6698 Section 274. Section **4-24-406**, which is renumbered from Section 4-24-23 is
6699 renumbered and amended to read:
6700 **[~~4-24-23~~]. 4-24-406. Lifetime permit in lieu of brand inspection certificate --**
6701 **Fees -- Permit to accompany animal -- Transfer.**
6702 (1) The department may issue a "lifetime" permit upon the payment of a fee determined
6703 by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), in lieu of a certificate of brand
6704 inspection, for the transport of any horse or mule within or outside the state.
6705 (2) The words "lifetime travel permit" shall be stamped or printed on the permit. The
6706 permit shall accompany each horse or mule while it is in transit and shall identify the animal to
6707 which it applies by age, sex, color, brand, and scars.
6708 (3) A lifetime transportation permit is valid for as long as the horse or mule to which it
6709 applies continues to be owned by the person to whom the permit is issued.
6710 (4) A lifetime permit is transferable to a person within this state upon the transfer of
6711 ownership of such an animal, upon application for transfer and the payment of a permit transfer
6712 fee to the department in an amount determined by the department pursuant to Subsection
6713 [~~4-2-2~~] 4-2-103(2).
6714 Section 275. Section **4-24-501**, which is renumbered from Section 4-24-24 is
6715 renumbered and amended to read:
6716 **Part 5. Unlawful Acts and Penalties**
6717 **[~~4-24-24~~]. 4-24-501. Utah Livestock Brand and Anti-Theft Account created --**
6718 **Deposit of fees -- Purpose of expenditures.**
6719 (1) There is created within the General Fund a restricted account known as the Utah
6720 Livestock Brand and Anti-Theft Account.
6721 (2) The following money shall be deposited into the Utah Livestock Brand and

6722 Anti-Theft Account:
6723 (a) money received by the department under any provision of this chapter; and
6724 (b) money received by the department under any provision of Title 4, Chapter 39,
6725 Domesticated Elk Act.
6726 (3) Money in the Utah Livestock Brand and Anti-Theft Account shall be used for the
6727 administration of this chapter and of Title 4, Chapter 39, Domesticated Elk Act.
6728 Section 276. Section **4-24-502**, which is renumbered from Section 4-24-25 is
6729 renumbered and amended to read:
6730 **[~~4-24-25~~]. 4-24-502. Unlawful acts specified -- Allegation concerning evidence**
6731 **of ownership relative to hides.**
6732 (1) It is unlawful for any person to:
6733 (a) permit any cattle, calves, horses, mules, or sheep, except unweaned calves or colts,
6734 that are not branded or marked in accordance with this chapter, to forage upon an open range in
6735 this state or outside an enclosure;
6736 (b) brand or mark any livestock with a brand or mark which is not a matter of record on
6737 the central brand and mark registry;
6738 (c) obliterate, change, or remove a recorded brand or mark; or
6739 (d) destroy, mutilate, or conceal any hide with intent to, or for the purpose of, removing
6740 evidence of ownership of the hide, or ownership of the animal from which the hide was
6741 removed.
6742 (2) In any prosecution for violation of this section, the state need not allege the
6743 ownership of the hide, or the animal or carcass from which the hide was removed; the
6744 complaint or information being sufficient if it alleges that ownership is unknown and that the
6745 hide is not the property of the defendant.
6746 Section 277. Section **4-24-503**, which is renumbered from Section 4-24-26 is
6747 renumbered and amended to read:
6748 **[~~4-24-26~~]. 4-24-503. Use of vehicle to transport stolen livestock prohibited --**
6749 **Vehicle subject to seizure and sale -- Procedure for sale -- Defense.**
6750 (1) (a) No person shall use any vehicle for the transportation of stolen livestock or
6751 carcasses. [~~Any~~]
6752 (b) A vehicle used in transporting stolen livestock or carcasses is subject to seizure and

6753 public sale by the sheriff of the county where [~~it~~] the vehicle is found[~~. No sale shall be made,~~
6754 ~~however, until~~], after written notice of the proposed sale is served upon the person in whose
6755 custody the vehicle is found. [~~Such~~]
6756 (2) A person who receives the notice described in Subsection (1)(b) has 10 days after
6757 service of the notice of proposed sale to respond to the notice, in which event[~~,~~] no sale shall be
6758 conducted until after the issue of ownership or any other issues are litigated in a court of
6759 competent jurisdiction.
6760 (3) A stolen vehicle used for unlawful transportation is not subject to seizure and sale
6761 if the owner of the vehicle is not acting in concert with the thief.
6762 Section 278. Section **4-24-504**, which is renumbered from Section 4-24-28 is
6763 renumbered and amended to read:
6764 **[~~4-24-28~~]. 4-24-504. Enforcement -- Brand inspector's powers delineated.**
6765 (1) A brand inspector is empowered with the authority of a special function officer for
6766 the purpose of enforcing this chapter and such an inspector may, if [~~deemed~~] proper, stop any
6767 vehicle carrying livestock or livestock carcasses for the purpose of examining brands, marks,
6768 certificates of brand inspection, and bills of lading or bills of sale relating to the livestock in
6769 transit.
6770 (2) (a) Brand inspectors may enter any premises where livestock are kept or maintained
6771 for the purpose of examining brands or marks.
6772 (b) If admittance is refused, the department may proceed immediately to obtain an ex
6773 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
6774 for the purpose of examining brands or marks or other evidence of ownership.
6775 Section 279. Section **4-24-505**, which is renumbered from Section 4-24-29 is
6776 renumbered and amended to read:
6777 **[~~4-24-29~~]. 4-24-505. Commissioner authorized to cooperate with local**
6778 **governments, other states, or federal government in enforcement.**
6779 The commissioner is empowered with authority, if [~~deemed~~] necessary, to cooperate or
6780 enter into cooperative agreements with authorities in any city, town, or county within the state,
6781 or with federal authorities, or with authorities in another state for the purpose of securing
6782 assistance in the administration and enforcement of this chapter.
6783 Section 280. Section **4-24-506**, which is renumbered from Section 4-24-32 is

6784 renumbered and amended to read:
6785 **[~~4-24-32~~]. 4-24-506. Penalties.**
6786 A person who violates a provision of this chapter:
6787 (1) is guilty of a class B misdemeanor; and
6788 (2) may be subject to administrative fines, payable to the department, of up to $1,000
6789 per violation.
6790 Section 281. Section **4-25-101** is enacted to read:
6791 **CHAPTER 25. ESTRAYS**
6792 **Part 1. Organization**
6793 **4-25-101. Title.**
6794 This chapter is known as "Estrays."
6795 Section 282. Section **4-25-102**, which is renumbered from Section 4-25-1 is
6796 renumbered and amended to read:
6797 **[~~4-25-1~~]. 4-25-102. Definitions.**
6798 For the purpose of this chapter:
6799 (1) (a) "Estray" means:
6800 (i) an unbranded sheep, cow, horse, mule, or ass[~~, or domestic mink~~] found running at
6801 large;
6802 (ii) a branded sheep, cow, horse, mule, or ass[~~, or domestic mink~~] found running at
6803 large whose owner cannot be found after reasonable search; or
6804 (iii) a swine found running at large whose owner cannot be found after reasonable
6805 search.
6806 (b) "Estray" does not mean any unweaned animal specified in this section that is
6807 running with its mother.
6808 (2) "Feral swine" means any species, or hybrid species:
6809 (a) of the family Suidae, including the European boar, the Eurasian boar, the Russian
6810 boar, a feral hog, or a domestic pig;
6811 (b) that is not conspicuously identified by an ear tag or other form of visual
6812 identification; and
6813 (c) that is roaming freely upon public land or private land [~~without the permission of~~
6814 ~~the landowner~~].

6815 (3) "Swine" means any domesticated species of the family Suidae that is conspicuously
6816 identified by an ear tag or other form of visible identification.
6817 Section 283. Section **4-25-103**, which is renumbered from Section 4-25-2 is
6818 renumbered and amended to read:
6819 **[~~4-25-2~~]. 4-25-103. County responsibility for estrays -- Contracts with other**
6820 **local governments authorized.**
6821 (1) Each county is responsible for the disposition of all estrays found within [~~its~~] the
6822 county's boundaries.
6823 (2) Each county in the discharge of [~~its~~] the county's responsibility, however, may
6824 contract upon mutually agreeable terms with any city, town, or other county with an animal
6825 control office to perform any or all of the functions imposed by this chapter.
6826 Section 284. Section **4-25-104**, which is renumbered from Section 4-25-3 is
6827 renumbered and amended to read:
6828 **[~~4-25-3~~]. 4-25-104. Department authorized to make and enforce rules.**
6829 The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
6830 Rulemaking Act, to make and enforce such rules as in [~~its~~] the department's judgment are
6831 necessary to administer and enforce this chapter.
6832 Section 285. Section **4-25-201**, which is renumbered from Section 4-25-4 is
6833 renumbered and amended to read:
6834 **Part 2. Management of Estrays**
6835 **[~~4-25-4~~]. 4-25-201. Possession of estrays -- Determination and location of**
6836 **owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from**
6837 **liability.**
6838 (1) (a) Except as provided in Section [~~4-25-5~~] 4-25-202, a county shall:
6839 (i) take physical possession of an estray [~~it~~] the county finds within [~~its~~] county
6840 boundaries; [~~and~~]
6841 (ii) attempt to determine the name and location of the estray's owner[~~.~~]; and
6842 (iii) contact the local brand inspector.
6843 (b) The department shall assist a county that requests its help in determining the name
6844 and location of the owner or other person responsible for the estray.
6845 (c) (i) Notwithstanding the requirements of Title 67, Chapter 4a, Unclaimed Property

6846 Act, if the county cannot determine the estray's owner, or, if having determined ownership,
6847 neither the county nor the department is able to locate the owner within a reasonable period of
6848 time, the estray shall be sold at a livestock or other appropriate market.
6849 (ii) The proceeds of a sale under Subsection (1)(c)(i), less the costs described in
6850 Subsection (1)(c)(iii), shall be paid to the county selling the estray.
6851 (iii) The livestock or other market conducting the sale under Subsection (1)(c)(i) may
6852 deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.
6853 (2) A county shall publish notice of the sale of an estray:
6854 (a) at least once 10 days before the date of the sale; and
6855 (b) through electronic means or in a publication with general circulation within the
6856 county where the estray was taken into custody.
6857 (3) A purchaser of an estray sold under this section shall receive title to the estray free
6858 and clear of all claims of the estray's owner and a person claiming title through the owner.
6859 (4) A county that complies with the provisions of this section is immune from liability
6860 for the sale of an estray sold at a livestock or other appropriate market.
6861 (5) Notwithstanding the requirements of Subsection (1)(c), a county may employ a
6862 licensed veterinarian to euthanize an estray if the licensed veterinarian determines that the
6863 estray's physical condition prevents the estray from being sold.
6864 Section 286. Section **4-25-202**, which is renumbered from Section 4-25-5 is
6865 renumbered and amended to read:
6866 **[~~4-25-5~~]. 4-25-202. Report of estrays -- Possession -- Relief from liability.**
6867 (1) As used in this section, "division" means the Division of Wildlife Resources.
6868 (2) A person, other than an official of the county or of an animal control office under
6869 contract with the county, who finds an estray shall report [~~it~~] the estray to the county or animal
6870 control office immediately.
6871 (3) Upon receipt of notification under Subsection (2), the county or the animal control
6872 office shall:
6873 (a) take possession of the estray; or
6874 (b) if appropriate, authorize the person in possession of the estray to maintain and care
6875 for [~~it~~] the estray pending determination and location of the estray's owner.
6876 (4) A person who gives notice of an estray and delivers [~~it~~] the estray to the county or

6877 animal control office is not liable to third parties on account of the estray to the extent of the
6878 value of the animal.
6879 (5) (a) If an employee of the department or the division, acting in the employee's
6880 official capacity, finds an estray, the employee shall:
6881 (i) comply with the requirements of Subsection (2); and
6882 (ii) make a reasonable attempt to contact the estray's owner.
6883 (b) The county or animal control office receiving a report of an estray from an
6884 employee of the department or the division shall:
6885 (i) take possession of the estray; or
6886 (ii) authorize the department or the division in writing or through electronic means to
6887 take possession of the estray.
6888 (c) If the county or animal control office does not comply with Subsection (5)(b)
6889 within 72 hours from the time the division reports an estray, the division may take possession
6890 of the estray.
6891 (d) If the division takes possession of the estray, the division shall:
6892 (i) make a reasonable attempt to return the estray to the estray's owner; or
6893 (ii) if unable to return the estray to the estray's owner, deliver the estray to the county
6894 or animal control office.
6895 (e) If the division is unable to take possession of the estray after a reasonable attempt,
6896 the division may cause the death of the estray if the division determines that the estray presents
6897 a material threat to wildlife by:
6898 (i) predation;
6899 (ii) pathogen transmission; or
6900 (iii) genetic introgression.
6901 (f) If the division causes the death of an estray under Subsection (5)(e), the division
6902 shall:
6903 (i) compensate the owner of the estray at full market value of the estray; or
6904 (ii) if the owner of the estray cannot be determined, deposit an amount equal to the full
6905 market value of the estray into the Agricultural and Wildlife Damage Prevention Account
6906 created in Section [~~4-23-7.5~~] 4-23-108.
6907 (6) Notwithstanding the requirements of Subsection (5), the division may immediately

6908 take possession of an estray or cause an estray to move away from wildlife if the estray presents
6909 an imminent material threat to wildlife by:
6910 (a) predation;
6911 (b) pathogen transmission; or
6912 (c) genetic introgression.
6913 Section 287. Section **4-25-203**, which is renumbered from Section 4-25-6 is
6914 renumbered and amended to read:
6915 **[~~4-25-6~~]. 4-25-203. Compensation for care of estrays -- Liability of county --**
6916 **Notice required.**
6917 (1) A person who finds an estray and who, after giving notice is authorized by the
6918 county to maintain and care for [~~it~~] the estray, is entitled to compensation from the owner, or
6919 from the county, as the case may be, for the reasonable costs of feeding and maintaining the
6920 [~~animal~~] estray; provided, that the county is liable for such cost only if the owner is not located
6921 after diligent search.
6922 (2) No person who finds an estray however, is entitled to reimbursement for feed and
6923 maintenance or for any other cost incurred on behalf of the estray before such time as notice of
6924 the estray is given to the county or to the appropriate animal control office.
6925 Section 288. Section **4-25-204**, which is renumbered from Section 4-25-7 is
6926 renumbered and amended to read:
6927 **[~~4-25-7~~]. 4-25-204. County legislative body authorized to adopt fence**
6928 **ordinance -- Lawful fence to be specified by ordinance -- Dividing the county into**
6929 **divisions for different fencing regulations.**
6930 (1) A county legislative body may, by ordinance, declare and enforce a general policy
6931 within the county for the fencing of farms, subdivisions, or other private property[~~,~~] to allow
6932 domestic animals to graze without trespassing on farms, subdivisions, or other private property.
6933 (2) If an ordinance is adopted under Subsection (1), the county legislative body:
6934 (a) shall through ordinance declare and specify what constitutes a lawful fence; and
6935 (b) may divide the county into divisions and prescribe different fencing regulations for
6936 each division.
6937 Section 289. Section **4-25-205**, which is renumbered from Section 4-25-8 is
6938 renumbered and amended to read:

6939 **[~~4-25-8~~]. 4-25-205. Owner liable for trespass of animals -- Exception --**
6940 **Intervention by county representative.**
6941 (1) The owner of any [~~neat~~] cattle, horse, ass, mule, sheep, goat, or swine that
6942 trespasses upon the premises of another person, except in cases where the premises are not
6943 enclosed by a lawful fence in a county or municipality that has adopted a fence ordinance, is
6944 liable in a civil action to the owner or occupant of the premises for any damage inflicted by the
6945 trespass.
6946 (2) A county representative may intervene to remove the animal and the county is
6947 entitled to fair compensation for costs incurred. If the animal is not claimed within 10 days
6948 after written notification is sent to [~~its~~] the animal's owner, a county representative may sell the
6949 animal to cover costs incurred.
6950 (3) Notwithstanding Subsections (1) and (2), the owner of any [~~neat~~] cattle, horse, ass,
6951 mule, sheep, goat, or swine that trespasses upon the premises of another person is not liable in
6952 a civil action to the owner or occupant of the premises for damage inflicted by the trespass if:
6953 (a) the animal enters the premises from an historic livestock trail, as defined in Section
6954 57-13b-102; and
6955 (b) the premises that was trespassed is not enclosed by an adequate fence at the time
6956 the trespass occurs.
6957 Section 290. Section **4-25-206**, which is renumbered from Section 4-25-9 is
6958 renumbered and amended to read:
6959 **[~~4-25-9~~]. 4-25-206. Animals running at large -- Prohibition -- Limited**
6960 **exception.**
6961 [~~No~~] (1) Except as provided in Subsection (2), no person who owns or is in possession
6962 of a stallion, jack, or ridgeling over 18 months old, or a ram over three months old, shall permit
6963 [~~it~~] the animal to run at large within the limits of, or on the summer range of, any town or
6964 settlement[~~; provided, that two-thirds~~].
6965 (2) Two-thirds of the voters of any county or isolated part of a county may elect
6966 through an election to make this section ineffective in all or part of the county during part of
6967 the year.
6968 Section 291. Section **4-25-301**, which is renumbered from Section 4-25-12 is
6969 renumbered and amended to read:

6970 **[~~4-25-12~~]. 4-25-301. Allowing swine to run at large -- Class B misdemeanor.**
6971 (1) A person is guilty of a class B misdemeanor if the person:
6972 (a) is in control of a swine; and
6973 (b) allows the swine to run at large.
6974 (2) A person described in Subsection (1) is liable for damage caused by the swine
6975 running at large.
6976 Section 292. Section **4-25-302**, which is renumbered from Section 4-25-12.1 is
6977 renumbered and amended to read:
6978 **[~~4-25-12.1~~]. 4-25-302. Release of swine or feral swine for any purpose.**
6979 A person [~~may not release~~] is guilty of a third degree felony if the person releases a:
6980 (1) swine on public or private property for hunting purposes; or
6981 (2) feral swine on public or private property for any purpose.
6982 Section 293. Section **4-25-303**, which is renumbered from Section 4-25-12.3 is
6983 renumbered and amended to read:
6984 **[~~4-25-12.3~~]. 4-25-303. Feral swine detrimental to state's interests -- Seizure,**
6985 **capture, or destruction of feral swine.**
6986 (1) Feral swine are detrimental to the state's interests in agriculture and wildlife.
6987 (2) Feral swine may be seized, captured, or destroyed at any time, in any place, and in
6988 any manner by:
6989 (a) the department and [~~its~~] the department's authorized agents;
6990 (b) the Division of Wildlife Resources and [~~its~~] the Division of Wildlife Resources
6991 authorized agents; or
6992 (c) a certified peace officer.
6993 (3) (a) Notwithstanding Section 76-9-301, and subject to the requirements of this
6994 section, an individual may kill a feral swine roaming on private or public land.
6995 (b) An individual shall obtain the consent of the landowner before killing a feral swine
6996 on private land.
6997 (c) Feral swine may be killed:
6998 (i) year-round;
6999 (ii) in any number; and
7000 (iii) with a firearm, bow and arrow, or crossbow.

7001 (4) Feral swine may not be hunted or killed under Subsection (3)(c):
7002 (a) with the use of artificial light or night vision equipment, except as authorized by
7003 county ordinance; or
7004 (b) from or with any airborne vehicle or device, except as provided in Section [~~4-23-6~~]
7005 4-23-106.
7006 (5) An individual may not receive compensation, or attempt to receive compensation,
7007 from hunting feral swine.
7008 (6) An authorized individual who kills a swine under this section is not liable to the
7009 owner for the loss of the swine, unless:
7010 (a) the swine is conspicuously identified by an ear tag or other form of visual
7011 identification; and
7012 (b) the individual who killed the swine knew the swine was identified by an ear tag or
7013 other form of usual identification.
7014 Section 294. Section **4-25-401**, which is renumbered from Section 4-25-14 is
7015 renumbered and amended to read:
7016 **Part 4. Impounded Livestock**
7017 **[~~4-25-14~~]. 4-25-401. Impounded livestock -- Determination and location of**
7018 **owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from**
7019 **liability.**
7020 (1) As used in this section, "impounded livestock" means the following animals seized
7021 and retained in legal custody:
7022 (a) cattle;
7023 (b) calves;
7024 (c) horses;
7025 (d) mules;
7026 (e) sheep;
7027 (f) goats;
7028 (g) hogs; or
7029 (h) domesticated elk.
7030 (2) (a) A county may:
7031 (i) take physical possession of impounded livestock seized and retained within its

7032 boundaries; and
7033 (ii) attempt to determine the name and location of the impounded livestock's owner.
7034 (b) The department shall assist a county who requests help in locating the name and
7035 location of the owner or other person responsible for the impounded livestock.
7036 (c) (i) Notwithstanding the requirements of Title 67, Chapter 4a, Unclaimed Property
7037 Act, if the county cannot determine ownership of the impounded livestock, or, if having
7038 determined ownership, neither the county nor the department is able to locate the owner within
7039 a reasonable period of time, the impounded livestock shall be sold at a livestock or other
7040 appropriate market.
7041 (ii) The proceeds of a sale under Subsection (2)(c)(i), less the costs described in
7042 Subsection (2)(c)(iii), shall be paid to the State School Fund created by the Utah Constitution,
7043 Article X, Section 5, Subsection (1).
7044 (iii) The livestock or other market conducting the sale under Subsection (2)(c)(i) may
7045 deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.
7046 (3) A county shall publish the intended sale of the impounded livestock:
7047 (a) at least 10 days [~~prior to~~] before the date of sale; and
7048 (b) through electronic means or in a publication with general circulation within the
7049 county where the impounded livestock was taken into custody.
7050 (4) A purchaser of impounded livestock sold under this section shall receive title to the
7051 impounded livestock free and clear of all claims of the livestock's owner or a person claiming
7052 title through the owner.
7053 (5) If a county complies with the provisions of this section, [~~it~~] the county is immune
7054 from liability for the sale of impounded livestock sold at a livestock or other appropriate
7055 market.
7056 (6) Notwithstanding the requirements of Subsection (2)(c), a county may employ a
7057 licensed veterinarian to euthanize an impounded livestock if the licensed veterinarian
7058 determines that the impounded livestock's physical condition prevents the impounded livestock
7059 from being sold.
7060 Section 295. Section **4-26-101** is amended to read:
7061 **CHAPTER 26. ENCLOSURES AND FENCES**
7062 **4-26-101. Title -- Failure to close entrance to enclosure -- Class C misdemeanor --**

7063 **Damages.**
7064 (1) This chapter is known as "Enclosures and Fences."
7065 (2) A person who willfully throws down a fence or opens bars or gates into any
7066 enclosure other than the person's own enclosure or into any enclosure jointly owned or
7067 occupied by such person and others, and leaves [~~it~~] the enclosure open:
7068 (a) is guilty of a class C misdemeanor[~~,~~]; and
7069 (b) is liable in damage for any injury sustained by any person as a result of such an act.
7070 Section 296. Section **4-26-102** is amended to read:
7071 **4-26-102. Adjoining landowners -- Partition fences -- Contribution.**
7072 (1) If two or more persons agree to a fence enclosure or to the construction of a
7073 partition fence, the cost of construction and maintenance of the fence shall be apportioned
7074 between each party to the agreement based upon the amount of land enclosed.
7075 (2) A person who is a party to an agreement described in Subsection (1) and who fails
7076 to maintain such person's part of the fence is liable in a civil action for any damage sustained
7077 by another party to the agreement as a result of the failure to maintain the fence.
7078 (3) (a) If a person has enclosed land with a fence and the owner of adjoining land
7079 desires to enclose land adjoining the fence so that the existing fence or any part of it will
7080 become a partition fence between such tracts of land, the owner of the adjoining land shall,
7081 before making the enclosure, pay to the owner of the existing fence one-half of the value of all
7082 that part of the fence that will become a partition fence[~~; and when one party~~].
7083 (b) If a person whose land is enclosed, in whole or in part, by a partition fence ceases
7084 to improve or cultivate [~~his~~] that person's land or opens [~~his~~] the enclosure [~~he may not take~~
7085 ~~away any part of the partition fence belonging to him, if the owner or occupant of the adjoining~~
7086 ~~enclosure within 30 days after notice, pays for the value of such fence; nor shall the partition~~
7087 ~~fence be removed if the crops enclosed by it will be exposed to injury.~~], the person:
7088 (i) shall give notice to the other owner of the partition fence and an opportunity to pay
7089 for the person's reasonable value of the fence;
7090 (ii) may not remove any part of the partition fence until the earlier of:
7091 (A) 30 days after the day on which the person gave notice to the other owner, as
7092 described in Subsection (3)(b)(i); or
7093 (B) the day the other owner pays the person for the person's reasonable value of the

7094 fence; and
7095 (iii) notwithstanding Subsection (3)(b)(ii), may not remove the partition fence if the
7096 crops enclosed by the fence will be exposed to injury.
7097 Section 297. Section **4-26-103** is amended to read:
7098 **4-26-103. Definitions -- Qualified landowners' and qualified adjoining**
7099 **landowners' partition fences -- Contribution -- Civil action for damages.**
7100 (1) As used in this section:
7101 (a) "Qualified adjoining landowner" means a private landowner whose land adjoins the
7102 land of a qualified landowner and is used for grazing livestock or as habitat for big game
7103 wildlife and:
7104 (i) is land which qualifies under the definition of "conservation easement" as defined in
7105 Section 57-18-2, under Title 57, Chapter 18, Land Conservation Easement Act; or
7106 (ii) is "land in agricultural use" that meets the requirements of Section 59-2-502.
7107 (b) "Qualified landowner" means a private landowner whose land is used for grazing
7108 livestock and:
7109 (i) is land which qualifies under the definition of "conservation easement" as defined in
7110 Section 57-18-2, under Title 57, Chapter 18, Land Conservation Easement Act; or
7111 (ii) is "land in agricultural use" that meets the requirements of Section 59-2-502.
7112 (2) A qualified landowner may require the qualified adjoining landowner to pay for
7113 one-half of the cost of the fence if:
7114 (a) the fence is or becomes a partition fence separating the qualified landowner's land
7115 from that belonging to the qualified adjoining landowner;
7116 (b) the cost is reasonable for that type of fence;
7117 (c) that type of fence is commonly found in that particular area; and
7118 (d) the construction of the fence is no more expensive than the cost for posts, wire, and
7119 connectors.
7120 (3) If the qualified adjoining landowner refuses, the qualified landowner may maintain
7121 a civil action against the qualified adjoining landowner for one-half of the cost of that portion
7122 of the fence.
7123 (4) The cost of the maintenance of the fence shall also be apportioned between each
7124 party based on the amount of land enclosed. A party who fails to maintain that party's part of

7125 the fence is also liable in a civil action for any damage sustained by the other party as a result
7126 of the failure to maintain the fence.
7127 Section 298. Section **4-26-104** is amended to read:
7128 **4-26-104. Fencing for bison.**
7129 Perimeter fencing intended to hold bison shall meet the following minimum standards:
7130 (1) fence sections and gates shall:
7131 (a) reach a height of at least [~~six~~] eight feet above ground level; and
7132 (b) be constructed in a mesh pattern consisting of:
7133 (i) hi-tensile steel wire of at least 14-1/2 gauge;
7134 (ii) a maximum mesh size of six inches by six inches; or
7135 (iii) a material with the strength equivalent of the material described in Subsections
7136 (1)(b)(i) and (ii);
7137 (2) fence posts shall:
7138 (a) (i) be constructed of treated wood at least four inches in diameter; and
7139 (ii) be constructed of a material with the strength equivalent of the material described
7140 in Subsection (2)(a)(i);
7141 (b) reach a height of at least six feet, two inches above ground level;
7142 (c) have at least two feet of length below ground level;
7143 (d) be installed at intervals of no more than 20 feet; and
7144 (e) if located on a corner or connected to a gate, be braced with wood or the strength
7145 equivalent of wood; and
7146 (3) fence stays shall:
7147 (a) be constructed of treated wood or steel;
7148 (b) be installed at intervals of no more than 10 feet from any fence post; and
7149 (c) reach a height of at least six feet, two inches above ground level.
7150 Section 299. Section **4-30-101** is enacted to read:
7151 **CHAPTER 30. LIVESTOCK MARKETS**
7152 **4-30-101. Title.**
7153 This chapter is known as "Livestock Markets."
7154 Section 300. Section **4-30-102**, which is renumbered from Section 4-30-1 is
7155 renumbered and amended to read:

7156 **[~~4-30-1~~]. 4-30-102. Definitions.**
7157 For the purpose of this chapter:
7158 (1) "Consignor" or "shipper" means any person who consigns, ships, or delivers
7159 livestock to a livestock market for storage, handling, or sale.
7160 (2) (a) "Livestock market" means a public market place consisting of pens or other
7161 enclosures where all classes of livestock or poultry are received on consignment and kept for
7162 subsequent sale, either through public auction or private sale.
7163 (b) "Livestock market" does not include:
7164 (i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock
7165 breeder, or feeder who is going out of such business; or
7166 (ii) a place where an association of livestock breeders or an individual livestock
7167 breeder offers registered livestock or breeding sires for sale and assumes all responsibility for
7168 the sale, guarantees title to the livestock or sires sold, and arranges with the department for
7169 brand inspection of all animals sold.
7170 (3) "Person" means an individual, partnership, corporation, or association.
7171 Section 301. Section **4-30-103**, which is renumbered from Section 4-30-2 is
7172 renumbered and amended to read:
7173 **[~~4-30-2~~]. 4-30-103. Livestock Market Committee created -- Composition --**
7174 **Terms -- Removal -- Compensation -- Duties.**
7175 (1) There is created a Livestock Market Committee which consists of the following
7176 seven members appointed to a four-year term of office by the commissioner:
7177 (a) one member recommended by the livestock market operators in the state;
7178 (b) one member recommended by the Utah Cattlemen's Association;
7179 (c) one member recommended by the Utah Dairymen's Association;
7180 (d) one member recommended by the Utah Woolgrowers[¹] Association;
7181 (e) one member recommended by the horse industry;
7182 (f) one member recommended by the Utah Farm Bureau Federation; and
7183 (g) one member recommended by the Utah Farmers Union.
7184 (2) Notwithstanding the requirements of Subsection (1), the commissioner shall, at the
7185 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7186 committee members are staggered so that approximately half of the committee is appointed

7187 every two years.
7188 (3) No more than four members shall be members of the same political party.
7189 (4) (a) The commissioner may remove a member of the committee at the request of the
7190 association or group which recommended the member's appointment.
7191 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
7192 appointed for the unexpired term.
7193 (5) The Livestock Market Committee shall elect a chair from its membership, who
7194 shall serve for a term of office of two years, but may be reelected for subsequent terms.
7195 (6) (a) The chair is responsible for the call and conduct of meetings.
7196 (b) Four members constitute a quorum for the transaction of official business.
7197 (7) A member may not receive compensation or benefits for the member's service, but
7198 may receive per diem and travel expenses in accordance with:
7199 (a) Section 63A-3-106;
7200 (b) Section 63A-3-107; and
7201 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7202 63A-3-107.
7203 (8) The Livestock Market Committee acts as advisor to the department with respect to
7204 the administration and enforcement of this chapter and makes recommendations necessary to
7205 carry out the intent of this chapter to the commissioner.
7206 Section 302. Section **4-30-104**, which is renumbered from Section 4-30-3 is
7207 renumbered and amended to read:
7208 **[~~4-30-3~~]. 4-30-104. Department authorized to make and enforce rules.**
7209 The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative
7210 Rulemaking Act, to make and enforce such rules [~~as in its judgment are~~] necessary to
7211 administer and enforce this chapter.
7212 Section 303. Section **4-30-105**, which is renumbered from Section 4-30-4 is
7213 renumbered and amended to read:
7214 **[~~4-30-4~~]. 4-30-105. License required -- Application -- Fee -- Expiration --**
7215 **Renewal.**
7216 (1) (a) No person may operate a livestock market in this state without a license issued
7217 by the department.

7218 (b) Application for a license shall be made to the department upon forms prescribed
7219 and furnished by [~~it. The~~] the department, and the application shall specify:
7220 (i) if the applicant is an individual, the name, address, and date of birth of the
7221 applicant; or
7222 (ii) if the applicant is a partnership, corporation, or association, the name, address, and
7223 date of birth of each person who has a financial interest in the applicant and the amount of each
7224 person's interest;
7225 (iii) a certified statement of the financial assets and liabilities of the applicant detailing:
7226 (A) current assets;
7227 (B) current liabilities;
7228 (C) long-term assets; and
7229 (D) long-term liabilities;
7230 (iv) a legal description of the property where the market is proposed to be located, [~~its~~]
7231 the property's street address, and a description of the facilities proposed to be used in
7232 connection with [~~it~~] the property;
7233 (v) a schedule of the charges or fees the applicant proposes to charge for each service
7234 rendered; and
7235 (vi) a detailed statement of the trade area proposed to be served by the applicant, the
7236 potential benefits which will be derived by the livestock industry, and the specific services the
7237 applicant intends to render at the livestock market.
7238 (2) (a) Upon receipt of a proper application, payment of a license fee in an amount
7239 determined by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), and a favorable
7240 recommendation by the Livestock Market Committee, the commissioner, if satisfied that the
7241 convenience and necessity of the industry and the public will be served, shall issue a license
7242 allowing the applicant to operate the livestock market proposed in the application valid through
7243 December 31 of the year in which the license is issued, subject to suspension or revocation for
7244 cause.
7245 (b) A livestock market license is annually renewable on or before December 31 of each
7246 year upon the payment of an annual license renewal fee in an amount determined by the
7247 department pursuant to Subsection [~~4-2-2~~] 4-2-103(2).
7248 (3) No livestock market original or renewal license may be issued until the applicant

7249 has provided the department with a certified copy of a surety bond filed with the United States
7250 Department of Agriculture as required by the Packers and Stockyards Act, 1921, 7 U.S.C.
7251 Section 181 et seq.
7252 Section 304. Section **4-30-106**, which is renumbered from Section 4-30-5 is
7253 renumbered and amended to read:
7254 **[~~4-30-5~~]. 4-30-106. Hearing on license application -- Notice of hearing.**
7255 (1) Upon the filing of an application, the chairman of the Livestock Market Committee
7256 shall set a time for hearing on the application in the city or town nearest the proposed site of the
7257 livestock market and cause notice of the time and place of the hearing together with a copy of
7258 the application to be forwarded by mail, not less than 15 days before the hearing date, to the
7259 following:
7260 (a) each licensed livestock market operator within the state; and
7261 (b) each livestock or other interested association or group of persons in the state that
7262 has filed written notice with the committee requesting receipt of notice of such hearings.
7263 (2) Notice of the hearing shall be published 14 days before the scheduled hearing date:
7264 (a) in a daily or weekly newspaper of general circulation within the city or town where
7265 the hearing is scheduled; and
7266 (b) on the Utah Public Notice Website created in Section 63F-1-701.
7267 Section 305. Section **4-30-107**, which is renumbered from Section 4-30-6 is
7268 renumbered and amended to read:
7269 **[~~4-30-6~~]. 4-30-107. Livestock Market Committee -- Guidelines delineated for**
7270 **decision on application.**
7271 (1) The Livestock Market Committee in determining whether to recommend approval
7272 or denial of the application shall consider:
7273 (a) the applicant's proven or potential ability to comply with the Packers and
7274 Stockyards Act, 7 U.S.C. Sec. 221 through 229b;
7275 (b) the financial stability, business integrity, and fiduciary responsibility of the
7276 applicant;
7277 (c) the livestock marketing benefits which potentially will be derived from the
7278 establishment and operation of the public livestock market proposed;
7279 (d) the need for livestock market services in the trade area proposed;

7280 (e) the adequacy of the livestock market location and facilities proposed in the
7281 application, including facilities for health inspection and testing;
7282 (f) whether the operation of the proposed livestock market is likely to be permanent;
7283 and
7284 (g) the economic feasibility of the proposed livestock market based on competent
7285 evidence.
7286 (2) Any interested person may appear at the hearing on the application and give an
7287 opinion or present evidence either for or against granting the application.
7288 Section 306. Section **4-30-108**, which is renumbered from Section 4-30-7 is
7289 renumbered and amended to read:
7290 **[~~4-30-7~~]. 4-30-108. Transfer of livestock market license permitted --**
7291 **Conditions.**
7292 (1) No livestock market license is transferable to another person without the prior
7293 approval of the commissioner.
7294 (2) A change in the membership of a partnership or association, or the sale or transfer
7295 of a 25% or greater interest in the stock ownership of a corporate livestock market shall be
7296 considered a transfer of the livestock market license and is subject to the requirements of this
7297 section.
7298 (3) Application to allow transfer of a livestock market license shall be made to the
7299 department on a form prescribed and furnished by [~~it~~] the department.
7300 (4) The commissioner may grant a transfer of the license:
7301 (a) if the proposed transferee meets all the requirements specified for an original
7302 license in Section [~~4-30-4~~] 4-30-105; and
7303 (b) based on the criteria specified in Section [~~4-30-6~~] 4-30-107.
7304 Section 307. Section **4-30-109**, which is renumbered from Section 4-30-7.5 is
7305 renumbered and amended to read:
7306 **[~~4-30-7.5~~]. 4-30-109. Financial responsibility.**
7307 Each livestock market shall maintain a financial condition of total assets in excess of
7308 total liabilities, including total current assets in excess of total current liabilities.
7309 Section 308. Section **4-30-110**, which is renumbered from Section 4-30-7.6 is
7310 renumbered and amended to read:

7311 **[~~4-30-7.6~~]. 4-30-110. Custodial accounts for trust funds.**
7312 (1) (a) Each payment that a livestock buyer makes to a livestock market selling on
7313 commission is a trust fund.
7314 (b) Funds deposited [~~in~~] into custodial accounts are trust funds.
7315 (2) Each livestock market engaged in selling livestock on a commission or agency
7316 basis shall establish and maintain a separate bank account designated as "custodial account for
7317 shippers' proceeds," or some similar identifying designation, to disclose that the depositor is
7318 acting as a fiduciary and that the funds in the account are trust funds.
7319 (3) (a) The livestock market shall deposit [~~in~~] into its custodial account before the close
7320 of the next business day after the livestock is sold:
7321 (i) the proceeds that have been collected from the sale of the livestock [~~that have been~~
7322 ~~collected~~]; and
7323 (ii) an amount equal to the proceeds receivable from the sale of livestock that are due
7324 from:
7325 (A) the livestock market;
7326 (B) any owner, officer, or employee of the livestock market; and
7327 (C) any buyer to whom the livestock market has extended credit.
7328 (b) The livestock market shall thereafter deposit [~~in~~] into the custodial account all
7329 proceeds collected until the account has been reimbursed in full[~~,~~] and shall, before the close of
7330 the seventh day following the sale of livestock, deposit an amount equal to all the remaining
7331 proceeds receivable regardless of whether [~~or not~~] the proceeds have been collected by the
7332 livestock market.
7333 (4) The custodial account shall be drawn on only [~~for payment of~~]:
7334 (a) for payment of the net proceeds to the consignor or shipper, or to any person that
7335 the livestock market knows is entitled to payment;
7336 (b) to pay lawful charges against the consignment of livestock which the market agency
7337 shall, in its capacity as agent, be required to pay; and
7338 (c) to obtain any sums due the livestock market as compensation for its services.
7339 (5) (a) Each livestock market shall keep accounts and records that will disclose at all
7340 times the handling of funds in the custodial account.
7341 (b) Accounts and records shall at all times disclose the name of the consignors and the

7342 amount due and payable to each from funds in the custodial account.
7343 (6) The custodial account shall be established and maintained in a bank whose deposits
7344 are insured by the Federal Deposit Insurance Corporation.
7345 Section 309. Section **4-30-111**, which is renumbered from Section 4-30-8 is
7346 renumbered and amended to read:
7347 **[~~4-30-8~~]. 4-30-111. Weighman license required -- Application -- Fee -- Bond**
7348 **-- Expiration -- Renewal.**
7349 (1) (a) No person may act as a weighman at a livestock market without a license from
7350 the department.
7351 (b) Application for a weighman's license shall be made to the department upon forms
7352 prescribed and furnished by [~~it~~] the department.
7353 (c) Upon receipt of a proper application, payment of a license fee in an amount
7354 determined by the department pursuant to Subsection [~~4-2-2~~] 4-2-103(2), and deposit of either
7355 a corporate surety bond or trust fund agreement with the department in the principal amount of
7356 $1,000, the commissioner shall issue a license allowing the applicant to act as a weighman
7357 through December 31 of the year in which the license is issued, subject to suspension or
7358 revocation for cause.
7359 (d) A weighman's license is annually renewable on or before December 31 of each year
7360 upon the payment of an annual license renewal fee in an amount determined by the department
7361 pursuant to Subsection [~~4-2-2~~] 4-2-103(2).
7362 (2) (a) Each weighman's surety bond shall be written by a surety licensed under the
7363 laws of Utah and name the state, as obligee, for the use and benefit of persons who consign
7364 livestock to a livestock market.
7365 (b) The bond shall further be conditioned for the faithful and accurate weighing of
7366 livestock consigned to a livestock market[~~,~~] and for the payment of court costs and [~~a~~]
7367 reasonable [~~attorney's fee~~] attorney fees to the prevailing party incident to any suit brought
7368 upon the bond.
7369 Section 310. Section **4-30-112**, which is renumbered from Section 4-30-9 is
7370 renumbered and amended to read:
7371 **[~~4-30-9~~]. 4-30-112. Suspension or revocation of license -- Grounds.**
7372 The department is authorized to suspend or revoke the license of any livestock market

7373 or livestock market weighman who:
7374 (1) violates any provision of this chapter or any rule [~~promulgated~~] made under this
7375 chapter; or
7376 (2) engages in any fraudulent or deceitful activity.
7377 Section 311. Section **4-31-105** is amended to read:
7378 **4-31-105. Outbreak of contagious or infectious disease -- Assistance of federal**
7379 **authorities.**
7380 If there is an outbreak of contagious or infectious disease among domestic animals in
7381 this state that imperils livestock [~~in adjoining states~~], the commissioner [~~shall seek~~] may
7382 request the assistance of the United States Department of Agriculture, Animal and Plant Health
7383 Inspection Service, in preventing the spread of the disease to other states.
7384 Section 312. Section **4-31-106** is amended to read:
7385 **4-31-106. Epidemic of contagious or infectious disease -- Condemnation or**
7386 **destruction of infected or exposed livestock -- Destruction of other property.**
7387 (1) If there is an outbreak of contagious or infectious foreign animal disease of
7388 epidemic proportion among domestic animals in this state that imperils livestock, the
7389 commissioner, with approval of the governor, may condemn, destroy, or dispose of any
7390 infected livestock or any livestock exposed to[~~, or deemed~~] the disease or considered by the
7391 commissioner capable of[~~,~~] communicating the disease to other domestic animals.
7392 (2) The commissioner may, with gubernatorial approval, condemn and destroy any
7393 barns, sheds, corrals, pens, or other property necessary to prevent the spread of contagion or
7394 infection.
7395 Section 313. Section **4-31-107** is amended to read:
7396 **4-31-107. Appraisal of fair market value before destruction.**
7397 (1) Before any livestock or property is [~~condemned and~~] destroyed under Section
7398 4-31-106, an appraisal of the fair market value of the livestock or other property shall be
7399 forwarded to the commissioner by a panel of three qualified appraisers appointed as follows:
7400 (a) one by the commissioner;
7401 (b) one by the owner of the livestock or other property subject to condemnation; and
7402 (c) one by the appraisers specified in Subsections (1)(a) and (b).
7403 (2) After review, the commissioner shall forward the appraisal to the board of

7404 examiners described in Subsection 63G-9-201(2)[~~;~~] together with the commissioner's
7405 recommendation concerning the amount, if any, that should be allowed.
7406 (3) Any costs incurred in the appraisal shall be paid by the state.
7407 Section 314. Section **4-31-108** is amended to read:
7408 **4-31-108. Euthanasia for postmortem examination.**
7409 The commissioner may order the [~~slaughter and post-mortem~~] euthanasia and
7410 postmortem examination of a diseased domestic animal if the exact nature of the animal's
7411 disease is not readily [~~ascertained~~] determined through other means.
7412 Section 315. Section **4-31-109.1** is amended to read:
7413 **4-31-109.1. Trichomoniasis fines.**
7414 (1) A person who knowingly sells a bull infected with trichomoniasis, other than to
7415 slaughter, without declaring the disease status of the animal shall be subject to citation and
7416 fines as prescribed by the department or may be called to appear before an administrative
7417 proceeding by the department, as established by rule in accordance with Title 63G, Chapter 3,
7418 Utah Administrative Rulemaking Act, and Section 4-31-109.
7419 (2) After May 15 of each calendar year, an owner of a bull that has not been tested for
7420 trichomoniasis [~~shall~~] may be fined $1,000 per [~~violation~~] bull.
7421 (3) An owner of a bull that has not been tested for trichomoniasis and that has been
7422 exposed to female cattle [~~shall~~] may be fined $1,000 per [~~violation~~] animal regardless of the
7423 time of year.
7424 Section 316. Section **4-31-113** is amended to read:
7425 **4-31-113. Restrictions on movement of infected or exposed animals.**
7426 (1) A person who owns or has possession of an animal and knows that the animal is
7427 infected with, or has been exposed to, any contagious or infectious disease[~~;~~] may not:
7428 (a) permit the animal to run at large[~~;~~] or come in contact with[~~;~~] an animal that can be
7429 infected; or
7430 (b) sell, ship, trade, or give away [~~an~~] the infected animal without disclosing that the
7431 animal is diseased or has been exposed to disease.
7432 (2) A person who violates Subsection (1) is liable to the owner or occupant of the
7433 premises for any damage inflicted by an infected animal.
7434 [~~(2)~~] (3) The provisions of this section do not apply to protected wildlife that is:

7435 (a) living in nature; and
7436 (b) under the jurisdiction of the Division of Wildlife Resources.
7437 Section 317. Section **4-31-114** is amended to read:
7438 **4-31-114. Report of vesicular disease.**
7439 (1) A person who identifies symptoms of vesicular disease in livestock shall
7440 immediately report it to the department.
7441 (2) Failure of a veterinarian licensed in this state to report to the department a
7442 diagnosed case of vesicular disease [~~to the department~~] constitutes ground for the revocation of
7443 such veterinarian's license.
7444 (3) Failure by an owner of livestock to report symptoms of vesicular disease among the
7445 owner's livestock constitutes forfeiture of the right to claim an indemnity for an animal
7446 [~~slaughtered~~] euthanized on account of the disease.
7447 Section 318. Section **4-31-115** is amended to read:
7448 **4-31-115. Contagious or infectious disease -- Duties of department.**
7449 (1) (a) The department shall investigate and may quarantine any reported case of
7450 contagious or infectious disease, or any epidemic[~~,~~] or poisoning, affecting a domestic animal
7451 or an animal that the department believes may jeopardize the health of animals within the state.
7452 (b) The department shall make a prompt and thorough examination of all
7453 circumstances surrounding the disease, epidemic, or poisoning and may order quarantine, care,
7454 or any necessary remedies.
7455 (c) The department may also order immunization or testing and sanitary measures to
7456 prevent the spread of disease.
7457 (d) [~~Investigations~~] An investigation involving fish or wildlife shall be conducted
7458 under a cooperative agreement with the Division of Wildlife Resources.
7459 (2) (a) If the owner or person in possession of such [~~animals~~] an animal, after written
7460 notice from the department, fails to take the action ordered, the commissioner is authorized to
7461 seize and hold the [~~animals~~] animal and take action necessary to prevent the spread of disease,
7462 including immunization, testing, dipping, or spraying.
7463 (b) An animal seized for testing or treatment under this section [~~shall~~] may be sold by
7464 the commissioner at public sale to reimburse the department for all costs incurred in the
7465 seizure, testing, treatment, maintenance, and sale of the animal unless the owner, before the

7466 sale, tenders payment for the costs incurred by the department.
7467 (c) (i) No seized animal shall be sold until the owner or person in possession of the
7468 animal is served with a notice specifying the itemized costs incurred by the department [~~and~~],
7469 the time, place, and purpose of sale, and the number of animals to be sold.
7470 (ii) The notice shall be served at least three days in advance of sale in the manner:
7471 (A) prescribed for personal service in Rule 4(d)(1), Utah Rules of Civil Procedure; or
7472 (B) if the owner cannot be found after due diligence, [~~in the manner~~] prescribed for
7473 service by publication in Rule 4(d)(4), Utah Rules of Civil Procedure.
7474 (3) (a) Any amount realized from the sale of the animal over the total charges shall be
7475 paid to the owner of the animal[~~,~~] if the owner is known or can by reasonable diligence be
7476 found[~~; otherwise,~~].
7477 (b) If the owner is unknown and cannot be found by reasonable diligence, as described
7478 in Subsection (3)(a), the excess shall remain in the General Fund.
7479 (c) If the total cost incurred is greater than the amount realized, the owner shall pay the
7480 difference.
7481 Section 319. Section **4-31-116** is amended to read:
7482 **4-31-116. Quarantine -- Peace officers to assist in maintenance of quarantine.**
7483 (1) The commissioner may quarantine any infected domestic animal or area within the
7484 state to prevent the spread of infectious or contagious disease.
7485 (2) A sheriff or other peace officer in the state shall, upon request of the commissioner,
7486 assist the department in maintaining a quarantine and arrest a person who violates [~~it~~] the
7487 quarantine.
7488 (3) The department shall pay all costs and fees incurred by any law enforcement
7489 authority in assisting the department.
7490 Section 320. Section **4-32-101**, which is renumbered from Section 4-32-1 is
7491 renumbered and amended to read:
7492 **CHAPTER 32. UTAH MEAT AND POULTRY PRODUCTS INSPECTION AND**
7493 **LICENSING ACT**
7494 **[~~4-32-1~~]. 4-32-101. Title.**
7495 This chapter [~~shall be~~] is known as [~~and may be cited as~~] the "Utah Meat and Poultry
7496 Products Inspection and Licensing Act."

7497 Section 321. Section **4-32-102**, which is renumbered from Section 4-32-2 is
7498 renumbered and amended to read:
7499 **[~~4-32-2~~]. 4-32-102. Purpose declaration.**
7500 (1) It is the purpose of this chapter to provide a meat and poultry inspection program in
7501 the state at least equal to the programs imposed under the:
7502 (a) Federal Meat Inspection Act, [~~the federal~~] 21 U.S.C. Sec. 601 et seq;
7503 (b) Poultry Products Inspection Act, [~~and the~~] 21 U.S.C. Sec. 451 et seq;
7504 (c) Humane Slaughter Act[~~.~~], 7 U.S.C. Sec. 1901 et seq; and
7505 (d) the Egg Product Inspection Act, 21 U.S.C. 1031 et seq.
7506 (2) The commissioner shall administer and enforce this chapter to accomplish [~~this~~] the
7507 purpose described in Subsection (1).
7508 Section 322. Section **4-32-103**, which is renumbered from Section 4-32-2.1 is
7509 renumbered and amended to read:
7510 **[~~4-32-2.1~~]. 4-32-103. Adoption of federal provisions.**
7511 (1) The following federal laws, regulations, and standards are adopted by reference:
7512 (a) 9 C.F.R. Part 300 through Part 500 and Part 590;
7513 (b) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
7514 (c) the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; [~~and~~]
7515 (d) the Humane Slaughter Act, 7 U.S.C. Sec. 1901 et seq[~~.~~]; and
7516 (e) the Egg Product Inspection Act, 21 U.S.C. 1031 et seq.
7517 (2) Changes to the federal laws, regulations, and standards referenced in Subsection (1)
7518 are considered incorporated as those changes are made.
7519 Section 323. Section **4-32-104**, which is renumbered from Section 4-32-2.2 is
7520 renumbered and amended to read:
7521 **[~~4-32-2.2~~]. 4-32-104. Emergency rules.**
7522 The department may make emergency rules concerning the meat and poultry inspection
7523 program only in accordance with Section 63G-3-304.
7524 Section 324. Section **4-32-105**, which is renumbered from Section 4-32-3 is
7525 renumbered and amended to read:
7526 **[~~4-32-3~~]. 4-32-105. Definitions.**
7527 As used in this chapter:

7528 (1) "Adulterated" means any meat or poultry product that:
7529 (a) bears or contains any poisonous or deleterious substance that may render it
7530 injurious to health, but, if the substance is not an added substance, the meat or poultry product
7531 is not considered adulterated under this subsection if the quantity of the substance in or on the
7532 meat or poultry product does not ordinarily render it injurious to health;
7533 (b) bears or contains, by reason of the administration of any substance to the animal or
7534 otherwise, any added poisonous or added deleterious substance that in the judgment of the
7535 commissioner makes the meat or poultry product unfit for human food;
7536 (c) contains, in whole or in part, a raw agricultural commodity and that commodity
7537 bears or contains a pesticide chemical that is unsafe within the meaning of 21 U.S.C. Sec.
7538 346a;
7539 (d) bears or contains any food additive that is unsafe within the meaning of 21 U.S.C.
7540 Sec. 348;
7541 (e) bears or contains any color additive that is unsafe within the meaning of 21 U.S.C.
7542 Sec. 379e[~~;~~], provided[~~,~~] that a meat or poultry product that is not otherwise considered
7543 adulterated under Subsection (1)(c) or (d) [~~of this section~~] is considered adulterated if use of
7544 the pesticide chemical, food additive, or color additive is prohibited in official establishments
7545 by federal law, regulation, or standard;
7546 (f) consists, in whole or in part, of any filthy, putrid, or decomposed substance or is for
7547 any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;
7548 (g) has been prepared, packaged, or held under unsanitary conditions if the meat or
7549 poultry product may have become contaminated with filth, or if it may have been rendered
7550 injurious to health;
7551 (h) is in whole or in part the product of an animal that died other than by slaughter;
7552 (i) is contained in a container that is composed, in whole or in part, of any poisonous or
7553 deleterious substance that may render the meat or poultry product injurious to health;
7554 (j) has been intentionally subjected to radiation, unless the use of the radiation
7555 conforms with a regulation or exemption in effect pursuant to 21 U.S.C. Sec. 348;
7556 (k) has a valuable constituent in whole or in part omitted, abstracted, or substituted; or
7557 if damage or inferiority is concealed in any manner; or if any substance has been added, mixed,
7558 or packed with the meat or poultry product to increase its bulk or weight, [~~or~~] reduce its quality

7559 or strength, or [~~to~~] make it appear better or of greater value; or
7560 (l) is margarine containing animal fat and any of the raw material used in the margarine
7561 consists in whole or in part of any filthy, putrid, or decomposed substance.
7562 (2) "Animal" means a domesticated or captive mammalian or avian species.
7563 (3) "Animal food manufacturer" means any person engaged in the business of
7564 preparing animal food derived from animal carcasses or parts or products of the carcasses.
7565 (4) "Ante mortem inspection" means an inspection of a live animal immediately before
7566 slaughter.
7567 (5) "Broker" means any person engaged in the business of buying and selling meat or
7568 poultry products other than for the person's own account.
7569 (6) "Capable of use as human food" means any animal carcass, or part or product of a
7570 carcass, unless it is denatured or otherwise identified as required by rules of the department to
7571 deter [~~its~~] the carcass or product's use as human food.
7572 (7) "Commissioner" includes a person authorized by the commissioner to carry out
7573 [~~this chapter's provisions.~~] the provisions of this chapter.
7574 (8) "Container" or "package" means any box, can, tin, cloth, plastic, or other receptacle,
7575 wrapper, or cover.
7576 (9) "Custom exempt processing" means processing meat or wild game as a service for
7577 the person who owns the meat or wild game and uses the meat and meat food products for the
7578 person's own consumption, including consumption by immediate family members and
7579 non-paying guests.
7580 (10) "Custom exempt slaughter":
7581 (a) means slaughtering an animal as a service for the person who owns the animal and
7582 uses the meat and meat products for the person's own consumption, including consumption by
7583 immediate family members and non-paying guests; and
7584 (b) includes farm custom slaughter.
7585 (11) "Diseased animal":
7586 (a) means an animal that:
7587 (i) is diagnosed with a disease not known to be cured; or
7588 (ii) has exhibited signs or symptoms of a disease that is not known to be cured; and
7589 (b) does not include an otherwise healthy animal that suffers only from injuries such as

7590 fractures, cuts, or bruises.
7591 (12) "Farm custom mobile unit" means a portable slaughter vehicle or trailer that is
7592 used by a farm custom slaughter licensee to slaughter animals.
7593 (13) "Farm custom slaughter" means custom exempt slaughtering of an animal for an
7594 owner without official inspection.
7595 (14) "Farm custom slaughter license" means a license issued by the department to
7596 allow farm custom slaughter.
7597 (15) "Farm custom slaughter NOT FOR SALE tag" means a tag issued by the
7598 department to the owner of the facility before the animal is slaughtered that specifies the
7599 animal's identification and certifies its ownership[~~, which is issued by the department through a~~
7600 ~~brand inspector to the owner of the animal before it is slaughtered.~~].
7601 (16) "Federal acts" means:
7602 (a) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
7603 (b) the Federal Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; [~~and~~]
7604 (c) the Humane Slaughter Act, 7 U.S.C. 1901 et seq[~~.~~]; and
7605 (d) the Egg Product Inspection Act, 21 U.S.C. 1031 et seq.
7606 (17) "Federal Food, Drug and Cosmetic Act" means the act so entitled, approved June
7607 25, 1938 (52 Stat. 1040) (21 U.S.C. 301 et seq.), and any amendments to [~~it~~] the act.
7608 (18) "Immediate container" means any consumer package, or any other container, in
7609 which meat or poultry products not consumer packaged[~~,~~] are packed.
7610 (19) "Inspector" means a [~~licensed veterinarian or competent lay person working under~~
7611 ~~the supervision of a licensed graduate veterinarian.~~] department employee who is trained in:
7612 (a) humane handling;
7613 (b) ante-mortem and post-mortem inspection;
7614 (c) processing inspection; and
7615 (d) regulatory requirements.
7616 (20) "Label" means a display of printed or graphic matter upon any meat or poultry
7617 product or the immediate container, not including package liners, of any such product.
7618 (21) "Labeling" means all labels and other printed or graphic matter:
7619 (a) upon any meat or poultry product or any of its containers or wrappers; or
7620 (b) accompanying a meat or poultry product.

7621 (22) "Licensee" means a person who holds a valid farm custom slaughter license.
7622 (23) "Meat" means the edible muscle, and other edible parts, of an animal, including
7623 edible:
7624 (a) skeletal muscle;
7625 (b) organs;
7626 (c) muscle found in the tongue, diaphragm, heart, or esophagus; and
7627 (d) fat, bone, skin, sinew, nerve, or blood vessel that normally accompanies meat and is
7628 not ordinarily removed in processing.
7629 (24) "Meat establishment" means a plant or fixed premises used to:
7630 (a) slaughter animals for human consumption; or
7631 (b) process meat or poultry products for human consumption.
7632 (25) "Meat product" means any product capable of use as human food that is made
7633 wholly or in part from any meat or other part of the carcass of any non-avian animal.
7634 (26) "Misbranded" means any meat or poultry product that:
7635 (a) bears a label that is false or misleading in any particular;
7636 (b) is offered for sale under the name of another food;
7637 (c) is an imitation of another food, unless the label bears, in type of uniform size and
7638 prominence, the word "imitation" followed by the name of the food imitated;
7639 (d) if [~~its~~] it has a container, the container is [~~so~~] made, formed, or filled as to be
7640 misleading;
7641 (e) does not bear a label showing:
7642 (i) the name and place of business of the manufacturer, packer, or distributor; and
7643 (ii) an accurate statement of the quantity of the product in terms of weight, measure, or
7644 numerical count[~~;~~], provided[~~;~~] that under this Subsection (26)(e), exemptions as to meat and
7645 poultry products not in containers may be established by rules of the department and that under
7646 this Subsection (26)(e)(ii), reasonable variations may be permitted, and exemptions for small
7647 packages may be established for meat or poultry products by rule of the department;
7648 (f) does not bear any word, statement, or other information required by or under
7649 authority of this chapter to appear on the label or other labeling that is not prominently placed
7650 with such conspicuousness, as compared with other words, statements, designs, or devices, in
7651 the labeling, and in such terms as to render it likely to be read and understood by the ordinary

7652 individual under customary conditions of purchase and use;
7653 (g) is a food for which a definition and standard of identity or composition has been
7654 prescribed by rules of the department under Section [~~4-32-7~~] 4-32-109 if the food does not
7655 conform to the definition and standard and the label does not bear the name of the food and any
7656 other information that is required by the rule;
7657 (h) is a food for which a standard of fill has been prescribed by rule of the department
7658 for the container and the actual fill of the container falls below that prescribed unless [~~its~~] the
7659 food's label bears, in a manner and form as the rule specifies, a statement that [~~it~~] the food falls
7660 below the standard;
7661 (i) is a food for which no standard or definition of identity has been prescribed under
7662 Subsection (26)(g) unless [~~its~~] the label bears:
7663 (i) the common or usual name of the food, if there be any; and
7664 (ii) if [~~it~~] the food is fabricated from two or more ingredients, the common or usual
7665 name of each such ingredient[~~;~~], except that spices, flavorings, and colorings may, when
7666 authorized by the department, be designated as spices, flavorings, and colorings without
7667 naming each[~~;~~], provided[~~;~~] that to the extent that compliance with the requirements of this
7668 Subsection (26)(i)(ii) is impracticable, or results in deception or unfair competition,
7669 exemptions shall be established by rule;
7670 (j) is a food that purports to be or is represented to be for special dietary uses, unless
7671 [~~its~~] the label bears information concerning [~~its~~] the food's vitamin, mineral, and other dietary
7672 properties as the department, after consultation with the Secretary of Agriculture of the United
7673 States, prescribes by rules as necessary to inform purchasers as to [~~its~~] the food's value for
7674 special dietary uses;
7675 (k) bears or contains any artificial flavoring, artificial coloring, or chemical
7676 preservative, unless [~~it~~] the food bears labeling stating that fact[~~;~~], provided[~~;~~] that to the extent
7677 that compliance with the requirements of this subsection are impracticable, exemptions shall be
7678 prescribed by rules of the department; or
7679 (l) does not bear directly thereon and on [~~its~~] the food's containers, as the department
7680 may prescribe by rule, the official inspection legend and establishment number of the official
7681 establishment where the product was prepared, and, unrestricted by any of the foregoing, other
7682 information as the department may require by rule to assure that the meat or poultry product

7683 will not have false or misleading labeling and that the public will be informed of the manner of
7684 handling required to maintain [~~it~~] the meat or poultry product in a wholesome condition.
7685 (27) "Official certificate" means any certificate prescribed by rules of the department
7686 for issuance by an inspector or other person performing official functions under this chapter.
7687 (28) "Official device" means [~~any~~] a device prescribed or authorized by the
7688 commissioner for use in applying [~~any~~] an official mark.
7689 (29) "Official establishment" means [~~any~~] an establishment at which inspection of the
7690 slaughter of animals or the preparation of meat or poultry products is maintained under the
7691 authority of this chapter.
7692 (30) "Official inspection" means where domestic animals are slaughtered or
7693 preparations for slaughter are carried out under grant of inspection that is issued by the
7694 department.
7695 [~~(30)~~] (31) "Official inspection legend" means [~~any~~] a symbol prescribed by rules of
7696 the department showing that a meat or poultry product was inspected and passed in accordance
7697 with this chapter.
7698 [~~(31)~~] (32) "Official mark" means the official legend or [~~any~~] other symbol prescribed
7699 by rules of the department to identify the status of [~~any~~] an animal carcass or meat or poultry
7700 product under this chapter.
7701 [~~(32)~~] (33) "Pesticide chemical," "food additive," "color additive," and "raw
7702 agricultural commodity," have the same meanings for purposes of this chapter as ascribed to
7703 them in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
7704 [~~(33)~~] (34) "[~~Post mortem~~] Postmortem inspection" means an inspection of a
7705 slaughtered food animal's carcass after slaughter.
7706 [~~(34)~~] (35) "Poultry" means any domesticated bird, whether living or dead.
7707 [~~(35)~~] (36) "Poultry product" means any product capable of use as human food that is
7708 made wholly or in part from any poultry carcass, excepting products that contain poultry
7709 ingredients in relatively small proportion or that historically have not been considered by
7710 consumers as products of the poultry food industry, and that are exempted from definition as a
7711 poultry product by the commissioner.
7712 [~~(36)~~] (37) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut
7713 up, or otherwise manufactured or processed.

7714 [~~(37)~~] (38) "Process" means to cut, grind, manufacture, compound, smoke, intermix, or
7715 prepare meat or poultry products.
7716 [~~(38)~~] (39) "Renderer" means any person engaged in the business of rendering animal
7717 carcasses, or parts or products of animal carcasses, except rendering conducted under
7718 inspection or exemption under this chapter.
7719 [~~(39)~~] (40) "Slaughter" means:
7720 (a) the killing of an animal in a humane manner including skinning or dressing; or
7721 (b) the process of performing any of the specified acts in preparing an animal for
7722 human consumption.
7723 [~~(40)~~] (41) "Wild game" means an animal, the products of which are food that is not
7724 classified as a domesticated food animal, captive game animal, or captive game bird, including
7725 the following when not domesticated:
7726 (a) deer;
7727 (b) elk;
7728 (c) antelope;
7729 (d) moose;
7730 (e) bison;
7731 (f) bear;
7732 (g) rabbit;
7733 (h) squirrel;
7734 (i) raccoon; and
7735 (j) birds.
7736 Section 325. Section **4-32-106**, which is renumbered from Section 4-32-4 is
7737 renumbered and amended to read:
7738 **[~~4-32-4~~]. 4-32-106. Meat establishment license -- Slaughtering livestock**
7739 **except in licensed meat establishment prohibited -- Exceptions -- Violation a**
7740 **misdemeanor.**
7741 (1) A person may not, except in a licensed meat establishment, slaughter animals for
7742 human consumption or assist other persons in the slaughter or processing of animals except as
7743 otherwise provided in Subsection (2), (3), or (4).
7744 (2) A person who raises an animal or an employee of that person may slaughter an

7745 animal without a farm custom slaughter license if:
7746 (a) slaughtering or processing animals is not prohibited by local ordinance;
7747 (b) any hide, viscera, blood, or other tissue is disposed of by removal to a rendering
7748 facility[~~,~~] or landfill[~~,~~] or by burial, as allowed by law;
7749 (c) the meat or poultry product derived from the slaughtered animal is consumed
7750 exclusively by the person or the person's immediate family, regular employees of the person, or
7751 nonpaying guests; and
7752 (d) the meat or poultry product is marked "Not For Sale."
7753 (3) Farm custom slaughter may be performed by a person who holds a valid farm
7754 custom slaughter license.
7755 (4) A retail establishment that processes meat or poultry products primarily for sale to
7756 individual consumers at the retail establishment is exempt from provisions requiring licensing
7757 of a meat establishment if:
7758 (a) the retail establishment is not engaged in slaughter operations;
7759 (b) the retail establishment sells the processed meat and poultry products only to
7760 individual consumers at the retail establishment[~~,~~] or to restaurants or institutions for use in
7761 meals served at those restaurants or institutions;
7762 (c) the retail establishment's sales of processed meat and poultry products to restaurants
7763 or institutions do not exceed the federal adjusted dollar limitation, or 25% by dollar volume of
7764 all meat sales from the retail establishment, whichever is less;
7765 (d) the retail establishment receives meat only from a meat establishment licensed
7766 under this chapter or inspected by the United States Department of Agriculture under 21 U.S.C.
7767 [~~Sections~~] Secs. 451 to 695;
7768 (e) the operator of the retail establishment does not sell[~~,~~] to any person other than an
7769 individual consumer[~~,~~] any meat or poultry product that is cured, smoked, seasoned, canned, or
7770 cooked at the retail establishment;
7771 (f) the retail establishment does not sell any meat or poultry product that is cured,
7772 smoked, seasoned, canned, or cooked at the retail establishment at a location other than the
7773 retail establishment; and
7774 (g) the operator of the retail establishment does not sell[~~,~~] to any person other than an
7775 individual consumer[~~,~~] any meat product made by combining meat from different animal

7776 species at the retail establishment.
7777 (5) Any person who violates this section, except as otherwise provided in Subsection
7778 (6), is guilty of a class C misdemeanor.
7779 (6) Any person who offers for sale or sells any uninspected meat or poultry product is
7780 guilty of a class B misdemeanor.
7781 Section 326. Section **4-32-107**, which is renumbered from Section 4-32-5 is
7782 renumbered and amended to read:
7783 **[~~4-32-5~~]. 4-32-107. Meat establishment and farm custom slaughter licenses --**
7784 **Application -- Fees -- Expiration -- Renewal.**
7785 (1) A person may not operate a meat establishment in the state without a meat
7786 establishment license issued by the department.
7787 (2) (a) Application for a license to operate a meat establishment shall be made to the
7788 department upon a form prescribed and furnished by the department.
7789 (b) Upon receipt of a proper application, compliance with all applicable rules, and the
7790 payment of an annual license fee determined by the department according to Subsection [~~4-2-2~~]
7791 4-2-103(2), the commissioner, if satisfied that the public convenience and necessity will be
7792 served, shall issue a license allowing the applicant to operate a meat establishment through
7793 December 31 of the year in which the license is issued, subject to suspension or revocation for
7794 cause.
7795 (c) A meat establishment license is annually renewable on or before December 31 of
7796 each year, upon the payment of an annual license renewal fee in an amount determined by the
7797 department according to Subsection [~~4-2-2~~] 4-2-103(2).
7798 (3) (a) Application for a farm custom slaughter license to engage in the business of
7799 slaughtering livestock shall be made to the department on a form prescribed and furnished by
7800 the department.
7801 (b) Upon receipt of a proper application, compliance with all applicable rules, and
7802 payment of a license fee in an amount determined by the department according to Subsection
7803 [~~4-2-2~~] 4-2-103(2), the commissioner shall issue a license allowing the applicant to engage in
7804 farm custom slaughtering.
7805 (c) A farm custom slaughter license is annually renewable on or before December 31 of
7806 each year, upon the payment of an annual renewal license fee in an amount determined by the

7807 department according to Subsection [~~4-2-2~~] 4-2-103(2).
7808 Section 327. Section **4-32-108**, which is renumbered from Section 4-32-6 is
7809 renumbered and amended to read:
7810 **[~~4-32-6~~]. 4-32-108. Duties of person who holds a farm custom slaughter**
7811 **license.**
7812 Each person who holds a farm custom slaughter license shall:
7813 (1) keep accurate records of each animal slaughtered, including:
7814 (a) the name, address, and telephone number of each person for whom the animal is
7815 slaughtered[~~,~~];
7816 (b) a full description of each animal slaughtered including age, brands, marks, or other
7817 identifying marks, proof of ownership, and the destination of the carcass for processing[~~,~~]; and
7818 (c) the date of slaughter;
7819 (2) require that each animal presented for slaughter bear a farm custom slaughter not
7820 for sale tag;
7821 (3) render the animal to be slaughtered insensible to pain by captive bolt, gunshot,
7822 electric shock, or other humane means before it is shackled, hoisted, thrown, cast, or cut; and
7823 (4) stamp and tag the carcass of any slaughtered animal "Not For Sale."
7824 Section 328. Section **4-32-109**, which is renumbered from Section 4-32-7 is
7825 renumbered and amended to read:
7826 **[~~4-32-7~~]. 4-32-109. Mandatory functions, powers, and duties of department**
7827 **prescribed.**
7828 (1) The department shall make rules pursuant to Title 63G, Chapter 3, Utah
7829 Administrative Rulemaking Act, concerning the following functions, powers, and duties, in
7830 addition to those specified in Chapter 1, Short Title and General Provisions, for the
7831 administration and enforcement of this chapter[~~:~~].
7832 [~~(1)~~] (2) The department shall require antemortem and postmortem inspections,
7833 quarantine, segregation, and reinspections by inspectors appointed for those purposes with
7834 respect to the slaughter of animals and the preparation of meat and poultry products at official
7835 establishments, except as provided in Subsection [~~4-32-8~~] 4-32-110(13).
7836 [~~(2)~~] (3) The department shall require that:
7837 (a) animals be identified for inspection purposes;

7838 (b) meat or poultry products, or their containers be marked or labeled as:
7839 (i) "Utah Inspected and Passed" if, upon inspection, the products are found to be
7840 unadulterated; and
7841 (ii) "Utah Inspected and Condemned" if, upon inspection, the products are found to be
7842 adulterated; and
7843 (c) condemned animal carcasses or products, which otherwise would be used for
7844 human consumption, be destroyed under the supervision of an inspector.
7845 [~~(3)~~] (4) The department shall prohibit or limit meat products, poultry products, or
7846 other materials not prepared under inspection procedures provided in this chapter, from being
7847 brought into official establishments.
7848 [~~(4)~~] (5) The department shall require that labels and containers for meat and poultry
7849 products:
7850 (a) bear all information required by Section [~~4-32-13~~] 4-23-115 if the product leaves
7851 the official establishment; and
7852 (b) be approved before sale or transportation.
7853 [~~(5)~~] (6) For official establishments required to be inspected under Subsection [~~(1)~~] (2),
7854 the department shall:
7855 (a) prescribe sanitary standards;
7856 (b) require sanitary inspections; and
7857 (c) refuse to provide inspection service if the sanitary conditions allow adulteration of
7858 any meat or poultry product.
7859 [~~(6)~~] (7) (a) The department shall require that any person engaged in a business referred
7860 to in Subsection [~~(6)~~] (7)(b):
7861 (i) keep accurate records disclosing all pertinent business transactions;
7862 (ii) allow inspection of the business premises at reasonable times and examination of
7863 inventory, records, and facilities; and
7864 (iii) allow samples to be taken.
7865 (b) Subsection [~~(6)~~] (7)(a) applies to any person who:
7866 (i) slaughters animals;
7867 (ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any meat or
7868 poultry products for human or animal consumption;

7869 (iii) renders animals; or
7870 (iv) buys, sells, or transports any dead, dying, disabled, or diseased animals, or parts of
7871 their carcasses that died by a method other than slaughter.
7872 [~~(7)~~] (8) (a) The department shall:
7873 (i) adopt by reference rules [~~and regulations~~] under federal acts with changes that the
7874 commissioner considers appropriate to make the rules [~~and regulations~~] applicable to
7875 operations and transactions subject to this chapter; and
7876 (ii) [~~promulgate~~] make any other rules considered necessary for the efficient execution
7877 of the provisions of this chapter, including rules of practice providing an opportunity for
7878 hearing in connection with the issuance of orders under Subsection [~~(5)~~] (6) or under
7879 Subsection [~~4-32-8~~] 4-32-110(1), (2), or (3) and prescribing procedures for proceedings in
7880 these cases.
7881 (b) These procedures do not preclude requiring that a label or container be withheld
7882 from use, or inspection be refused under Subsections [~~(1) and (5)~~] (2) and (6), or Subsection
7883 [~~4-32-8~~] 4-32-110(3), pending issuance of a final order in the proceeding.
7884 [~~(8)~~] (9) (a) To prevent the inhumane slaughtering of animals, inspectors shall be
7885 appointed to examine and inspect methods of handling and slaughtering animals.
7886 (b) Inspection of slaughtering establishments may be refused or temporarily suspended
7887 if animals have been slaughtered or handled by any method not in accordance with the Humane
7888 Methods of Slaughter Act of 1978, Pub. L. No. 95-445.
7889 (c) Before slaughtering an animal in accordance with requirements of Kosher, Halal, or
7890 a religious faith's requirements that discourage stunning of the animal, the person slaughtering
7891 the animal shall file a written request with the commissioner.
7892 [~~(9)~~] (10) (a) The department shall require an animal showing symptoms of disease
7893 during antemortem inspection, performed by an inspector appointed for that purpose, to be set
7894 apart and slaughtered separately from other livestock and poultry.
7895 (b) When slaughtered, the carcasses of livestock and poultry are subject to careful
7896 examination and inspection in accordance with rules prescribed by the commissioner.
7897 Section 329. Section **4-32-110**, which is renumbered from Section 4-32-8 is
7898 renumbered and amended to read:
7899 **[~~4-32-8~~]. 4-32-110. Discretionary functions, powers, and duties of**

7900 **commissioner prescribed.**
7901 The commissioner may:
7902 (1) remove inspectors from any official establishment that fails to:
7903 (a) destroy condemned products pursuant to Subsection [~~4-32-7(2)~~] 4-32-109(3); or
7904 (b) comply with any other of this chapter's requirements;
7905 (2) refuse to provide inspection for any official establishment for any cause specified in
7906 Section 401 of the Federal Meat Inspection Act or Section 18 of the federal Poultry Products
7907 Inspection Act;
7908 (3) withhold the use of labels and containers if the labeling is false or misleading or the
7909 containers are misleading in size or form;
7910 (4) prescribe the type size and style to be used for labeling:
7911 (a) information;
7912 (b) definitions; and
7913 (c) standards of identity, composition, or container fill;
7914 (5) prescribe conditions for the storage and handling of meat and poultry products by
7915 any person who sells, freezes, stores, or transports these products to prevent them from
7916 becoming adulterated or misbranded;
7917 (6) require that equines be slaughtered and prepared in official establishments separate
7918 from those where other animals are slaughtered or their products are prepared;
7919 (7) require that the following people register the name and address of each place of
7920 business and all trade names:
7921 (a) broker;
7922 (b) renderer;
7923 (c) animal food manufacturer;
7924 (d) wholesaler;
7925 (e) public warehouseman of meat or poultry products; or
7926 (f) anyone engaged in the business of buying, selling, or transporting any:
7927 (i) dead, dying, disabled, or diseased animals; or
7928 (ii) parts of animal carcasses that died other than by slaughter;
7929 (8) make inspections of official establishments at night, as well as during the day, if
7930 animals or meat and poultry products are slaughtered and prepared for commercial purposes in

7931 those establishments at night;
7932 (9) divide the state into inspection districts and designate killing days and partial
7933 killing days for each official establishment;
7934 (10) cooperate with the Secretary of Agriculture of the United States in the
7935 administration of this chapter and accept federal assistance and use funds appropriated for the
7936 administration of this chapter to pay the state's proportionate share of the cooperative program;
7937 (11) recommend the names of officials and employees of the department to the
7938 Secretary of Agriculture of the United States for appointment to the advisory committees
7939 provided for in the federal acts;
7940 (12) serve as the representative of the governor for consultation with the Secretary of
7941 Agriculture under paragraph (c) of Section 301 of the Federal Meat Inspection Act and Section
7942 5(c) of the federal Poultry Products Inspection Act, unless the governor selects another
7943 representative; and
7944 (13) exempt from inspection:
7945 (a) the slaughter and processing of an animal by any person who raises an animal for
7946 the person's own use, members of the person's household, employees, or nonpaying guests;
7947 (b) custom exempt slaughter and processing operations;
7948 (c) farm custom slaughter performed by a licensee; and
7949 (d) any other operation, if the exemption:
7950 (i) furthers the purposes of this chapter; and
7951 (ii) conforms to federal acts.
7952 Section 330. Section **4-32-111**, which is renumbered from Section 4-32-9 is
7953 renumbered and amended to read:
7954 **[~~4-32-9~~]. 4-32-111. Additional powers of commissioner.**
7955 (1) The commissioner may:
7956 (a) gather and compile information concerning, and[~~, to~~] investigate the organization,
7957 business, conduct, practices, and management of, any person subject to this chapter;
7958 (b) require any person subject to this chapter to file information regarding the person's
7959 business or operation as the commissioner requires;
7960 (c) for the purpose of this chapter, at all reasonable times have access to, for the
7961 purpose of examination, and the right to copy, any documentary evidence[~~;~~] of any person

7962 being investigated or proceeded against, and may require by subpoena the attendance and
7963 testimony of witnesses and the production of all documentary evidence of any person relating
7964 to any matter under investigation;
7965 (d) require the attendance of witnesses and the production of documentary evidence at
7966 any place designated for hearing; [~~in case of disobedience to a subpoena, the commissioner~~
7967 ~~may~~]
7968 (e) invoke the aid of any court of competent jurisdiction to compel the attendance of
7969 witnesses and the production of documentary evidence, in the case of disobedience to a
7970 subpoena; and
7971 [~~(e)~~] (f) order testimony to be taken by deposition in any proceeding or investigation
7972 pending under this chapter at any stage of the proceeding or investigation[~~; the depositions may~~
7973 ~~be taken before any person with power to administer oaths designated by the commissioner,~~
7974 ~~and the testimony shall be reduced to writing by the person taking the deposition, or under his~~
7975 ~~direction and shall then be subscribed by the deponent~~].
7976 (2) In the event a witness asserts a privilege against self-incrimination, testimony and
7977 evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of
7978 Immunity.
7979 (3) (a) (i) Any person who without just cause neglects or refuses to attend and testify or
7980 to answer any lawful inquiry, or to produce documentary evidence, if in [~~his~~] the person's
7981 power to do so, in obedience to the subpoena or lawful requirement of the commissioner is
7982 guilty of a class A misdemeanor. [~~Any~~]
7983 (ii) A fine imposed for a violation of Subsection (3)(a)(i) may not be less than $500.
7984 [~~(b) Any person that~~]
7985 (b) (i) A person is guilty of a class A misdemeanor if the person:
7986 (A) willfully makes, or causes to be made, any false entry or statement of fact in any
7987 report required to be made under this chapter[~~, or that~~];
7988 (B) willfully makes, or causes to be made, any false entry in any account, record, or
7989 memorandum kept by any person subject to this chapter[~~, or that~~];
7990 (C) neglects or fails to make, or to cause to be made, full, true, and correct entries in
7991 those accounts, records, or memoranda, of all facts and transactions appertaining to the
7992 business of that person; or [~~that~~]

7993 (D) willfully removes out of the jurisdiction of this state, or willfully mutilates, alters,
7994 or by any other means falsifies any documentary evidence of any person subject to this chapter
7995 or that willfully refuses to submit to the commissioner or to any of the commissioner's
7996 authorized agents, for the purpose of inspection and making copies, any documentary evidence
7997 of any person subject to this chapter within the person's possession or control [~~is guilty of a~~
7998 ~~class A misdemeanor. Any~~].
7999 (ii) A fine imposed for a violation of Subsection (3)(b)(i) may not be less than $500.
8000 (c) (i) If any person required by this chapter to file any annual or special report fails to
8001 do so within the time fixed by the commissioner, and the failure continues for 30 days after
8002 notice of default, the person shall forfeit to the state the sum of $10 for each day of the
8003 continuance of the failure, which forfeiture is payable into the treasury of this state, and is
8004 recoverable in a civil suit in the name of the state brought in the district where the person has a
8005 principal office or in any district in which he does business.
8006 (ii) The various county attorneys, under the direction of the attorney general of this
8007 state, shall prosecute for the recovery of the forfeitures.
8008 (iii) The costs and expenses of prosecution shall be paid out of the appropriation for
8009 the expenses of the courts of this state.
8010 Section 331. Section **4-32-112**, which is renumbered from Section 4-32-10 is
8011 renumbered and amended to read:
8012 **[~~4-32-10~~]. 4-32-112. Judicial review of orders enforcing chapter.**
8013 (1) Any party aggrieved by an order issued under Subsection [~~4-32-7(3)~~] 4-32-109(4)
8014 or under Subsection [~~4-32-8~~] 4-32-110(1), (2), or (3) may obtain judicial review.
8015 (2) The district courts have jurisdiction to enforce this chapter, and to prevent and
8016 restrain violations of this chapter, and have jurisdiction in all other kinds of cases arising under
8017 this chapter.
8018 (3) All proceedings for the enforcement of this chapter, or to restrain violations of this
8019 chapter, shall be by and in the name of this state.
8020 Section 332. Section **4-32-113**, which is renumbered from Section 4-32-11 is
8021 renumbered and amended to read:
8022 **[~~4-32-11~~]. 4-32-113. Preparation and slaughter of livestock, poultry, or**
8023 **livestock and poultry products -- Adulterated or misbranded products -- Violation of rule**

8024 **or order.**
8025 (1) An animal or meat or poultry product that may be used for human consumption
8026 shall not be:
8027 (a) slaughtered or prepared unless it is done in compliance with this chapter's
8028 requirements;
8029 (b) sold, transported, offered for sale or transportation, or received for transportation, if
8030 it is adulterated or misbranded, unless it has been inspected and approved; or
8031 (c) subjected to any act while being transported or held for sale after transportation
8032 resulting in one of the products becoming adulterated or being misbranded.
8033 (2) A person may not violate any rule or order of the commissioner under Subsection
8034 [~~4-32-7(3) or (6)~~] 4-32-109(4) or (7), or Subsection [~~4-32-8~~] 4-32-110(3), (5), or (7).
8035 Section 333. Section **4-32-114**, which is renumbered from Section 4-32-12 is
8036 renumbered and amended to read:
8037 **[~~4-32-12~~]. 4-32-114. Unauthorized use or possession of official devices, labels,**
8038 **marks, or certificates -- False statements, misrepresentations, and trade secrets.**
8039 (1) A person may not cast, print, lithograph, or make any device or label containing or
8040 bearing any official mark or simulation of a mark, or any form or simulation of an official
8041 certificate, unless authorized by the commissioner.
8042 (2) A person may not:
8043 (a) forge any official device, mark, or certificate;
8044 (b) use any official device, mark, or certificate without the authorization of the
8045 commissioner;
8046 (c) alter, detach, deface, or destroy any official device, mark, or certificate;
8047 (d) fail to use, detach, deface, or destroy any official device, mark, or certificate as
8048 required by this chapter;
8049 (e) knowingly possess any of the following, if it bears any unauthorized, counterfeit,
8050 simulated, forged, or altered official mark:
8051 (i) an official device;
8052 (ii) a counterfeit, simulated, forged, or altered official certificate;
8053 (iii) a device;
8054 (iv) a label;

8055 (v) a carcass of any animal, including poultry; or
8056 (vi) a part or product of any animal, including poultry;
8057 (f) knowingly make any false statement in any shipper's certificate, or nonofficial or
8058 official certificate;
8059 (g) knowingly represent that any meat or poultry product has been inspected and
8060 approved, or exempted, under this chapter when, in fact, it has not; or
8061 (h) use to the person's advantage or reveal any information acquired under the authority
8062 of this chapter relating to any matter entitled to protection as a trade secret unless the
8063 information is:
8064 (i) revealed to an authorized government representative; or
8065 (ii) ordered by a court in a judicial proceeding.
8066 Section 334. Section **4-32-115**, which is renumbered from Section 4-32-13 is
8067 renumbered and amended to read:
8068 **[~~4-32-13~~]. 4-32-115. Meat or poultry products to be marked or labeled -- Meat**
8069 **or poultry products not intended for human food -- Dead, dying, disabled, or diseased**
8070 **animals.**
8071 (1) A person may not sell, transport, offer for sale or transportation, or receive for
8072 transportation, any animal carcasses or parts of such carcasses, or the meat or meat products,
8073 unless they are plainly and conspicuously marked or labeled or otherwise identified as required
8074 by rules adopted by the department to show the kinds of animals from which they were derived.
8075 (2) A person may not buy, sell, transport, or offer for sale or transportation, or receive
8076 for transportation any meat or poultry products that are not intended for human food unless
8077 they are denatured or otherwise identified as required by the rules of the department or are
8078 naturally inedible by humans.
8079 (3) A person engaged in the business of buying, selling, or transporting dead, dying,
8080 disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise
8081 than by slaughter, may not buy, sell, transport, offer for sale or transportation, or receive for
8082 transportation the animals or parts of carcasses unless the transaction or transportation is made
8083 in accordance with rules adopted by the department to assure that the animals or parts of
8084 carcasses will be prevented from being used for human food.
8085 Section 335. Section **4-32-116**, which is renumbered from Section 4-32-14 is

8086 renumbered and amended to read:

8087 **[~~4-32-14~~]. 4-32-116. Attempt to bribe state officer or employee -- Acceptance**
8088 **of bribe -- Interference with official duties -- Penalties.**

8089 (1) (a) [~~Any~~] A person who gives, pays, or offers, directly or indirectly, any money or
8090 other thing of value, to any officer or employee of this state who is authorized to perform any
8091 duties under this chapter, with the intent to influence the officer or employee in the discharge
8092 of [~~his~~] the officer's or employee's duty, is guilty of a felony of the third degree, and upon
8093 conviction, shall be punished by a fine of not more than $5,000 or imprisonment of not more
8094 than five years, or both.

8095 (b) An officer or employee of this state authorized to perform duties under this chapter
8096 who accepts money, a gift, or other thing of value from any person given with intent to
8097 influence [~~his~~] the officer's or employee's official action, is guilty of a felony of the third degree
8098 and shall, upon conviction, be discharged from office, and fined in an amount of not more than
8099 $5,000, or imprisoned for not more than five years, or both.

8100 (2) (a) [~~Any~~] A person who assaults, obstructs, impedes, intimidates, or interferes with
8101 any person engaged in the performance of official duties under this chapter, with or without a
8102 dangerous or deadly weapon, is guilty of a felony of the third degree and upon conviction shall
8103 be punished by a fine of not more than $5,000, or by imprisonment of not more than five years,
8104 or both.

8105 (b) [~~Any~~] A person who, in the commission of any violation of Subsection (2) of this
8106 section, uses a dangerous weapon as defined in Section 76-1-601, is guilty of a felony of the
8107 second degree and upon conviction shall be punished by a fine of not more than $10,000, or by
8108 imprisonment for a period of not more than 10 years, or both.

8109 (c) [~~Any~~] A person who kills another person engaged in the performance of official
8110 duties under this chapter shall be punished as provided in Section 76-5-202.

8111 Section 336. Section **4-32-117**, which is renumbered from Section 4-32-15 is
8112 renumbered and amended to read:

8113 **[~~4-32-15~~]. 4-32-117. Inspection of products placed in containers -- Supervision**
8114 **of inspector -- Access to establishment.**

8115 (1) [~~No~~] An inspection of products placed in any container at any official establishment
8116 [~~shall be deemed~~] may not be considered to be complete until the products are sealed or

8117 enclosed under the supervision of an inspector.
8118 (2) For purposes of any inspection of products required by this chapter, inspectors
8119 authorized by the department shall have access at all times to every part of every establishment
8120 required to have inspection whether the establishment is operated or not.
8121 Section 337. Section **4-32-118**, which is renumbered from Section 4-32-16 is
8122 renumbered and amended to read:
8123 **[~~4-32-16~~]. 4-32-118. Detention of animals or meat or poultry products --**
8124 **Removal of official marks.**
8125 (1) Whenever any meat or poultry product or any product exempted from the definition
8126 of a meat or poultry product, or any dead, dying, disabled, or diseased animal, is found by any
8127 authorized representative of the commissioner, and there is reason to believe that it is
8128 adulterated or misbranded and is capable of use as human food, or that it has not been
8129 inspected and passed, or that it has been or is intended to be distributed in violation of this
8130 chapter, it may be detained by the representative pending action under Section [~~4-32-17~~]
8131 4-32-119, and may not be moved by any person from the place at which it is located when so
8132 detained, until released by such representative.
8133 (2) All official marks may be required by the representative described in Subsection (1)
8134 to be removed from a product or animal described in Subsection (1) before the product is
8135 released.
8136 Section 338. Section **4-32-119**, which is renumbered from Section 4-32-17 is
8137 renumbered and amended to read:
8138 **[~~4-32-17~~]. 4-32-119. Quarantine authorized -- Conditions giving rise to**
8139 **quarantine.**
8140 (1) [~~Any~~] A meat or poultry product, or [~~any~~] a dead, dying, disabled, or diseased
8141 animal that is being transported or is held for sale in this state, [~~and that~~] shall be seized and
8142 quarantined if it:
8143 (a) is or has been prepared, sold, transported, or otherwise distributed or offered or
8144 received for distribution in violation of this chapter;
8145 (b) is capable of use as human food and is adulterated or misbranded; or
8146 (c) in any other way violates this chapter[~~, shall be seized and quarantined~~].
8147 (2) Quarantined animals or products shall be condemned and destroyed, except that the

8148 owner of the quarantined animals or products may request a hearing within five days, and the
8149 commissioner shall, within five days after the request, conduct a hearing to decide whether the
8150 quarantined animals or products shall be condemned.
8151 (3) The commissioner's decision under Subsection (2) is final, and all condemned
8152 animals or products shall [~~forthwith~~] immediately be destroyed or denatured in the presence of
8153 the commissioner or an inspector.
8154 (4) This section does not limit the authority for condemnation or seizure conferred by
8155 other provisions of this chapter, or other laws.
8156 Section 339. Section **4-32-120**, which is renumbered from Section 4-32-18 is
8157 renumbered and amended to read:
8158 **[~~4-32-18~~]. 4-32-120. Rules for the construction and operation of meat**
8159 **establishments authorized.**
8160 (1) For the purposes of administering this chapter and qualifying meat establishments
8161 for licenses, the department may adopt sanitary inspection rules and regulations, [~~and all other~~
8162 ~~necessary rules,~~] including those pertaining to the construction, equipment, and facilities of
8163 meat establishments.
8164 (2) The rules shall conform with the regulations [~~promulgated~~] made under the federal
8165 acts.
8166 Section 340. Section **4-32-121**, which is renumbered from Section 4-32-20 is
8167 renumbered and amended to read:
8168 **[~~4-32-20~~]. 4-32-121. Suspension or revocation -- Grounds.**
8169 The department may upon its own motion, and shall upon the verified complaint in
8170 writing of any person, investigate or cause to be investigated the operation of any meat
8171 establishment, and may suspend or revoke the license of the meat establishment upon any of
8172 the following grounds:
8173 (1) the license was obtained by any false or misleading statement;
8174 (2) for slaughtering any animal without an antemortem and a postmortem inspection,
8175 or for processing any meat or poultry or products of [~~either~~] meat or poultry that have not been
8176 inspected and passed, [~~(~~]or exempted[~~)~~], and so identified;
8177 (3) the advertising or publicizing of any false or misleading statements that pertain to
8178 the slaughtering, processing, or distribution of animals or meat or poultry products;

8179 (4) the failure to maintain refrigeration[~~;~~] or sanitation, or dispose of waste as required
8180 by rules of the department; or
8181 (5) the failure to comply with rules of the department pertaining to the disposal of
8182 carcasses or parts of carcasses that have been determined to be unfit for human consumption.
8183 Section 341. Section **4-32-122**, which is renumbered from Section 4-32-21 is
8184 renumbered and amended to read:
8185 **[~~4-32-21~~]. 4-32-122. Denial of application for farm custom slaughter license --**
8186 **Venue for judicial review.**
8187 (1) [~~Any~~] An applicant whose application for a license to operate a meat establishment
8188 or to obtain a farm custom slaughter license is denied may file a request for agency action with
8189 the department, requesting a hearing on the issue of denial.
8190 (2) (a) [~~Any~~] A person who is aggrieved by an order issued under this section may
8191 obtain judicial review.
8192 (b) Venue for judicial review of an informal adjudicative proceeding is in the district
8193 court in the county in which the alleged unlawful activity occurred or, in the case of an order
8194 denying a license application, in the county where the applicant resides.
8195 (3) The attorney general's office shall represent the department in [~~any~~] an original
8196 action or [~~any~~] appeal under this section.
8197 Section 342. Section **4-32-123**, which is renumbered from Section 4-32-22 is
8198 renumbered and amended to read:
8199 **[~~4-32-22~~]. 4-32-123. Animals slaughtered or the meat and poultry products**
8200 **not intended for human use -- No inspection -- Products to be denatured or otherwise**
8201 **identified.**
8202 Inspection may not be provided under this chapter at any establishment for the slaughter
8203 of animals or the preparation of any meat or poultry products that are not intended for use as
8204 human food, but the products shall be denatured or otherwise identified as prescribed by rules
8205 of the department before [~~their offer~~] the meat and poultry products are offered for sale or
8206 transportation.
8207 Section 343. Section **4-33-101**, which is renumbered from Section 4-33-1 is
8208 renumbered and amended to read:
8209 **CHAPTER 33. MOTOR FUEL INSPECTION ACT**

8210 **[~~4-33-1~~]. 4-33-101. Title.**
8211 This chapter shall be known as the "Motor Fuel Inspection Act."
8212 Section 344. Section **4-33-102**, which is renumbered from Section 4-33-2 is
8213 renumbered and amended to read:
8214 **[~~4-33-2~~]. 4-33-102. Purpose of chapter.**
8215 It is the purpose of this chapter to promote the safety and welfare of users of motor
8216 fuels in this state and also to promote the orderly marketing of motor fuels.
8217 Section 345. Section **4-33-103**, which is renumbered from Section 4-33-3 is
8218 renumbered and amended to read:
8219 **[~~4-33-3~~]. 4-33-103. Definition.**
8220 As used in this chapter, "motor fuel" means any combustible [~~gas, liquid, matter, or~~
8221 ~~substance which is used in an internal combustion engine for the generation of power~~] liquid or
8222 vapor used to power a motor vehicle or a motor vehicle engine.
8223 Section 346. Section **4-33-104**, which is renumbered from Section 4-33-4 is
8224 renumbered and amended to read:
8225 **[~~4-33-4~~]. 4-33-104. Administrative and enforcement powers of department.**
8226 The department shall administer and enforce this chapter and may:
8227 (1) make and enforce such rules, subject to Title 63G, Chapter 3, Utah Administrative
8228 Rulemaking Act, [~~as it considers~~] necessary for the effective administration and enforcement of
8229 this chapter;
8230 (2) acquire and test motor fuel samples to determine compliance with this chapter;
8231 (3) maintain and staff a laboratory to test motor fuel samples;
8232 (4) enter public or private premises during normal working hours to enforce this
8233 chapter;
8234 (5) stop and detain any commercial vehicle transporting motor fuel to inspect [~~its~~] the
8235 contents and applicable documents or to acquire motor fuel samples; and
8236 (6) require that records applicable to this chapter be available for examination and
8237 review upon request by the department.
8238 Section 347. Section **4-33-105**, which is renumbered from Section 4-33-5 is
8239 renumbered and amended to read:
8240 **[~~4-33-5~~]. 4-33-105. Prohibitions.**

8241 It is unlawful for any person in this state to:
8242 (1) [~~to~~] offer for sale, sell, or deliver any motor fuel which fails to meet the standards
8243 prescribed by the department;
8244 (2) [~~to~~] advertise or display the price of motor fuel without advertising or displaying
8245 the grade of the motor fuel and the type of service [~~when both self service and full service are~~
8246 ~~offered~~]; or
8247 (3) [~~to~~] haul or transport motor fuel for the purpose of sale or delivery in this state
8248 without an invoice or bill of lading stating the name and address of the owner or person
8249 consigning the fuel for transport, the Utah grade of the motor fuel, and the number of gallons
8250 consigned.
8251 Section 348. Section **4-33-106**, which is renumbered from Section 4-33-6 is
8252 renumbered and amended to read:
8253 **[~~4-33-6~~]. 4-33-106. Octane rating determination and posting.**
8254 The determination of octane ratings and the posting of the octane on dispensing devices
8255 shall be in accord with Federal Trade Commission requirements described in 16 C.F.R. Part
8256 306, Automotive Fuel Ratings, Certification, and Posting.
8257 Section 349. Section **4-33-107**, which is renumbered from Section 4-33-7 is
8258 renumbered and amended to read:
8259 **[~~4-33-7~~]. 4-33-107. Inspection, sampling, testing, and analysis of fuels by**
8260 **department.**
8261 (1) The department shall periodically sample, inspect, analyze and test motor fuels
8262 dispensed in this state and may enter any public premises or vehicle for the purpose of
8263 determining compliance with this chapter.
8264 (2) (a) Methods of sampling, testing, analyzing, and designating motor fuels shall
8265 [~~accord with those~~] conform with methods specified and published by the American Society for
8266 Testing and Materials.
8267 (b) [~~The department shall use~~] Unless modified by the department by rule, the latest
8268 published standards of the American Society for Testing and Materials apply.
8269 (3) Upon request, the department shall pay the posted price for samples and the person
8270 from whom the sample is taken shall give a signed receipt evidencing payment.
8271 (4) Tests and analyses conducted by the department shall be prima facie evidence of

8272 the facts shown by such tests in any court proceeding.
8273 Section 350. Section **4-33-108**, which is renumbered from Section 4-33-8 is
8274 renumbered and amended to read:
8275 **[~~4-33-8~~]. 4-33-108. Locking and sealing of pumps in violation of chapter --**
8276 **Posting notice -- Removal of sealed fuel -- Resealing.**
8277 (1) (a) The department may lock and seal any pump or other dispensing device [~~which~~]
8278 that is in violation of this chapter.
8279 (b) If [~~such action is taken~~] the department locks and seals a pump or other dispensing
8280 device pursuant to Subsection (1)(a), the department shall post a notice in a conspicuous place
8281 on the pump or other dispensing device stating that the device has been sealed by the
8282 department and [~~that it is unlawful~~] to break or destroy the seal or to mutilate or alter the notice
8283 is unlawful.
8284 (2) (a) Any person who is aggrieved by the action of the department may advise the
8285 department that such person intends to remove the balance of the motor fuel from the tank or
8286 other container which contains the sealed motor fuel.
8287 (b) The department, within two working days after the receipt of such notice, shall
8288 break the seal or lock for the container to be emptied.
8289 (3) (a) If the aggrieved party fails to remove the sealed motor fuel within 24 hours after
8290 the department breaks the seal, the department may reseal the dispensing device.
8291 (b) The seal may not be broken nor the contents of any container removed, except after
8292 a subsequent written notice of intent to remove is filed with the department and upon the
8293 payment of a service charge determined by the department pursuant to Subsection [~~4-2-2~~]
8294 4-2-103(2).
8295 (c) A notice of intent to remove may be filed on paper or electronically.
8296 Section 351. Section **4-33-109**, which is renumbered from Section 4-33-9 is
8297 renumbered and amended to read:
8298 **[~~4-33-9~~]. 4-33-109. Warrant to enter premises for inspection or sampling.**
8299 If admittance is refused to the department either for sampling or for inspection of
8300 transport invoices or bills of lading, the department may obtain an ex parte warrant from the
8301 nearest court of competent jurisdiction to allow entry upon the premises for the purpose of
8302 inspection or taking samples or to examine transport documents.

8303 Section 352. Section **4-33-110**, which is renumbered from Section 4-33-10 is
8304 renumbered and amended to read:
8305 **[~~4-33-10~~]. 4-33-110. Interstate commerce -- Chapter inapplicable to fuel in**
8306 **transit through state.**
8307 [~~This~~] (1) Except as provided in Subsection (2), this chapter is inapplicable to motor
8308 fuel being transported through this state in interstate commerce[~~; provided, that none of the~~
8309 ~~motor fuel is consigned or destined for delivery in the state~~].
8310 (2) This chapter applies to motor fuel that is consigned or destined for delivery in the
8311 state.
8312 Section 353. Section **4-34-101** is enacted to read:
8313 **CHAPTER 34. CHARITABLE DONATION**
8314 **4-34-101. Title.**
8315 This chapter is known as "Charitable Donation."
8316 Section 354. Section **4-34-102**, which is renumbered from Section 4-34-1 is
8317 renumbered and amended to read:
8318 **[~~4-34-1~~]. 4-34-102. Definitions.**
8319 For purposes of this chapter:
8320 (1) "Agricultural product" means any fowl, animal, fish, vegetable, or other product or
8321 article, fresh or processed, which is customary food, or which is proper food for human
8322 consumption.
8323 [~~(3)~~] (2) "Gleaner" means a person who harvests, for free distribution, an agricultural
8324 crop that has been donated by the owner.
8325 [~~(2)~~] (3) "Nonprofit charitable organization" means any organization which was
8326 organized and is operating for charitable purposes and which meets the requirements of the
8327 Internal Revenue Service of the U.S. Department of Treasury that exempt the organization
8328 from income taxation under the provisions of the Internal Revenue Code.
8329 Section 355. Section **4-34-103**, which is renumbered from Section 4-34-2 is
8330 renumbered and amended to read:
8331 **[~~4-34-2~~]. 4-34-103. Donation to charitable organization authorized.**
8332 Any person engaged in the business of producing, processing, selling, or distributing
8333 any agricultural product may donate, free of charge, any such product which is in a fit condition

8334 for use as food for human consumption to a nonprofit charitable organization within the state
8335 of Utah.
8336 Section 356. Section **4-34-104**, which is renumbered from Section 4-34-3 is
8337 renumbered and amended to read:
8338 **[~~4-34-3~~]. 4-34-104. County surplus food collection and distribution system.**
8339 (1) To accomplish the purposes of Section [~~4-34-2~~] 4-34-103, any county may establish
8340 and publicize the availability of a surplus food collection and distribution system and may
8341 provide information to donee organizations concerning the availability of agricultural products
8342 and to donors concerning organizations that desire or need donated agricultural products.
8343 (2) Any nonprofit charitable organization needing agricultural products on a regular
8344 basis may be listed with the county for the purpose of receiving notice that the products are
8345 available.
8346 Section 357. Section **4-34-105**, which is renumbered from Section 4-34-4 is
8347 renumbered and amended to read:
8348 **[~~4-34-4~~]. 4-34-105. Inspection of donated food.**
8349 The county may provide for the inspection of donated agricultural products by the
8350 county health officer upon the request of the donee nonprofit charitable organization to
8351 determine whether the products are fit for human consumption.
8352 Section 358. Section **4-34-106**, which is renumbered from Section 4-34-5 is
8353 renumbered and amended to read:
8354 **[~~4-34-5~~]. 4-34-106. Limitation of liability of donor, charitable organization,**
8355 **and county.**
8356 Except in the event of an injury resulting from gross negligence, recklessness, or
8357 intentional conduct, neither a county nor an agency of a county nor a donor of an agricultural
8358 product participating in good faith in a food donation program, nor a nonprofit charitable
8359 organization receiving, accepting, gleaning, or distributing any agricultural product donated in
8360 good faith to it under this chapter shall be liable for damages in any civil action or subject to
8361 prosecution in any criminal proceeding for any injury that occurs as a result of any act or the
8362 omission of any act, including injury resulting from ingesting the donated agricultural product.
8363 Section 359. Section **4-34-107**, which is renumbered from Section 4-34-6 is
8364 renumbered and amended to read:

8365 **[~~4-34-6~~]. 4-34-107. Sale or use of donations by employee of public agency or**
8366 **charity prohibited.**
8367 An employee of a nonprofit charitable organization or of a public agency may not sell,
8368 offer for sale, use, or consume any agricultural product donated or distributed under this
8369 chapter.
8370 Section 360. Section **4-35-101**, which is renumbered from Section 4-35-1 is
8371 renumbered and amended to read:
8372 **CHAPTER 35. INSECT INFESTATION EMERGENCY CONTROL ACT**
8373 **[~~4-35-1~~]. 4-35-101. Title.**
8374 This chapter is known as the "Insect Infestation Emergency Control Act."
8375 Section 361. Section **4-35-102**, which is renumbered from Section 4-35-2 is
8376 renumbered and amended to read:
8377 **[~~4-35-2~~]. 4-35-102. Definitions.**
8378 As used in this chapter:
8379 (1) "Committee" means the Decision and Action Committee created by and established
8380 under this chapter.
8381 (2) "Department" means the Department of Agriculture and Food.
8382 (3) "Insect" means[~~, but is not limited to, grasshopper, range caterpillar, mormon~~
8383 ~~cricket, apple maggot, cherry fruit fly, plum curculio, and cereal leaf beetle~~] any animal in the
8384 class insect that the commissioner determines to be a threat to agriculture in the state.
8385 Section 362. Section **4-35-103**, which is renumbered from Section 4-35-3 is
8386 renumbered and amended to read:
8387 **[~~4-35-3~~]. 4-35-103. Decision and Action Committee created -- Members --**
8388 **How appointed -- Duties of committee -- Per diem and expenses allowed.**
8389 (1) (a) There is created the Decision and Action Committee [~~which~~] that consists of not
8390 fewer than six members.
8391 (b) One member is the commissioner and one member is appointed to represent the
8392 department.
8393 (c) The remaining members of the committee are appointed by the commissioner on an
8394 ad hoc basis as necessary from persons directly affected by and involved in the current insect
8395 infestation emergency.

8396 (d) The commissioner, or the commissioner's designee, shall cast the deciding vote in
8397 the event of a tie.
8398 [~~(d)~~] (e) The committee is dissolved when the commissioner declares that the insect
8399 infestation emergency is over.
8400 (2) The committee shall:
8401 (a) establish a system of priorities for any insect infestation emergency; and
8402 (b) certify to the commissioner any area which requires the establishment of an insect
8403 control district in areas of infestation and in which a simple majority of the landowners and
8404 lessees whose total production exceeds 50% of the production in that area has agreed to pay
8405 proportionate shares of the costs of controlling the insects infesting the area.
8406 (3) A member may not receive compensation or benefits for the member's service, but
8407 may receive per diem and travel expenses in accordance with:
8408 (a) Section 63A-3-106;
8409 (b) Section 63A-3-107; and
8410 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8411 63A-3-107.
8412 Section 363. Section **4-35-104**, which is renumbered from Section 4-35-4 is
8413 renumbered and amended to read:
8414 **[~~4-35-4~~]. 4-35-104. Commissioner to declare emergency -- Powers of**
8415 **commissioner in emergency.**
8416 (1) (a) The commissioner, with the consent of the governor, may declare that an insect
8417 infestation emergency situation exists which jeopardizes property and resources, and designate
8418 the area or areas affected.
8419 (b) The area referred to in Subsection (1)(a) may include federal lands, after
8420 notification of the appropriate federal land manager.
8421 (2) The commissioner is authorized, subject to the requirements of Section [~~4-35-5~~]
8422 4-35-105, to direct all emergency measures the commission considers necessary to alleviate the
8423 emergency condition.
8424 (3) The commissioner shall:
8425 (a) utilize equipment, supplies, facilities, personnel, and other available resources;
8426 (b) enter into contracts for the acquisition, rental, or hire of equipment, services,

8427 materials, and supplies;
8428 (c) accept assistance, services, and facilities offered by federal and local governmental
8429 units or private agencies; and
8430 (d) accept on behalf of the state the provisions and benefits of acts of Congress
8431 designated to provide assistance.
8432 Section 364. Section **4-35-105**, which is renumbered from Section 4-35-5 is
8433 renumbered and amended to read:
8434 **[~~4-35-5~~]. 4-35-105. Commissioner to act upon certification by committee --**
8435 **Deposit required.**
8436 (1) The commissioner initiates operations to control the insect infestation in the
8437 designated area or areas:
8438 (a) upon [~~certification by the committee under Subsection 4-35-4(2)~~] declaration of an
8439 infestation emergency, as described in Section 4-35-104; and
8440 (b) upon deposit of the owner's and lessee's projected proportionate share of the costs.
8441 (2) The commissioner and the members of the committee may suspend or terminate
8442 control operations upon a determination that the operations will not significantly reduce the
8443 insect population in the designated emergency area.
8444 Section 365. Section **4-35-106**, which is renumbered from Section 4-35-6 is
8445 renumbered and amended to read:
8446 **[~~4-35-6~~]. 4-35-106. 4-35-6. Money deposited as dedicated credits --**
8447 **Balance nonlapsing -- Matching funds allowed.**
8448 (1) All money received by the state under this chapter is deposited by the Department
8449 of Agriculture and Food as dedicated credits for the purpose of insect control with the state.
8450 (2) The dedicated credits may be used as matching funds for:
8451 (a) participation in programs of the United States Department of Agriculture; and
8452 (b) in contracts with private property owners who own croplands contiguous to infested
8453 public rangelands.
8454 Section 366. Section **4-35-107**, which is renumbered from Section 4-35-7 is
8455 renumbered and amended to read:
8456 **[~~4-35-7~~]. 4-35-107. Notice to owner or occupant -- Corrective action required**
8457 **-- Directive issued by department -- Costs -- Owner or occupant may prohibit treatment.**

8458 (1) The department or an authorized agent of the department shall notify the owner or
8459 occupant of the problem and the available alternatives to remedy the problem. The owner or
8460 occupant shall take corrective action within 30 days.
8461 (2) (a) If the owner or occupant fails to take corrective action under Subsection (1), the
8462 department may issue a directive for corrective action which shall be taken within 15 days.
8463 (b) If the owner or occupant fails to act within the required time, the department shall
8464 take the necessary action.
8465 (c) The department may recover costs incurred for controlling an insect infestation
8466 emergency from the owner or occupant of the property on whose property corrective action was
8467 taken.
8468 (3) (a) Owners or occupants of property may prohibit [~~spraying~~] treatment by
8469 presenting an affidavit from [~~their~~] the owner's or occupant's attending physician to the
8470 department which states that the [~~spraying~~] treatment as planned is a danger to [~~their~~] the
8471 owner's or occupant's health.
8472 (b) The department shall provide the owner or occupant with alternatives to [~~spraying~~]
8473 treatment which will abate the infestation.
8474 Section 367. Section **4-35-108**, which is renumbered from Section 4-35-8 is
8475 renumbered and amended to read:
8476 **[~~4-35-8~~]. 4-35-108. Persons and activities exempt from civil liability.**
8477 No state agency or [~~its~~] state agency officers and employees nor the officers, agents,
8478 employees, or representatives of any governmental or private entity acting under the authority
8479 granted by this chapter is liable for claims arising out of the reasonable exercise or performance
8480 of duties and responsibilities under this chapter.
8481 Section 368. Section **4-35-109**, which is renumbered from Section 4-35-9 is
8482 renumbered and amended to read:
8483 **[~~4-35-9~~]. 4-35-109. Department to adopt rules.**
8484 The department is authorized to adopt and enforce rules to administer this chapter in
8485 accordance with Title 63 G, Chapter 3, Utah Administrative Rulemaking Act.
8486 Section 369. Section **4-38-101**, which is renumbered from Section 4-38-1 is
8487 renumbered and amended to read:
8488 **CHAPTER 38. UTAH HORSE REGULATION ACT**

8489 **[~~4-38-1~~]. 4-38-101. Title.**
8490 This chapter [~~shall be~~] is known as the "Utah Horse Regulation Act."
8491 Section 370. Section **4-38-102**, which is renumbered from Section 4-38-2 is
8492 renumbered and amended to read:
8493 **[~~4-38-2~~]. 4-38-102. Definitions.**
8494 As used in this chapter:
8495 (1) "Commission" means the Utah Horse Racing Commission created by this chapter.
8496 (2) "Executive director" means the executive director of the commission.
8497 (3) "Mixed meet" means a race meet that includes races by more than one breed of
8498 horse.
8499 (4) "Race meet" means the entire period of time for which a licensee has been
8500 approved by the commission to hold horse races.
8501 (5) "Racetrack facility" means a racetrack within Utah approved by the commission for
8502 the racing of horses, including the track surface, grandstands, clubhouse, all animal housing
8503 and handling areas, and other areas in which a person may enter only upon payment of an
8504 admission fee or upon presentation of authorized credentials.
8505 (6) "Recognized race meet" means a race meet recognized by a national horse breed
8506 association.
8507 (7) "Utah bred horse" means a horse that is sired by a stallion standing in Utah at the
8508 time the dam was bred.
8509 Section 371. Section **4-38-103**, which is renumbered from Section 4-38-3 is
8510 renumbered and amended to read:
8511 **[~~4-38-3~~]. 4-38-103. Utah Horse Racing Commission.**
8512 (1) (a) There is created within the department the Utah Horse Racing Commission.
8513 (b) (i) The commission shall consist of seven members who shall be United States
8514 citizens, Utah residents, and qualified voters [~~of~~] in Utah.
8515 (ii) Each member shall have an interest in horse racing.
8516 (iii) Two members shall be chosen from horse racing organizations.
8517 (c) (i) The governor shall appoint the members of the commission.
8518 (ii) The governor shall appoint commission members from a list of nominees submitted
8519 by the commissioner of agriculture and food.

8520 (d) (i) The members of the commission shall be appointed to four-year terms.
8521 (ii) A commission member may not serve more than two consecutive terms.
8522 (e) Each member shall hold office until [~~his or her~~] the member's successor is
8523 appointed and qualified.
8524 (f) Vacancies on the commission shall be filled by appointment by the governor for the
8525 unexpired term.
8526 (g) (i) A member may be removed from office by the governor for cause after a public
8527 hearing.
8528 (ii) Notice of the hearing shall fix the time and place of the hearing and shall specify
8529 the charges.
8530 (iii) Copies of the notice of the hearing shall be served on the member by mailing [~~it~~]
8531 the notice of hearing to the member at [~~his~~] the member's last known address at least 10 days
8532 before the date fixed for the hearing.
8533 (iv) The governor may designate a hearing officer to preside over the hearing and
8534 report [~~his~~] the hearing findings to the governor.
8535 (2) (a) The members of the commission shall annually elect a commission chair.
8536 (b) Five members of the commission shall constitute a quorum for the transaction of
8537 any business of the commission.
8538 (3) A member may not receive compensation or benefits for the member's service, but
8539 may receive per diem and travel expenses in accordance with:
8540 (a) Section 63A-3-106;
8541 (b) Section 63A-3-107; and
8542 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8543 63A-3-107.
8544 (4) All claims and expenditures made under this chapter shall be first audited and
8545 passed [~~upon~~] by the commission and when approved shall be paid in the manner provided by
8546 law for payment of claims against the state.
8547 (5) Any member of the commission who has a personal or private interest in any matter
8548 proposed or pending before the commission shall publicly disclose this fact to the commission
8549 and may not vote on the matter.
8550 (6) Any member of the commission who owns or who has any interest, or whose

8551 spouse or member of his immediate family has any interest, in a horse participating in a race
8552 shall disclose that interest and may not participate in any commission decision involving that
8553 race.
8554 Section 372. Section **4-38-104**, which is renumbered from Section 4-38-4 is
8555 renumbered and amended to read:
8556 **[~~4-38-4~~]. 4-38-104. Powers and duties of commission.**
8557 (1) The commission shall:
8558 (a) license, regulate, and supervise all persons involved in the racing of horses as
8559 provided in this chapter;
8560 (b) license, regulate, and supervise all recognized race meets held in this state under the
8561 terms of this chapter;
8562 (c) cause the various places where recognized race meets are held to be visited and
8563 inspected at least once a year;
8564 (d) assist in procuring public liability insurance coverage from a private insurance
8565 company for those licensees unable to otherwise obtain the insurance required under this
8566 chapter;
8567 (e) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
8568 Rulemaking Act, to govern race meets, including rules:
8569 (i) to resolve scheduling conflicts and settle disputes among licensees;
8570 (ii) to supervise, discipline, suspend, fine, and bar from events all persons required to
8571 be licensed by this chapter; and
8572 (iii) to hold, conduct, and operate all recognized race meets conducted pursuant to this
8573 chapter;
8574 (f) determine which persons participating, directly or indirectly, in recognized race
8575 meets require licenses;
8576 (g) announce the time, place, and duration of recognized race meets for which licenses
8577 shall be required; and
8578 (h) establish reasonable fees for all licenses provided for under this chapter.
8579 (2) The commission may:
8580 (a) grant, suspend, or revoke licenses issued under this chapter;
8581 (b) impose fines as provided in this chapter;

8582 (c) access criminal history record information for all licensees and commission
8583 employees; and
8584 (d) exclude from any racetrack facility in this state any person who the commission
8585 considers detrimental to the best interests of racing or any person who violates any provisions
8586 of this chapter or any rule or order of the commission.
8587 Section 373. Section **4-38-105**, which is renumbered from Section 4-38-5 is
8588 renumbered and amended to read:
8589 **[~~4-38-5~~]. 4-38-105. Executive director.**
8590 (1) The commission shall be under the general administrative control of an executive
8591 director appointed by the commissioner with the concurrence of the commission.
8592 (2) The executive director shall serve at the pleasure of the commissioner.
8593 Section 374. Section **4-38-106**, which is renumbered from Section 4-38-6 is
8594 renumbered and amended to read:
8595 **[~~4-38-6~~]. 4-38-106. Public records.**
8596 All records of the commission shall be subject to Title 63G, Chapter 2, Government
8597 Records Access and Management Act.
8598 Section 375. Section **4-38-201**, which is renumbered from Section 4-38-7 is
8599 renumbered and amended to read:
8600 **Part 2. Events**
8601 **[~~4-38-7~~]. 4-38-201. Licenses -- Fees -- Duties of licensees.**
8602 (1) The commission may grant licenses for participation in racing and other activities
8603 associated with racetracks.
8604 (2) The commission shall establish a schedule of fees for the application for and
8605 renewal and reinstatement of all licenses issued under this chapter.
8606 (3) Each person holding a license under this chapter shall comply with this chapter and
8607 with all rules [~~promulgated~~] issued and all orders issued by the commission under this chapter.
8608 (4) Any person who holds a recognized race meet or who participates directly or
8609 indirectly in a recognized race meet without being first licensed by the commission as required
8610 under this chapter and any person violating any provisions of this chapter is subject to penalties
8611 under Section [~~4-2-15~~] 4-2-305.
8612 Section 376. Section **4-38-202**, which is renumbered from Section 4-38-8 is

8613 renumbered and amended to read:
8614 **[~~4-38-8~~]. 4-38-202. Stewards.**
8615 (1) (a) The commission may delegate authority to enforce [~~its~~] commission rules and
8616 this chapter to three stewards employed by the commission at each recognized race meet. At
8617 least one of [~~them~~] the stewards shall be selected by the commission.
8618 (b) Stewards shall exercise reasonable and necessary authority as designated by rules of
8619 the commission including the following:
8620 (i) enforce rules of the commission;
8621 (ii) rule on the outcome of events;
8622 (iii) evict from an event any person who has been convicted of bookmaking, bribery, or
8623 attempts to alter the outcome of any race through tampering with any animal that is not in
8624 accordance with this chapter or the rules of the commission;
8625 (iv) levy fines not to exceed $2,500 for violations of rules of the commission, which
8626 fines shall be reported daily and paid to the commission within 48 hours of imposition and
8627 notice;
8628 (v) suspend licenses not to exceed one year for violations of rules of the commission,
8629 which suspension shall be reported to the commission daily; and
8630 (vi) recommend that the commission impose fines or suspensions greater than
8631 permitted by Subsections (1)(b)(iv) and (v).
8632 (2) If a majority of the stewards agree, they may impose fines or suspend licenses.
8633 (3) (a) Any fine or license suspension imposed by a steward may be appealed in writing
8634 to the commission within five days after [~~its~~] the license suspension imposition. The
8635 commission may affirm or reverse the decision of a steward or may increase or decrease any
8636 fine or suspension.
8637 (b) A fine imposed by the commission under this section or Section [~~4-38-9~~] 4-38-301
8638 may not exceed $10,000.
8639 (c) Suspensions of a license may be for any period of time but shall be commensurate
8640 with the seriousness of the offense.
8641 Section 377. Section **4-38-203**, which is renumbered from Section 4-38-10 is
8642 renumbered and amended to read:
8643 **[~~4-38-10~~]. 4-38-203. Race meets -- Licenses -- Fairs.**

8644 (1) Each person making application for a license to hold a race meet under this chapter
8645 shall file an application with the commission which shall set forth the time, place, and number
8646 of days the race meet will continue, and other information the commission may require.
8647 (2) A person who has been convicted of a crime involving moral turpitude may not be
8648 issued a license to hold a race meet.
8649 (3) (a) The license issued shall specify the kind and character of the race meet to be
8650 held, the number of days the race meet shall continue, and the number of races per day.
8651 (b) The licensee shall pay in advance of the scheduled race meet to the commission a
8652 fee of not less than $25. If unforeseen obstacles arise which prevent the holding or completion
8653 of any race meet, the license fee held may be refunded to the licensee if the commission
8654 considers the reason for failure to hold or complete the race meet sufficient.
8655 (4) (a) Any unexpired license held by any person who violates any of the provisions of
8656 this chapter, or [~~who~~] fails to pay to the commission any fees required under this chapter, shall
8657 be subject to cancellation and revocation by the commission.
8658 (b) This cancellation shall be made only after a summary hearing before the
8659 commission, of which seven days notice in writing shall be given the licensee, specifying the
8660 grounds for the proposed cancellation. At the hearing, the licensee shall be given an
8661 opportunity to be heard in opposition to the proposed cancellation.
8662 (5) (a) Fair boards or fair districts that conduct race meets in connection with regularly
8663 scheduled annual fairs shall be exempt from payment of the fees provided in this section,
8664 unless they sponsor a race in which the speed indexes are officially recognized under breed
8665 requirements.
8666 (b) All fair boards and fair meets shall be limited to 14 race days, unless otherwise
8667 permitted by a unanimous vote of the commission.
8668 (6) The exemption from the payment of fees under Subsection (5)(a) does not apply to
8669 those qualifying for official speed index races.
8670 Section 378. Section **4-38-301**, which is renumbered from Section 4-38-9 is
8671 renumbered and amended to read:
8672 **Part 3. Investigations and Prohibitions**
8673 **[~~4-38-9~~]. <u>4-38-301.</u> Investigation -- License denial and suspension -- Grounds**
8674 **for revocation -- Fines.**

8675 (1) The commission or [~~its~~] board of stewards of a recognized race meet, upon their
8676 own motion may, and upon verified complaint in writing of any person shall, investigate the
8677 activities of any licensee within the state or any licensed person upon the premises of a
8678 racetrack facility.
8679 (2) The commission or board of stewards may fine, suspend a license, or deny an
8680 application for a license.
8681 (3) The commission may revoke a license, if the licensee has committed any of the
8682 following violations:
8683 (a) substantial or willful misrepresentation;
8684 (b) disregard for or violation of any provisions of this chapter or of any rule
8685 [~~promulgated~~] issued by the commission;
8686 (c) conviction of a felony under the laws of this or any other state or of the United
8687 States, a certified copy of the judgment of the court of conviction of which shall be
8688 presumptive evidence of the conviction in any hearing held under this section;
8689 (d) fraud, willful misrepresentation, or deceit in racing;
8690 (e) falsification, misrepresentation, or omission of required information in a license
8691 application to the commission;
8692 (f) failure to disclose to the commission a complete ownership or beneficial interest in
8693 a horse entered to be raced;
8694 (g) misrepresentation or attempted misrepresentation in connection with the sale of a
8695 horse or other matter pertaining to racing or registration of racing animals;
8696 (h) failure to comply with any order or rulings of the commission, the stewards, or a
8697 racing official pertaining to a racing matter;
8698 (i) ownership of any interest in or participation by any manner in any bookmaking,
8699 pool-selling, touting, bet solicitation, or illegal enterprise;
8700 (j) being unqualified by experience or competence to perform the activity permitted by
8701 the license possessed or being applied for;
8702 (k) employment or harboring of any unlicensed person on the premises of a racetrack
8703 facility;
8704 (l) discontinuance of or ineligibility for the activity for which the license was issued;
8705 (m) being currently under suspension or revocation of a racing license in another racing

8706 jurisdiction;
8707 (n) possession on the premises of a racetrack facility of:
8708 (i) firearms; or
8709 (ii) a battery, buzzer, electrical device, or other appliance other than a whip which
8710 could be used to alter the speed of a horse in a race or while working out or schooling;
8711 (o) possession, on the premises of a racetrack facility, by a person other than a licensed
8712 veterinarian of a hypodermic needle, hypodermic syringe, or other similar device that may be
8713 used in administering medicine internally in a horse, or any substance, compound items, or
8714 combination of any medicine, narcotic, stimulant, depressant, or anesthetic which could alter
8715 the normal performance of a horse unless specifically authorized by a commission-approved
8716 veterinarian;
8717 (p) cruelty to or neglect of a horse;
8718 (q) offering, promising, giving, accepting, or soliciting a bribe in any form, directly or
8719 indirectly, to or by a person having any connection with the outcome of a race, or failure to
8720 report knowledge of such act immediately to the stewards, the patrol judges, or the
8721 commission;
8722 (r) causing, attempting to cause, or participation in any way in any attempt to cause the
8723 prearrangement of a race result, or failure to report knowledge of such act immediately to the
8724 stewards, the patrol judges, or the commission;
8725 (s) entering, or aiding and abetting the entry of, a horse ineligible or unqualified for the
8726 race entered;
8727 (t) willfully or unjustifiably entering or racing any horse in any race under any name or
8728 designation other than the name or designation assigned to the animal by and registered with
8729 the official recognized registry for that breed of animal, or willfully setting on foot, instigating,
8730 engaging in, or in any way furthering any act by which any horse is entered or raced in any race
8731 under any name or designation other than the name or designation duly assigned by and
8732 registered with the official recognized registry for the breed of animal; or
8733 (u) racing at a racetrack facility without having that horse registered to race at that
8734 racetrack facility.
8735 (4) (a) Any person who fails to pay in a timely manner any fine imposed pursuant to
8736 this chapter shall pay, in addition to the fine due, a penalty amount equal to the fine.

8737 (b) Any person who submits to the commission a check in payment of a fine or license
8738 fee requirement imposed pursuant to this chapter, which is not honored by the financial
8739 institution upon which it is drawn, shall pay, in addition to the fine or fee due, a penalty amount
8740 equal to the fine.
8741 Section 379. Section **4-38-302**, which is renumbered from Section 4-38-11 is
8742 renumbered and amended to read:
8743 **[~~4-38-11~~]. 4-38-302. Stimulation or retardation of animals prohibited -- Tests.**
8744 (1) Any person who uses or permits the use of any mechanical or electrical device, or
8745 drug of any kind, to stimulate or retard any animal in any race authorized by this chapter,
8746 except as prescribed by the commission, is guilty of a class A misdemeanor.
8747 (2) A commission member or race steward may cause tests to be made that [~~they~~
8748 ~~consider~~] the commission considers proper to determine whether any animal has been
8749 stimulated or retarded. Tests performed in furtherance of this section shall be conducted by or
8750 under the supervision of a licensed Utah veterinarian.
8751 Section 380. Section **4-38-303**, which is renumbered from Section 4-38-12 is
8752 renumbered and amended to read:
8753 **[~~4-38-12~~]. 4-38-303. Bribery and touting prohibited.**
8754 Any person who gives or promises or attempts to give, or any person who receives or
8755 agrees to receive or attempts to receive, any money, bribe, or thing of value with intent to
8756 influence any person to dishonestly umpire, manage, direct, judge, preside, officiate at, or
8757 participate in any race conducted under this chapter with the intent or purpose that the result of
8758 the race will be affected or influenced thereby, is guilty of a felony of the third degree and
8759 subject to a fine of not more than $10,000.
8760 Section 381. Section **4-38-304**, which is renumbered from Section 4-38-15 is
8761 renumbered and amended to read:
8762 **[~~4-38-15~~]. 4-38-304. Gambling disclaimer.**
8763 Nothing in this chapter may be construed to legalize or permit any form of gambling.
8764 Section 382. Section **4-38-401**, which is renumbered from Section 4-38-13 is
8765 renumbered and amended to read:
8766 **Part 4. Finances**
8767 **[~~4-38-13~~]. 4-38-401. Race meet escrow.**

8768 (1) Each race meet licensee shall deposit in escrow all added money and money from
8769 payment races in a FDIC bank that has received prior approval from the commission.
8770 (2) All payment deposits shall be made in a timely manner determined by the
8771 commission, and each licensee shall provide proof of deposits as required by the commission.
8772 Section 383. Section **4-38-402**, which is renumbered from Section 4-38-16 is
8773 renumbered and amended to read:
8774 **[~~4-38-16~~]. 4-38-402. Horse Racing Account created -- Contents -- Use of**
8775 **account money.**
8776 (1) There is created within the General Fund a restricted account known as the Horse
8777 Racing Account.
8778 (2) The Horse Racing Account consists of:
8779 (a) license fees collected under this chapter;
8780 (b) revenue from fines imposed under this chapter; and
8781 (c) interest on account money.
8782 (3) Upon appropriation by the Legislature, money from the account shall be used for
8783 the administration of this chapter, including paying the costs of:
8784 (a) public liability insurance;
8785 (b) stewards;
8786 (c) veterinarians; and
8787 (d) drug testing.
8788 Section 384. Section **4-38-501**, which is renumbered from Section 4-38-14 is
8789 renumbered and amended to read:
8790 **Part 5. Hearings**
8791 **[~~4-38-14~~]. 4-38-501. Hearings.**
8792 (1) Except as otherwise provided in this section, all proceedings before the commission
8793 or [~~its~~] the commission's hearing officer with respect to the denial, suspension, or revocation of
8794 licenses or the imposition of fines shall be conducted pursuant to Title 63G, Chapter 4,
8795 Administrative Procedures Act.
8796 (2) (a) These proceedings shall be held in the county where the commission has [~~its~~] an
8797 office or in any other place the commission designates.
8798 (b) The commission shall notify the applicant or licensee by mailing, by first class

8799 mail, a copy of the written notice required to the last address furnished by the application or
8800 licensee to the commission at least seven days in advance of the hearing.
8801 (3) The commission may delegate [~~its~~] the commission's authority to conduct hearings
8802 with respect to the denial or suspension of licenses or the imposition of a fine to a hearing
8803 officer.
8804 (4) Proceedings before the board of stewards need not be governed by the procedural or
8805 other requirements of [~~the~~] Title 63G, Chapter 4, Administrative Procedures Act, but rather
8806 shall be conducted in accordance with rules adopted by the commission.
8807 (5) The commission and the board of stewards may administer oaths and affirmations,
8808 sign and issue subpoenas, order the production of documents and other evidence, and regulate
8809 the course of the hearing pursuant to rules adopted by [~~it~~] the commission.
8810 (6) (a) Any person aggrieved by a final order or ruling issued by a board of stewards
8811 may appeal the order or ruling to the commission pursuant to procedural rules adopted by the
8812 commission.
8813 (b) The aggrieved party may petition the commission for a stay of execution pending
8814 appeal to the commission.
8815 Section 385. Section **4-39-102** is amended to read:
8816 **4-39-102. Definitions.**
8817 As used in this chapter:
8818 (1) "Domesticated elk" means elk of the genus and species cervus elaphus, held in
8819 captivity and domestically raised for commercial purposes.
8820 (2) "Domesticated elk facility" means a facility where only domesticated elk are raised.
8821 (3) "Domesticated elk product" means any carcass, part of a carcass, hide, meat, meat
8822 food product, antlers, or any part of a domesticated elk.
8823 Section 386. Section **4-39-104** is amended to read:
8824 **4-39-104. Domesticated Elk Act advisory council.**
8825 (1) The department shall establish a Domesticated Elk Act advisory council to give
8826 advice and make recommendations on policies and rules adopted pursuant to this chapter.
8827 (2) The advisory council shall consist of 10 members appointed by the commissioner
8828 of agriculture to four-year terms as follows:
8829 (a) one member, recommended by the executive director of the Department of Natural

8830 Resources, shall represent the Department of Natural Resources;
8831 (b) two members, one of whom shall be the state veterinarian, shall represent the
8832 Department of Agriculture[~~, one of whom shall be the state veterinarian~~];
8833 (c) one member shall represent the livestock industry;
8834 (d) one member, recommended by the executive director of the Department of Natural
8835 Resources from a list of candidates submitted by the Division of Wildlife Resources, shall
8836 represent wildlife interests; and
8837 (e) five members, recommended by the Department of Agriculture, shall represent the
8838 domesticated elk industry.
8839 (3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the
8840 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8841 council members are staggered so that approximately half of the council is appointed every two
8842 years.
8843 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
8844 appointed for the unexpired term.
8845 (5) (a) A majority of the advisory council constitutes a quorum.
8846 (b) A quorum is necessary for the council to act.
8847 (6) A member may not receive compensation or benefits for the member's service, but
8848 may receive per diem and travel expenses in accordance with:
8849 (a) Section 63A-3-106;
8850 (b) Section 63A-3-107; and
8851 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8852 63A-3-107.
8853 Section 387. Section **4-39-107** is amended to read:
8854 **4-39-107. Powers of state veterinarian.**
8855 The state veterinarian shall:
8856 (1) set up periodic or ongoing surveillance programs considered necessary for:
8857 (a) the recognition, control, monitoring, and elimination of infectious diseases and
8858 parasites; and
8859 (b) monitoring genetic purity; and
8860 (2) quarantine or make any disposition of diseased animals that [~~he or she~~] the state

8861 veterinarian considers necessary for the control or eradication of that disease.
8862 Section 388. Section **4-39-108** is amended to read:
8863 **4-39-108. Deposit of fees.**
8864 The department shall deposit all fees collected under this chapter into the Utah
8865 Livestock Brand and Anti-Theft Account created in Section [~~4-24-24~~] 4-24-502.
8866 Section 389. Section **4-39-201** is amended to read:
8867 **4-39-201. Fencing, posts, and gates.**
8868 (1) [~~Each~~] A domesticated elk facility shall, at a minimum, meet the requirements of
8869 this section and shall be constructed to prevent the movement of [~~domesticated elk~~] domestic
8870 elk and wild cervids into or out of the facility.
8871 (2) (a) All perimeter fences and gates shall be:
8872 (i) a minimum of eight feet above ground level; and
8873 (ii) constructed of hi-tensile steel.
8874 (b) At least the bottom four feet shall be mesh with a maximum mesh size of 6" x 6".
8875 (c) The remaining four feet shall be mesh with a maximum mesh size of 12" x 6".
8876 (3) The minimum wire gauge shall be 14-1/2 gauge for a 2 woven hi-tensile fence.
8877 (4) All perimeter gates at the entrances of a domesticated elk handling [~~facilities~~]
8878 facility shall be locked, with consecutive or self-closing gates when animals are present.
8879 (5) Posts shall be:
8880 (a) (i) constructed of treated wood [~~which~~] that is at least four inches in diameter; or
8881 (ii) constructed of a material with the strength equivalent of Subsection (5)(a)(i);
8882 (b) spaced no more than 30 feet apart if one stay is used, or 20 feet apart if no stays are
8883 used; and
8884 (c) at least eight feet above ground level and two feet below ground level.
8885 (6) Stays, between the posts, shall be:
8886 (a) constructed of treated wood or steel;
8887 (b) spaced no more than 15 feet from any post; and
8888 (c) at least eight feet above ground level, and two feet below ground level.
8889 (7) Corner posts and gate posts shall be braced wood or its strength equivalent.
8890 Section 390. Section **4-39-202** is amended to read:
8891 **4-39-202. General facility requirements.**

8892 (1) (a) Internal handling facilities shall be capable of humanely restraining an
8893 individual animal and to facilitate:
8894 (i) the application or reading of any animal identification;
8895 (ii) the taking of blood or tissue samples; and
8896 (iii) any other required or necessary testing procedure.
8897 (b) A domesticated elk facility shall be properly constructed to protect inspection
8898 personnel while [~~they~~] inspection personnel are handling the domesticated elk.
8899 (2) The domesticated elk facility owner shall provide ample signage around the facility
8900 indicating that it is a domesticated elk facility, so that the public is put on notice that the
8901 animals are not wild elk.
8902 Section 391. Section **4-39-203** is amended to read:
8903 **4-39-203. License required to operate a domesticated elk facility.**
8904 (1) A person may not operate a domesticated elk facility without first obtaining a
8905 license from the department.
8906 (2) (a) Each application for a license to operate a domesticated elk facility shall be
8907 accompanied by a fee.
8908 (b) The fee shall be established by the department in accordance with Section
8909 63J-1-504.
8910 (3) Each applicant for a domesticated elk facility license shall submit an application
8911 providing all information in the form and manner as required by the department.
8912 (4) (a) No license shall be issued until the department has inspected and approved the
8913 facility.
8914 (b) The department shall:
8915 (i) notify the Division of Wildlife Resources at least 48 hours prior to a scheduled
8916 inspection so that a Division of Wildlife Resources representative may be present at the
8917 inspection; and
8918 (ii) provide the Division of Wildlife Resources with copies of all licensing and
8919 inspection reports.
8920 (5) Each separate location of the domesticated elk operation shall be licensed
8921 separately.
8922 (6) (a) If a domesticated elk facility is operated under more than one business name

8923 from a single location, the name of each operation shall be listed with the department in the
8924 form and manner required by the department.
8925 (b) The department shall require that a separate fee be paid for each business name
8926 listed.
8927 (c) If a domesticated elk facility operates under more than one business name from a
8928 single location, [~~the~~] each facility shall maintain separate records.
8929 (7) Each person or business entity with an equity interest in the domesticated elk shall
8930 be listed on the application for license.
8931 (8) Each domesticated elk facility license shall expire on July 1 in the year following
8932 the year of issuance.
8933 (9) Each licensee shall report to the department, in the form and manner required by
8934 the department, any change in the information provided in the licensee's application or in the
8935 reports previously submitted, within 15 days of each change.
8936 (10) Licenses issued pursuant to this section are not transferable.
8937 Section 392. Section **4-39-205** is amended to read:
8938 **4-39-205. License renewal.**
8939 (1) To renew a license, the licensee shall submit to the department:
8940 (a) an inspection certificate showing that:
8941 (i) the domesticated elk, on the domesticated elk facility, have been inspected and
8942 certified by the department for health, proof of ownership, and genetic purity certification for
8943 all elk imported into the state; and
8944 (ii) the facility has been properly maintained as provided in this chapter during the
8945 immediately preceding 60-day period; and
8946 (b) a record of each purchase of domesticated elk and transfer of domesticated elk into
8947 the facility, which shall include the following information:
8948 (i) name, address, and health approval number of the source;
8949 (ii) date of transaction; and
8950 (iii) number and sex.
8951 (2) (a) If the application for renewal is not received on or before April 30, a late fee
8952 will be charged.
8953 (b) A license may not be renewed until the fee is paid.

8954 (3) If the application and fee for renewal are not received on or before July 1, the
8955 license may not be renewed, and a new license shall be required.
8956 Section 393. Section **4-39-206** is amended to read:
8957 **4-39-206. Records to be maintained.**
8958 (1) The following records and information shall be maintained by a domesticated elk
8959 facility for [~~a period of five years~~] the life of the animal plus two years:
8960 (a) records of purchase, acquisition, distribution, and production histories of
8961 domesticated elk;
8962 (b) records documenting antler harvesting, production, and distribution; and
8963 (c) health certificates [~~and genetic purity records~~].
8964 (2) For purposes of carrying out the provisions of this chapter and rules [~~promulgated~~]
8965 made under this chapter [~~and~~], at any reasonable time during regular business hours, the
8966 department shall have free and unimpeded access to inspect all records required to be kept.
8967 (3) The department may make copies of the records referred to in this section.
8968 Section 394. Section **4-39-207** is amended to read:
8969 **4-39-207. Inspection of facilities.**
8970 (1) The department may conduct pathological or physical investigations at any
8971 domesticated elk facility to ensure compliance with this chapter.
8972 (2) For purposes of carrying out the provisions of this chapter and rules [~~promulgated~~]
8973 made under this chapter [~~and~~], at any reasonable time during regular business hours, the
8974 department shall have free and unimpeded access to inspect all buildings, yards, pens, pastures,
8975 and other areas in which any domesticated elk are kept, handled, or transported.
8976 (3) The department shall notify the Division of Wildlife Resources prior to an
8977 inspection so that a Division of Wildlife Resources representative may be present at the
8978 inspection.
8979 Section 395. Section **4-39-301** is amended to read:
8980 **4-39-301. Health and genetic purity requirements -- Proof of source.**
8981 [~~As part of any inspection for licensing or renewing the license of a domesticated elk~~
8982 ~~facility, or for the importation, transportation, or change of ownership of any domesticated elk,~~
8983 ~~the~~] The department shall require:
8984 [~~(1) proof of genetic testing to ensure the purity of the domesticated elk herds and~~

8985 ~~prevent the introduction of red deer or hybrid nonnative species into domesticated elk herds in~~
8986 ~~Utah by showing evidence of the purity of live animals, gametes, eggs, sperm, or other genetic~~
8987 ~~material; and~~]
8988 (1) that each domesticated elk, including gametes, eggs, or sperm, imported into the
8989 state:
8990 (a) test negative for the red deer genetic factor;
8991 (b) be registered with gold or silver status with the North American Elk Breeders
8992 Association; or
8993 (c) come from a state which has a red deer genetic factor prevention program approved
8994 by the department; and
8995 (2) proof that the domesticated elk originates from a legal source as provided in
8996 Section 4-39-302.
8997 Section 396. Section **4-39-304** is amended to read:
8998 **4-39-304. Marking domesticated elk.**
8999 (1) Each domesticated elk, not previously tattooed, shall be marked by either a tattoo,
9000 as provided in Subsection (2), or by [~~a microchip~~] an electronic identification tag, as provided
9001 in Subsection (3):
9002 (a) within 30 days of a change of ownership; or
9003 (b) in the case of newborn calves, within 15 days after being weaned, but in any case,
9004 no later than September 15.
9005 (2) If a domesticated elk is identified with a tattoo, the tattoo shall:
9006 (a) be placed peri-anally or inside the right ear; and
9007 (b) consist of a four-digit herd number assigned by the department over a three-digit
9008 individual animal number assigned by the owner.
9009 (3) If a domesticated elk is identified with [~~a microchip~~] an electronic identification
9010 tag, it shall be placed in the right ear.
9011 Section 397. Section **4-39-305** is amended to read:
9012 **4-39-305. Transportation of domesticated elk to or from domesticated elk**
9013 **facilities.**
9014 Any domesticated elk transferred to or from a domesticated elk facility within the state
9015 shall be:

9016 (1) accompanied by [~~a brand inspection certificate~~] an intrastate movement of
9017 domesticated elk form specifying the following:
9018 (a) the name, address, and facility license number of the source;
9019 (b) the number, sex, and individual identification number; and
9020 (c) the name, address, and facility license number of the destination;
9021 (2) accompanied by proof of genetic purity as provided in Section 4-39-301; and
9022 (3) inspected by the department as provided in Section 4-39-306.
9023 Section 398. Section **4-39-306** is amended to read:
9024 **4-39-306. Inspection before movement, sale, or slaughter.**
9025 (1) Each domesticated elk facility licensee shall have the domesticated elk inspected by
9026 the department [~~prior to~~] before any transportation, sale, [~~removal of antlers,~~] or slaughter.
9027 (2) Any person transporting or possessing domesticated elk or domesticated elk
9028 products shall have the appropriate brand inspection certificate in [~~his or her~~] the person's
9029 possession.
9030 Section 399. Section **4-39-401** is amended to read:
9031 **4-39-401. Escape of domesticated elk -- Liability.**
9032 (1) It is the owner's responsibility to try to capture any domesticated elk that may have
9033 escaped.
9034 (2) The escape of a domesticated elk shall be reported immediately to the state
9035 veterinarian or a brand inspector [~~of the Department of Agriculture~~] who shall notify the
9036 Division of Wildlife Resources.
9037 (3) If the domesticated elk is not recovered within 72 hours of the escape, the
9038 [~~Department of Agriculture~~] department, in conjunction with the Division of Wildlife
9039 Resources, shall take whatever action is necessary to resolve the problem.
9040 (4) The owner shall reimburse the state or a state agency for any reasonable recapture
9041 costs that may be incurred in the recapture or destruction of the animal.
9042 (5) Any escaped domesticated elk taken by a licensed hunter in a manner [~~which~~] that
9043 complies with the provisions of Title 23, Wildlife Resources Code of Utah, and the rules of the
9044 Wildlife Board shall be considered to be a legal taking and neither the licensed hunter, the
9045 state, nor a state agency shall be liable to the owner for the killing.
9046 (6) The owner shall be responsible to contain the domesticated elk to ensure that there

9047 is no spread of disease from domesticated elk to wild elk and that the genetic purity of wild elk
9048 is protected.
9049 Section 400. Section **4-39-402** is amended to read:
9050 **4-39-402. Removal of wild cervids -- Liability.**
9051 (1) Upon discovery of a wild [~~elk~~] cervid in a domesticated elk facility, the licensee
9052 shall immediately notify the Division of Wildlife Resources [~~who~~], which shall remove the
9053 wild [~~elk~~] cervid.
9054 (2) The state or a state agency is not liable for disease or genetic purity problems of
9055 domesticated elk [~~which~~] that may be attributed to wild [~~elk~~] cervids.
9056 Section 401. Section **4-40-102** is amended to read:
9057 **4-40-102. Cat and Dog Community Spay and Neuter Program Restricted**
9058 **Account -- Interest -- Use of contributions and interest.**
9059 (1) There is created within the General Fund the Cat and Dog Community Spay and
9060 Neuter Program Restricted Account.
9061 (2) The account shall be funded by contributions deposited into the Cat and Dog
9062 Community Spay and Neuter Program Restricted Account in accordance with Section
9063 59-10-1310.
9064 (3) (a) The Cat and Dog Community Spay and Neuter Program Restricted Account
9065 shall earn interest.
9066 (b) Interest earned on the Cat and Dog Community Spay and Neuter Program
9067 Restricted Account shall be deposited into the Cat and Dog Community Spay and Neuter
9068 Program Restricted Account.
9069 (4) The department [~~of Agriculture~~] shall distribute contributions and interest deposited
9070 into the Cat and Dog Community Spay and Neuter Program Restricted Account to one or more
9071 organizations that:
9072 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue
9073 Code; or
9074 (b) operate as a city or county animal shelter.
9075 (5) (a) An organization described in Subsection (4) may apply to the department to
9076 receive a distribution in accordance with Subsection (4).
9077 (b) An organization that receives a distribution from the department in accordance with

9078 Subsection (4):
9079 (i) shall expend the distribution only to spay or neuter dogs and cats:
9080 (A) owned by persons having low incomes; and
9081 (B) by veterinarians who are licensed by Title 58, Chapter 28, Veterinary Practice Act;
9082 and
9083 (ii) may not expend the distribution for any administrative cost relating to an
9084 expenditure authorized by Subsection (5)(b)(i).
9085 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9086 department may make rules:
9087 (i) providing procedures and requirements for an organization to apply to the
9088 department to receive a distribution in accordance with Subsection (4); and
9089 (ii) to define what constitutes a person having a low income.
9090 Section 402. Section **4-41-103** is amended to read:
9091 **4-41-103. Industrial hemp -- Agricultural and academic research.**
9092 (1) The department may grow or cultivate industrial hemp for the purpose of
9093 agricultural or academic research.
9094 (2) The department shall certify a higher education institution to grow or cultivate
9095 industrial hemp for the purpose of agricultural or academic research if the higher education
9096 institution submits to the department:
9097 (a) the location where the higher education institution intends to grow or cultivate
9098 industrial hemp;
9099 (b) the higher education institution's research plan; and
9100 (c) the name of an employee of the higher education institution who will supervise the
9101 industrial hemp growth, cultivation, and research.
9102 (3) The department shall maintain a list of each industrial hemp certificate holder.
9103 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
9104 Administrative Rulemaking Act, to ensure any industrial hemp project meets the standards of
9105 an agricultural pilot project, as defined by Section 7606 of the [~~U.S.~~] United States Agricultural
9106 Act of 2014.
9107 (5) The department may set a fee, pursuant to Subsection 4-2-103(2), for the
9108 application of an industrial hemp certificate.

9109 Section 403. Section **10-8-85.8** is amended to read:
9110 **10-8-85.8. Indemnification of farmers markets.**
9111 A municipality may:
9112 (1) operate a farmers market, as defined in Section [~~4-5-2~~] 4-5-102, on
9113 municipality-owned property in order to promote economic development;
9114 (2) indemnify a food producer participating in the farmers market; and
9115 (3) define the scope of the indemnification in an agreement with the food producer.
9116 Section 404. Section **11-38-302** is amended to read:
9117 **11-38-302. Use of money in program -- Criteria -- Administration.**
9118 (1) Subject to Subsection (2), the commission may authorize the use of money in the
9119 program, by grant, to:
9120 (a) a local entity;
9121 (b) the Department of Natural Resources created under Section 79-2-201;
9122 (c) the Department of Agriculture and Food created under Section [~~4-2-1~~] 4-2-102; or
9123 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3)
9124 [~~of the~~], Internal Revenue Code.
9125 (2) (a) The money in the program shall be used for preserving or restoring open land
9126 and agricultural land.
9127 (b) (i) Except as provided in Subsection (2)(b)(ii), money from the program may not be
9128 used to purchase a fee interest in real property in order to preserve open land or agricultural
9129 land, but may be used to establish a conservation easement under Title 57, Chapter 18, Land
9130 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural
9131 land.
9132 (ii) Notwithstanding Subsection (2)(b)(i), money from the fund may be used to
9133 purchase a fee interest in real property to preserve open land or agricultural land if:
9134 (A) the parcel to be purchased is no more than 20 acres in size; and
9135 (B) with respect to a parcel purchased in a county in which over 50% of the land area is
9136 publicly owned, real property roughly equivalent in size and located within that county is
9137 contemporaneously transferred to private ownership from the governmental entity that
9138 purchased the fee interest in real property.
9139 (iii) Eminent domain may not be used or threatened in connection with any purchase

9140 using money from the program.
9141 (iv) A parcel of land larger than 20 acres in size may not be divided into separate
9142 parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).
9143 (c) A local entity, department, or organization under Subsection (1) may not receive
9144 money from the program unless it provides matching funds equal to or greater than the amount
9145 of money received from the program.
9146 (d) In granting money from the program, the commission may impose conditions on
9147 the recipient as to how the money is to be spent.
9148 (e) The commission shall give priority to requests from the Department of Natural
9149 Resources for up to 20% of each annual increase in the amount of money in the program if the
9150 money is used for the protection of wildlife or watershed.
9151 (f) (i) The commission may not make a grant from the program that exceeds
9152 $1,000,000 until after making a report to the Legislative Management Committee about the
9153 grant.
9154 (ii) The Legislative Management Committee may make a recommendation to the
9155 commission concerning the intended grant, but the recommendation is not binding on the
9156 commission.
9157 (3) In determining the amount and type of financial assistance to provide an entity,
9158 department, or organization under Subsection (1) and subject to Subsection (2)(f), the
9159 commission shall consider:
9160 (a) the nature and amount of open land and agricultural land proposed to be preserved
9161 or restored;
9162 (b) the qualities of the open land and agricultural land proposed to be preserved or
9163 restored;
9164 (c) the cost effectiveness of the project to preserve or restore open land or agricultural
9165 land;
9166 (d) the funds available;
9167 (e) the number of actual and potential applications for financial assistance and the
9168 amount of money sought by those applications;
9169 (f) the open land preservation plan of the local entity where the project is located and
9170 the priority placed on the project by that local entity;

9171 (g) the effects on housing affordability and diversity; and
9172 (h) whether the project protects against the loss of private property ownership.
9173 (4) If a local entity, department, or organization under Subsection (1) seeks money
9174 from the program for a project whose purpose is to protect critical watershed, the commission
9175 shall require that the needs and quality of that project be verified by the state engineer.
9176 (5) Each interest in real property purchased with money from the program shall be held
9177 and administered by the state or a local entity.
9178 Section 405. Section **17-50-323** is amended to read:
9179 **17-50-323. Indemnification of farmers markets.**
9180 A county may:
9181 (1) operate a farmers market, as defined in Section [~~4-5-2~~] 4-5-102, on county-owned
9182 property in order to promote economic development;
9183 (2) indemnify a food producer participating in the farmers market; and
9184 (3) define the scope of the indemnification in an agreement with the food producer.
9185 Section 406. Section **17D-3-102** is amended to read:
9186 **17D-3-102. Definitions.**
9187 As used in this chapter:
9188 (1) "Commission" means the Conservation Commission, created in Section 4-18-104.
9189 (2) "Conservation district" means a limited purpose local government entity, as
9190 described in Section 17D-3-103, that operates under, is subject to, and has the powers set forth
9191 in this chapter.
9192 (3) "Department" means the Department of Agriculture and Food, created in Section
9193 [~~4-2-1~~] 4-2-102.
9194 Section 407. Section **23-13-19** is amended to read:
9195 **23-13-19. Administering substances to protected wildlife prohibited --**
9196 **Exceptions.**
9197 (1) For purposes of this section:
9198 (a) "Administer" means the application of a substance by any method, including:
9199 (i) injection;
9200 (ii) inhalation;
9201 (iii) ingestion; or

9202 (iv) absorption.
9203 (b) "Agricultural producer" means a person who produces an agricultural product.
9204 (c) "Agricultural product" [~~is as~~] means the same as that term is defined in Section
9205 [~~4-1-8~~] 4-1-109.
9206 (d) "Substance" means a chemical or organic substance that:
9207 (i) pacifies;
9208 (ii) sedates;
9209 (iii) immobilizes;
9210 (iv) harms;
9211 (v) kills;
9212 (vi) controls fertility; or
9213 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
9214 (2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a
9215 person may not administer or attempt to administer a substance to protected wildlife.
9216 (3) (a) A division employee or a person with written permission from the division may
9217 administer a substance to protected wildlife if that employee or person administers the
9218 substance to promote wildlife management and conservation.
9219 (b) One or more of the following may administer a substance to protected wildlife that
9220 the person is authorized by this title, the Wildlife Board, or the division to possess:
9221 (i) a licensed veterinarian;
9222 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
9223 (iii) a person who is following written instructions for veterinary care from a licensed
9224 veterinarian.
9225 (4) A person is not liable under this section for administering a substance,
9226 notwithstanding the substance has an effect described in Subsection (1)(d) on protected
9227 wildlife, if:
9228 (a) an agricultural producer administers the substance:
9229 (i) for the sole purpose of producing an agricultural product and not for the purpose of
9230 affecting protected wildlife in a manner described in Subsection (1)(d);
9231 (ii) consistent with generally accepted agricultural practices; and
9232 (iii) in compliance with applicable local, state, and federal law; or

9233 (b) the protected wildlife presents an immediate threat of death or serious bodily injury
9234 to a person.
9235 Section 408. Section **23-24-1** is amended to read:
9236 **23-24-1. Procedure to obtain compensation for livestock damage done by bear,**
9237 **mountain lion, wolf, or eagle.**
9238 (1) As used in this section:
9239 (a) "Damage" means injury to or loss of livestock.
9240 (b) "Division" means the Division of Wildlife Resources.
9241 (c) "Livestock" means cattle, sheep, goats, or turkeys.
9242 (d) (i) "Wolf" means the gray wolf Canis lupus.
9243 (ii) "Wolf" does not mean a wolf hybrid with a domestic dog.
9244 (2) (a) (i) Except as provided by Subsection (2)(a)(ii), if livestock are damaged by a
9245 bear, mountain lion, wolf, or an eagle, the owner may receive compensation for the fair market
9246 value of the damage.
9247 (ii) The owner may not receive compensation if the livestock is damaged by a wolf
9248 within an area where a wolf is endangered or threatened under the Endangered Species Act of
9249 1973, 16 U.S.C. Sec. 1531, et seq.
9250 (b) To obtain this compensation, the owner of the damaged livestock shall notify the
9251 division of the damage as soon as possible, but no later than four days after the damage is
9252 discovered.
9253 (c) The owner shall notify the division each time any damage is discovered.
9254 (3) The livestock owner shall file a proof of loss form, provided by the division, no
9255 later than 30 days after the original notification of damage was given to the division by the
9256 owner.
9257 (4) (a) (i) The division, with the assistance of the Department of Agriculture and Food
9258 shall:
9259 (A) within 30 days after the owner files the proof of loss form, either accept or deny the
9260 claim for damages; and
9261 (B) subject to Subsections (4)(a)(ii) through (4)(a)(iv), pay all accepted claims to the
9262 extent money appropriated by the Legislature is available for this purpose.
9263 (ii) Money appropriated from the Wildlife Resources Account may be used to provide

9264 compensation for only up to 50% of the fair market value of any damaged livestock.
9265 (iii) Money appropriated from the Wildlife Resources Account may not be used to
9266 provide compensation for livestock damaged by an eagle or a wolf.
9267 (iv) The division may not pay any eagle damage claim until the division has paid all
9268 accepted mountain lion and bear damage claims for the fiscal year.
9269 (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a
9270 livestock owner unless the owner has filed a completed livestock form and the appropriate fee
9271 as outlined in Section [~~4-23-7~~] 4-23-107 for the immediately preceding and current year.
9272 (c) (i) Unless the division denies a claim for the reason identified in Subsection (4)(b),
9273 the owner may appeal the decision to a panel consisting of one person selected by the owner,
9274 one person selected by the division, and a third person selected by the first two panel members.
9275 (ii) The panel shall decide whether the division should pay all of the claim, a portion of
9276 the claim, or none of the claim.
9277 (5) By following the procedures and requirements of Title 63G, Chapter 3, Utah
9278 Administrative Rulemaking Act, the Wildlife Board may make and enforce rules to administer
9279 and enforce this section.
9280 Section 409. Section **26-15-1** is amended to read:
9281 **26-15-1. Definitions.**
9282 As used in this chapter:
9283 (1) (a) "Food handler" means any person working part-time or full-time in a food
9284 service establishment who moves food or food containers, prepares, stores, or serves food;
9285 comes in contact with any food, utensil, tableware or equipment; or washes the same. The term
9286 also includes owners, supervisors, and management persons, and any other person working in a
9287 food-service establishment. The term also includes any operator or person employed by one
9288 who handles food dispensed through vending machines; or who comes into contact with food
9289 contact surfaces or containers, equipment, utensils, or packaging materials used in connection
9290 with vending machine operations; or who otherwise services or maintains one or more vending
9291 machines.
9292 (b) "Food handler" does not include a producer of food products selling food at a
9293 farmers market as defined in Subsection [~~4-5-2~~] 4-5-102(5).
9294 (2) "Pest" means a noxious, destructive, or troublesome organism whether plant or

9295 animal, when found in and around places of human occupancy, habitation, or use which
9296 threatens the public health or well being of the people within the state.
9297 (3) "Vector" means any organism, such as insects or rodents, that transmits a pathogen
9298 that can affect public health.
9299 Section 410. Section **58-37c-19.5** is amended to read:
9300 **58-37c-19.5. Iodine solution greater than 1.5% -- Prescription or permit required**
9301 **-- Penalties.**
9302 (1) As used in this section, "iodine matrix" means iodine at concentrations greater than
9303 1.5% by weight in a matrix or solution.
9304 (2) A person may offer to sell, sell, or distribute an iodine matrix only:
9305 (a) as a prescription drug, pursuant to a prescription issued by a veterinarian or
9306 physician licensed within the state; or
9307 (b) to a person who is actively engaged in the legal practice of animal husbandry of
9308 livestock, as defined in Section [~~4-1-8~~] 4-1-109.
9309 (3) Prescriptions issued under this section:
9310 (a) shall provide for a specified number of refills;
9311 (b) may be issued by electronic means, in accordance with Title 58, Chapter 17b,
9312 Pharmacy Practice Act; and
9313 (c) may be filled by a person other than the veterinarian or physician issuing the
9314 prescription.
9315 (4) A retailer offering iodine matrix for sale:
9316 (a) shall store the iodine matrix so that the public does not have access to the iodine
9317 matrix without the direct assistance or intervention of a retail employee;
9318 (b) shall keep a record, which may consist of sales receipts, of each person purchasing
9319 iodine matrix; and
9320 (c) may, if necessary to ascertain the identity of the purchaser, ask for proof of
9321 identification from the purchaser.
9322 (5) A person engaging in a regulated transaction under Subsection (2) is guilty of a
9323 class B misdemeanor if the person, under circumstances not amounting to a violation of
9324 Subsection 58-37d-4(1)(c), offers to sell, sells, or distributes an iodine matrix to a person who:
9325 (a) does not present a prescription or is not engaged in animal husbandry, as required

9326 under Subsection (2); or
9327 (b) is not excepted under Subsection (7).
9328 (6) A person is guilty of a class A misdemeanor who, under circumstances not
9329 amounting to a violation of Subsection 58-37c-3(11)(k) or 58-37d-4(1)(a):
9330 (a) possesses an iodine matrix without proof of obtaining the solution in compliance
9331 with Subsection (2); or
9332 (b) offers to sell, sells, or distributes an iodine matrix in violation of Subsection (2).
9333 (7) Subsection (6)(a) does not apply to:
9334 (a) a chemistry or chemistry-related laboratory maintained by:
9335 (i) a public or private regularly established secondary school; or
9336 (ii) a public or private institution of higher education that is accredited by a regional or
9337 national accrediting agency recognized by the United States Department of Education;
9338 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice
9339 Act;
9340 (c) a general acute hospital; or
9341 (d) a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer,
9342 warehouseman, or common carrier, or an agent of any of these persons who possesses an
9343 iodine matrix in the regular course of lawful business activities.
9344 Section 411. Section **63A-3-205** is amended to read:
9345 **63A-3-205. Revolving loan funds -- Standards and procedures -- Annual report.**
9346 (1) As used in this section, "revolving loan fund" means:
9347 (a) the Water Resources Conservation and Development Fund, created in Section
9348 73-10-24;
9349 (b) the Water Resources Construction Fund, created in Section 73-10-8;
9350 (c) the Water Resources Cities Water Loan Fund, created in Section 73-10-22;
9351 (d) the Clean Fuel Conversion Funds, created in Title 19, Chapter 1, Part 4, Clean
9352 Fuels and Vehicle Technology Program Act;
9353 (e) the Water Development Security Fund and its subaccounts, created in Section
9354 73-10c-5;
9355 (f) the Agriculture Resource Development Fund, created in Section 4-18-106;
9356 (g) the Utah Rural Rehabilitation Fund, created in Section [~~4-19-4~~] 4-19-105;

9357 (h) the Permanent Community Impact Fund, created in Section 35A-8-603;
9358 (i) the Petroleum Storage Tank Trust Fund, created in Section 19-6-409;
9359 (j) the Uintah Basin Revitalization Fund, created in Section 35A-8-1602;
9360 (k) the Navajo Revitalization Fund, created in Section 35A-8-1704; and
9361 (l) the Energy Efficiency Fund, created in Section 11-45-201.
9362 (2) The division shall for each revolving loan fund:
9363 (a) make rules establishing standards and procedures governing:
9364 (i) payment schedules and due dates;
9365 (ii) interest rate effective dates;
9366 (iii) loan documentation requirements; and
9367 (iv) interest rate calculation requirements; and
9368 (b) make an annual report to the Legislature containing:
9369 (i) the total dollars loaned by that fund during the last fiscal year;
9370 (ii) a listing of each loan currently more than 90 days delinquent, in default, or that was
9371 restructured during the last fiscal year;
9372 (iii) a description of each project that received money from that revolving loan fund;
9373 (iv) the amount of each loan made to that project;
9374 (v) the specific purpose for which the proceeds of the loan were to be used, if any;
9375 (vi) any restrictions on the use of the loan proceeds;
9376 (vii) the present value of each loan at the end of the fiscal year calculated using the
9377 interest rate paid by the state on the bonds providing the revenue on which the loan is based or,
9378 if that is unknown, on the average interest rate paid by the state on general obligation bonds
9379 issued during the most recent fiscal year in which bonds were sold; and
9380 (viii) the financial position of each revolving loan fund, including the fund's cash
9381 investments, cash forecasts, and equity position.
9382 Section 412. Section **63B-1b-102** is amended to read:
9383 **63B-1b-102. Definitions.**
9384 As used in this chapter:
9385 (1) "Agency bonds" means any bond, note, contract, or other evidence of indebtedness
9386 representing loans or grants made by an authorizing agency.
9387 (2) "Authorized official" means the state treasurer or other person authorized by a bond

9388 document to perform the required action.
9389 (3) "Authorizing agency" means the board, person, or unit with legal responsibility for
9390 administering and managing revolving loan funds.
9391 (4) "Bond document" means:
9392 (a) a resolution of the commission; or
9393 (b) an indenture or other similar document authorized by the commission that
9394 authorizes and secures outstanding revenue bonds from time to time.
9395 (5) "Commission" means the State Bonding Commission, created in Section
9396 63B-1-201.
9397 (6) "Revenue bonds" means any special fund revenue bonds issued under this chapter.
9398 (7) "Revolving Loan Funds" means:
9399 (a) the Water Resources Conservation and Development Fund, created in Section
9400 73-10-24;
9401 (b) the Water Resources Construction Fund, created in Section 73-10-8;
9402 (c) the Water Resources Cities Water Loan Fund, created in Section 73-10-22;
9403 (d) the Clean Fuel Conversion Funds, created in Title 19, Chapter 1, Part 4, Clean
9404 Fuels and Vehicle Technology Program Act;
9405 (e) the Water Development Security Fund and its subaccounts, created in Section
9406 73-10c-5;
9407 (f) the Agriculture Resource Development Fund, created in Section 4-18-106;
9408 (g) the Utah Rural Rehabilitation Fund, created in Section [~~4-19-4~~] 4-19-105;
9409 (h) the Permanent Community Impact Fund, created in Section 35A-8-303;
9410 (i) the Petroleum Storage Tank Trust Fund, created in Section 19-6-409; and
9411 (j) the Transportation Infrastructure Loan Fund, created in Section 72-2-202.
9412 Section 413. Section **63B-1b-202** is amended to read:
9413 **63B-1b-202. Custodial officer -- Powers and duties.**
9414 (1) (a) There is created within the Division of Finance an officer responsible for the
9415 care, custody, safekeeping, collection, and accounting of all bonds, notes, contracts, trust
9416 documents, and other evidences of indebtedness:
9417 (i) owned or administered by the state or any of its agencies; and
9418 (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.

9419 (b) Notwithstanding Subsection (1)(a), the officer described in Subsection (1)(a) is not
9420 responsible for the care, custody, safekeeping, collection, and accounting of a bond, note,
9421 contract, trust document, or other evidence of indebtedness relating to the:
9422 (i) Agriculture Resource Development Fund, created in Section 4-18-106;
9423 (ii) Utah Rural Rehabilitation Fund, created in Section [~~4-19-4~~] 4-19-105;
9424 (iii) Petroleum Storage Tank Trust Fund, created in Section 19-6-409;
9425 (iv) Olene Walker Housing Loan Fund, created in Section 35A-8-502; and
9426 (v) Brownfields Fund, created in Section 19-8-120.
9427 (2) (a) Each authorizing agency shall deliver to this officer for the officer's care,
9428 custody, safekeeping, collection, and accounting all bonds, notes, contracts, trust documents,
9429 and other evidences of indebtedness:
9430 (i) owned or administered by the state or any of its agencies; and
9431 (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.
9432 (b) This officer shall:
9433 (i) establish systems, programs, and facilities for the care, custody, safekeeping,
9434 collection, and accounting for the bonds, notes, contracts, trust documents, and other evidences
9435 of indebtedness submitted to the officer under this Subsection (2); and
9436 (ii) shall make available updated reports to each authorizing agency as to the status of
9437 loans under their authority.
9438 (3) The officer described in Section 63B-1b-201 shall deliver to the officer described in
9439 Subsection (1)(a) for the care, custody, safekeeping, collection, and accounting by the officer
9440 described in Subsection (1)(a) of all bonds, notes, contracts, trust documents, and other
9441 evidences of indebtedness closed as provided in Subsection 63B-1b-201(2)(b).
9442 Section 414. Section **63E-1-102** is amended to read:
9443 **63E-1-102. Definitions -- List of independent entities.**
9444 As used in this title:
9445 (1) "Authorizing statute" means the statute creating an entity as an independent entity.
9446 (2) "Committee" means the Retirement and Independent Entities Committee created by
9447 Section 63E-1-201.
9448 (3) "Independent corporation" means a corporation incorporated in accordance with
9449 Chapter 2, Independent Corporations Act.

9450 (4) (a) "Independent entity" means an entity having a public purpose relating to the
9451 state or its citizens that is individually created by the state or is given by the state the right to
9452 exist and conduct its affairs as an:
9453 (i) independent state agency; or
9454 (ii) independent corporation.
9455 (b) "Independent entity" includes the:
9456 (i) Utah Dairy Commission created by Section [~~4-22-2~~] 4-22-103;
9457 (ii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
9458 (iii) Utah State Railroad Museum Authority created by Section 63H-5-102;
9459 (iv) Utah Housing Corporation created by Section 63H-8-201;
9460 (v) Utah State Fair Corporation created by Section 63H-6-103;
9461 (vi) Workers' Compensation Fund created by Section 31A-33-102;
9462 (vii) Utah State Retirement Office created by Section 49-11-201;
9463 (viii) School and Institutional Trust Lands Administration created by Section
9464 53C-1-201;
9465 (ix) School and Institutional Trust Fund Office created by Section 53D-1-201;
9466 (x) Utah Communications Authority created by Section [~~63N-6-201~~] 63H-7a-201;
9467 (xi) Utah Energy Infrastructure Authority created by Section 63H-2-201;
9468 (xii) Utah Capital Investment Corporation created by Section 63N-6-301; and
9469 (xiii) Military Installation Development Authority created by Section 63H-1-201.
9470 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
9471 (i) the Public Service Commission of Utah created by Section 54-1-1;
9472 (ii) an institution within the state system of higher education;
9473 (iii) a city, county, or town;
9474 (iv) a local school district;
9475 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
9476 Districts; or
9477 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
9478 (5) "Independent state agency" means an entity that is created by the state, but is
9479 independent of the governor's direct supervisory control.
9480 (6) "Money held in trust" means money maintained for the benefit of:

9481 (a) one or more private individuals, including public employees;
9482 (b) one or more public or private entities; or
9483 (c) the owners of a quasi-public corporation.
9484 (7) "Public corporation" means an artificial person, public in ownership, individually
9485 created by the state as a body politic and corporate for the administration of a public purpose
9486 relating to the state or its citizens.
9487 (8) "Quasi-public corporation" means an artificial person, private in ownership,
9488 individually created as a corporation by the state, which has accepted from the state the grant of
9489 a franchise or contract involving the performance of a public purpose relating to the state or its
9490 citizens.
9491 Section 415. Section **63I-4a-102** is amended to read:
9492 **63I-4a-102. Definitions.**
9493 (1) (a) "Activity" means to provide a good or service.
9494 (b) "Activity" includes to:
9495 (i) manufacture a good or service;
9496 (ii) process a good or service;
9497 (iii) sell a good or service;
9498 (iv) offer for sale a good or service;
9499 (v) rent a good or service;
9500 (vi) lease a good or service;
9501 (vii) deliver a good or service;
9502 (viii) distribute a good or service; or
9503 (ix) advertise a good or service.
9504 (2) (a) Except as provided in Subsection (2)(b), "agency" means:
9505 (i) the state; or
9506 (ii) an entity of the state including a department, office, division, authority,
9507 commission, or board.
9508 (b) "Agency" does not include:
9509 (i) the Legislature;
9510 (ii) an entity or agency of the Legislature;
9511 (iii) the state auditor;

9512 (iv) the state treasurer;
9513 (v) the Office of the Attorney General;
9514 (vi) the Utah Dairy Commission created in Section [~~4-22-2~~] 4-22-103;
9515 (vii) the Heber Valley Historic Railroad Authority created in Section 63H-4-102;
9516 (viii) the Utah State Railroad Museum Authority created in Section 63H-5-102;
9517 (ix) the Utah Housing Corporation created in Section 63H-8-201;
9518 (x) the Utah State Fair Corporation created in Section 63H-6-103;
9519 (xi) the Workers' Compensation Fund created in Section 31A-33-102;
9520 (xii) the Utah State Retirement Office created in Section 49-11-201;
9521 (xiii) a charter school chartered by the State Charter School Board or a board of
9522 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter
9523 Schools Act;
9524 (xiv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,
9525 Utah Schools for the Deaf and the Blind;
9526 (xv) an institution of higher education as defined in Section 53B-3-102;
9527 (xvi) the School and Institutional Trust Lands Administration created in Section
9528 53C-1-201;
9529 (xvii) the Utah Communications Authority created in Section 63H-7a-201; or
9530 (xviii) the Utah Capital Investment Corporation created in Section 63N-6-301.
9531 (3) "Agency head" means the chief administrative officer of an agency.
9532 (4) "Board" means the Free Market Protection and Privatization Board created in
9533 Section 63I-4a-202.
9534 (5) "Commercial activity" means to engage in an activity that can be obtained in whole
9535 or in part from a private enterprise.
9536 (6) "Local entity" means:
9537 (a) a political subdivision of the state, including a:
9538 (i) county;
9539 (ii) city;
9540 (iii) town;
9541 (iv) local school district;
9542 (v) local district; or

9543 (vi) special service district;
9544 (b) an agency of an entity described in this Subsection (6), including a department,
9545 office, division, authority, commission, or board; or
9546 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
9547 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
9548 (7) "Private enterprise" means a person that engages in an activity for profit.
9549 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a
9550 private enterprise engages in the activity, including a transfer by:
9551 (a) contract;
9552 (b) transfer of property; or
9553 (c) another arrangement.
9554 (9) "Special district" means:
9555 (a) a local district, as defined in Section 17B-1-102;
9556 (b) a special service district, as defined in Section 17D-1-102; or
9557 (c) a conservation district, as defined in Section 17D-3-102.
9558 Section 416. Section **63J-7-102** is amended to read:
9559 **63J-7-102. Scope and applicability of chapter.**
9560 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
9561 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
9562 this chapter apply to each agency and govern each grant received on or after May 5, 2008.
9563 (2) This chapter does not govern:
9564 (a) a grant deposited into a General Fund restricted account;
9565 (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;
9566 (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;
9567 (d) a grant made to the state without a restriction or other designated purpose that is
9568 deposited into the General Fund as free revenue;
9569 (e) a grant made to the state that is restricted only to "education" and that is deposited
9570 into the Education Fund or Uniform School Fund as free revenue;
9571 (f) in-kind donations;
9572 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state
9573 when required by state law or application of state law;

9574 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax
9575 Contribution Act;
9576 (i) a grant received by an agency from another agency or political subdivision;
9577 (j) a grant to the Utah Dairy Commission created in Section [~~4-22-2~~] 4-22-103;
9578 (k) a grant to the Heber Valley Historic Railroad Authority created in Section
9579 63H-4-102;
9580 (l) a grant to the Utah State Railroad Museum Authority created in Section 63H-5-102;
9581 (m) a grant to the Utah Housing Corporation created in Section 63H-8-201;
9582 (n) a grant to the Utah State Fair Corporation created in Section 63H-6-103;
9583 (o) a grant to the Workers' Compensation Fund created in Section 31A-33-102;
9584 (p) a grant to the Utah State Retirement Office created in Section 49-11-201;
9585 (q) a grant to the School and Institutional Trust Lands Administration created in
9586 Section 53C-1-201;
9587 (r) a grant to the Utah Communications Authority created in Section 63H-7a-201;
9588 (s) a grant to the Medical Education Program created in Section 53B-24-202;
9589 (t) a grant to the Utah Capital Investment Corporation created in Section 63N-6-301;
9590 (u) a grant to the Utah Charter School Finance Authority created in Section
9591 53A-20b-103;
9592 (v) a grant to the State Building Ownership Authority created in Section 63B-1-304;
9593 (w) a grant to the Utah Comprehensive Health Insurance Pool created in Section
9594 31A-29-104; or
9595 (x) a grant to the Military Installation Development Authority created in Section
9596 63H-1-201.
9597 (3) An agency need not seek legislative review or approval of grants under Part 2,
9598 Grant Approval Requirements, if:
9599 (a) the governor has declared a state of emergency; and
9600 (b) the grant is donated to the agency to assist victims of the state of emergency under
9601 Subsection 53-2a-204(1).
9602 Section 417. Section **63L-8-403** is amended to read:
9603 **63L-8-403. Grazing permits and leases.**
9604 (1) (a) Except as provided in Subsection (2), permits and leases for domestic livestock

9605 grazing on public land issued by the director may not exceed a term of five years, subject to
9606 terms and conditions the director determines to be appropriate and consistent with this chapter.
9607 (b) The director shall have authority to cancel, suspend, or modify a grazing permit or
9608 lease, in whole or in part:
9609 (i) pursuant to the terms and conditions of the permit or lease;
9610 (ii) for any violation of:
9611 (A) this chapter or a grazing rule implemented under this chapter; or
9612 (B) any term or condition of the grazing permit or lease; or
9613 (iii) to protect rangeland health from overutilization pursuant to Subsection (7).
9614 (2) The holder of an expiring permit or lease shall be given first priority for receipt of
9615 the new permit or lease, provided:
9616 (a) the land for which the permit or lease is issued remains available for domestic
9617 livestock grazing in accordance with a land use plan prepared pursuant to Section 63L-8-202;
9618 (b) the permittee or lessee is in compliance with:
9619 (i) the provisions of this chapter and the grazing rules issued by the DLM, in
9620 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
9621 (ii) the terms and conditions in the permit or lease specified by the director;
9622 (c) the permittee or lessee accepts the terms and conditions included by the director in
9623 the new permit or lease; and
9624 (d) range conditions on the tract of public land are sufficient to support continued
9625 livestock grazing, as determined by the director pursuant to Subsection (7).
9626 (3) All permits and leases for domestic livestock grazing issued under this part may be
9627 incorporated in an allotment management plan developed by the director.
9628 (4) (a) If the director elects to develop an allotment management plan for a given area,
9629 the director shall do so in consultation, cooperation, and coordination with:
9630 (i) the lessees, permittees, and landowners involved;
9631 (ii) the commissioner;
9632 (iii) the State Grazing Advisory Board established under Section [~~4-20-1.5~~] 4-20-103;
9633 and
9634 (iv) the political subdivision having land within the area covered by the proposed
9635 allotment management plan.

9636 (b) An allotment management plan shall be:
9637 (i) tailored to the specific range condition of the area covered by the plan; and
9638 (ii) reviewed on a periodic basis to determine:
9639 (A) the efficacy of the plan in improving range conditions on the involved land; and
9640 (B) whether the land can be better managed.
9641 (5) The director may revise or terminate plans, or develop new plans, after review and
9642 consideration, consultation, cooperation, and coordination with the parties listed in Subsection
9643 (4)(a).
9644 (6) (a) In all cases where the director has not completed an allotment management plan
9645 or determines that an allotment management plan is not necessary for management of livestock
9646 operations, the director shall incorporate in grazing permits and leases all necessary terms and
9647 conditions for the appropriate management of the permitted or leased land.
9648 (b) The director, in consultation with the commissioner:
9649 (i) shall specify the number of animals to be grazed and the seasons of use; and
9650 (ii) may reexamine the condition of the range and forage utilization at any time.
9651 (7) If the director finds that the condition of the range requires adjustment in the
9652 amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or
9653 lessee's use to the extent required by the director.
9654 (8) An allotment management plan may not refer to livestock operations or range
9655 improvements on non-public land, except where the non-public land is intermingled with
9656 public land and the consent of the owner of the non-public land and the permittee or lessee
9657 involved with the plan is obtained.
9658 (9) (a) Whenever a permit or lease for grazing domestic livestock on public land is
9659 canceled, in whole or in part, in order to devote the land covered by the permit or lease to
9660 another public purpose, the permittee or lessee shall receive from the state reasonable
9661 compensation for the adjusted value, to be determined by the director, of the permittee's or
9662 lessee's interest in authorized permanent improvements placed or constructed by the permittee
9663 or lessee on lands covered by such permit or lease.
9664 (b) The compensation described in Subsection (9)(a) may not exceed the fair market
9665 value of the terminated portion of the permittee's or lessee's interest.
9666 (10) Except in cases of emergency, no permit or lease shall be canceled under this

9667 subsection without one year's notification.
9668 Section 418. Section **72-7-401** is amended to read:
9669 **72-7-401. Application of size, weight, and load limitations for vehicles --**
9670 **Exceptions.**
9671 (1) (a) Except as provided in Subsection (2), the maximum size, weight, and load
9672 limitations on vehicles under this part apply to all highways throughout the state.
9673 (b) Local authorities may not alter the limitations except as expressly provided under
9674 Sections 41-6a-204 and 72-7-408.
9675 (2) Except as specifically made applicable, the size, weight, and load limitations in this
9676 chapter do not apply to:
9677 (a) fire-fighting apparatus;
9678 (b) highway construction and maintenance equipment being operated at the site of
9679 maintenance or at a construction project as authorized by a highway authority;
9680 (c) highway construction and maintenance equipment temporarily being operated
9681 between a material site and a highway maintenance site or a highway construction project if:
9682 (i) the section of any highway being used is not located within a county of the first or
9683 second class;
9684 (ii) authorized for a specific highway project by the highway authority having
9685 jurisdiction over each highway being used;
9686 (iii) the distance between the material site and maintenance site or highway
9687 construction project does not exceed 10 miles; and
9688 (iv) the operator carries in the vehicle written verification of the authorization from the
9689 highway authority having jurisdiction over each highway being used;
9690 (d) implements of husbandry incidentally moved on a highway while engaged in an
9691 agricultural operation or incidentally moved for repair or servicing, subject to the provisions of
9692 Section 72-7-407;
9693 (e) vehicles transporting logs or poles from forest to sawmill:
9694 (i) when required to move upon a highway other than the national system of interstate
9695 and defense highways;
9696 (ii) if the gross vehicle weight does not exceed 80,000 pounds; and
9697 (iii) the vehicle or combination of vehicles are in compliance with Subsections

9698 72-7-404(1) and (2)(a); and
9699 (f) tow trucks or towing vehicles under emergency conditions when:
9700 (i) it becomes necessary to move a vehicle, combination of vehicles, special mobile
9701 equipment, or objects to the nearest safe area for parking or temporary storage;
9702 (ii) no other alternative is available; and
9703 (iii) the movement is for the safety of the traveling public.
9704 (3) (a) Except when operating on the national system of interstate and defense
9705 highways, a motor vehicle carrying livestock as defined in Section [~~4-1-8~~] 4-1-109, or a motor
9706 vehicle carrying raw grain if the grain is being transported by the farmer from his farm to
9707 market prior to bagging, weighing, or processing, may exceed by up to 2,000 pounds the
9708 tandem axle weight limitations specified under Section 72-7-404 without obtaining an
9709 overweight permit under Section 72-7-406.
9710 (b) Subsection (3)(a) is an exception to Sections 72-7-404 and 72-7-406.
9711 Section 419. Section **72-9-502** is amended to read:
9712 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**
9713 **Rulemaking -- By-pass permits.**
9714 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
9715 vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in
9716 Section [~~4-24-2~~] 4-24-102 shall stop at a port-of-entry as required under this section.
9717 (2) The department may erect and maintain signs directing motor vehicles to a
9718 port-of-entry as provided in this section.
9719 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt
9720 from this section if:
9721 (a) the total one-way trip distance for the motor vehicle would be increased by more
9722 than 5% or three miles, whichever is greater if diverted to a port-of-entry; or
9723 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit
9724 issued under Subsection (4).
9725 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
9726 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit
9727 exempting a motor vehicle from the provisions of Subsection (1) if the department determines
9728 that the permit is needed to accommodate highway transportation needs due to multiple daily or

9729 weekly trips in the proximity of a port-of-entry.
9730 (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a
9731 motor carrier for multiple motor vehicles.
9732 Section 420. Section **73-20-2** is amended to read:
9733 **73-20-2. Definitions.**
9734 As used in this [~~act~~] chapter:
9735 (1) "Advisory board" means the Agricultural Advisory Board created by Section
9736 [~~4-2-7~~] 4-2-108.
9737 [~~(5)~~] (2) "Basic livestock" means a herd of cattle, sheep, or swine kept and maintained
9738 primarily for breeding purposes.
9739 [~~(2)~~] (3) "Board" means the Board of Water Resources created by Section 73-10-1.5.
9740 [~~(3)~~] (4) "Commercial farm" means a tract or tracts of land with or without
9741 improvements recognized as a farm or ranch in this state which is owned and operated or
9742 leased and operated by the applicant, and used in the production and raising of basic livestock.
9743 [~~(4)~~] (5) "Farmer" means any person who owns and operates or leases and operates a
9744 commercial farm in this state, and includes individuals, partnerships and corporations.
9745 Section 421. Section **76-6-111** is amended to read:
9746 **76-6-111. Wanton destruction of livestock -- Penalties -- Restitution criteria --**
9747 **Seizure and disposition of property.**
9748 (1) As used in this section:
9749 (a) "Law enforcement officer" means the same as that term is defined in Section
9750 53-13-103.
9751 (b) "Livestock" means a domestic animal or fur bearer raised or kept for profit,
9752 including:
9753 (i) cattle;
9754 (ii) sheep;
9755 (iii) goats;
9756 (iv) swine;
9757 (v) horses;
9758 (vi) mules;
9759 (vii) poultry; and

9760 (viii) domesticated elk as defined in Section 4-39-102.
9761 (2) Unless authorized by Section [~~4-25-4, 4-25-5, 4-25-14,~~] 4-25-201, 4-25-202,
9762 4-25-402, 4-39-401, or 18-1-3, a person is guilty of wanton destruction of livestock if that
9763 person:
9764 (a) injures, physically alters, releases, or causes the death of livestock; and
9765 (b) does so:
9766 (i) intentionally or knowingly; and
9767 (ii) without the permission of the owner of the livestock.
9768 (3) Wanton destruction of livestock is punishable as a:
9769 (a) class B misdemeanor if the aggregate value of the livestock is $500 or less;
9770 (b) class A misdemeanor if the aggregate value of the livestock is more than $500, but
9771 does not exceed $1,500;
9772 (c) third degree felony if the aggregate value of the livestock is more than $1,500, but
9773 does not exceed $5,000; and
9774 (d) second degree felony if the aggregate value of the livestock is more than $5,000.
9775 (4) When a court orders a person who is convicted of wanton destruction of livestock
9776 to pay restitution under Title 77, Chapter 38a, Crime Victims Restitution Act, the court shall
9777 consider, in addition to the restitution criteria in Section 77-38a-302, the restitution guidelines
9778 in Subsection (5) when setting the amount.
9779 (5) The minimum restitution value for cattle and sheep is the sum of the following,
9780 unless the court states on the record why it finds the sum to be inappropriate:
9781 (a) the fair market value of the animal, using as a guide the market information
9782 obtained from the Department of Agriculture and Food created under Section [~~4-2-1~~] 4-2-102;
9783 and
9784 (b) 10 years times the average annual value of offspring, for which average annual
9785 value is determined using data obtained from the National Agricultural Statistics Service within
9786 the United States Department of Agriculture, for the most recent 10-year period available.
9787 (6) A material, device, or vehicle used in violation of Subsection (2) is subject to
9788 forfeiture under the procedures and substantive protections established in Title 24, Forfeiture
9789 and Disposition of Property Act.
9790 (7) A peace officer may seize a material, device, or vehicle used in violation of

9791 Subsection (2):
9792 (a) upon notice and service of process issued by a court having jurisdiction over the
9793 property; or
9794 (b) without notice and service of process if:
9795 (i) the seizure is incident to an arrest under:
9796 (A) a search warrant; or
9797 (B) an inspection under an administrative inspection warrant;
9798 (ii) the material, device, or vehicle has been the subject of a prior judgment in favor of
9799 the state in a criminal injunction or forfeiture proceeding under this section; or
9800 (iii) the peace officer has probable cause to believe that the property has been used in
9801 violation of Subsection (2).
9802 (8) (a) A material, device, or vehicle seized under this section is not repleviable but is
9803 in custody of the law enforcement agency making the seizure, subject only to the orders and
9804 decrees of a court or official having jurisdiction.
9805 (b) A peace officer who seizes a material, device, or vehicle under this section may:
9806 (i) place the property under seal;
9807 (ii) remove the property to a place designated by the warrant under which it was seized;
9808 or
9809 (iii) take custody of the property and remove it to an appropriate location for
9810 disposition in accordance with law.
9811 Section 422. Section **78B-4-202** is amended to read:
9812 **78B-4-202. Equine and livestock activity liability limitations.**
9813 (1) It shall be presumed that participants in equine or livestock activities are aware of
9814 and understand that there are inherent risks associated with these activities.
9815 (2) An equine activity sponsor, equine professional, livestock activity sponsor, or
9816 livestock professional is not liable for an injury to or the death of a participant due to the
9817 inherent risks associated with these activities, unless the sponsor or professional:
9818 (a) (i) provided the equipment or tack;
9819 (ii) the equipment or tack caused the injury; and
9820 (iii) the equipment failure was due to the sponsor's or professional's negligence;
9821 (b) failed to make reasonable efforts to determine whether the equine or livestock

9822 could behave in a manner consistent with the activity with the participant;
9823 (c) owns, leases, rents, or is in legal possession and control of land or facilities upon
9824 which the participant sustained injuries because of a dangerous condition which was known to
9825 or should have been known to the sponsor or professional and for which warning signs have
9826 not been conspicuously posted;
9827 (d) (i) commits an act or omission that constitutes negligence, gross negligence, or
9828 willful or wanton disregard for the safety of the participant; and
9829 (ii) that act or omission causes the injury; or
9830 (e) intentionally injures or causes the injury to the participant.
9831 (3) This chapter does not prevent or limit the liability of an equine activity sponsor, an
9832 equine professional, a livestock activity sponsor, or a livestock professional who is:
9833 (a) a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act, in an
9834 action to recover for damages incurred in the course of providing professional treatment of an
9835 equine;
9836 (b) liable under Title 4, Chapter 25, [~~Estraying and Trespassing Animals~~] Estrays; or
9837 (c) liable under Title 78B, Chapter 6, Part 7, Utah Product Liability Act.
9838 Section 423. **Repealer.**
9839 This bill repeals:
9840 Section **4-11-15**, **Wax-salvage operations -- County bee inspector to supervise**
9841 **compliance with rules -- Salvage procedures specified.**
9842 Section **4-18-109**, **Public lands wildfire study and analysis -- Report.**
9843 Section **4-25-10**, **Bulls -- Number required on range during breeding season.**
9844 Section **4-25-11**, **Determination and enforcement of bull running policy by range**
9845 **association.**
9846 Section **4-31-117**, **State chemist -- Assistance in diagnosis of disease.**
9847 Section **4-36-1**, **Compact enacted and entered into.**
9848 Section **4-36-2**, **Cooperation with Pest Control Insurance Fund.**
9849 Section **4-36-3**, **Filing of compact.**
9850 Section **4-36-4**, **Compact administrator.**
9851 Section **4-36-5**, **Applications for assistance.**
9852 Section **4-36-6**, **Disposition of money from compact insurance fund.**

9853 Section 4-36-7, **Executive head defined.**
9854 Section 424. **Effective date.**
9855 This bill takes effect on July 1, 2018.
9856 Section 425. **Coordinating H.B. 344 with H.B. 58 -- Substantive and technical**
9857 **amendments.**
9858 If this H.B. 344 and H.B. 58, Direct Food Sales Amendments, both pass and become
9859 law, it is the intent of the Legislature that the Office of Legislative Research and General
9860 Counsel, in preparing the Utah Code database for publication on July 1, 2018, by merging all
9861 of the changes from Section 4-5-9.5 in H.B. 58 into the newly renumbered Section 4-5-501 in
9862 H.B. 344.
9863 Section 426. **Coordinating H.B. 344 with H.B. 182 -- Substantive and technical**
9864 **amendments.**
9865 If this H.B. 344 and H.B. 182, Labeling Requirements for Types of Retail Goods, both
9866 pass and become law, it is the intent of the Legislature that the Office of Legislative Research
9867 and General Counsel, in preparing the Utah Code database for publication on July 1, 2018 by:
9868 (1) merging all of the changes from Section 4-10-9 in H.B. 182 into the newly
9869 renumbered Section 4-10-110; and
9870 (2) modifying the cross-reference in Subsection 4-10-9(2) from "4-10-7" to "4-10-107."
9871 Section 427. **Coordinating H.B. 344 with H.B. 280 -- Substantive and technical**
9872 **amendments.**
9873 If this H.B. 344 and H.B. 280, Agriculture Regulation Preemption Amendments, both
9874 pass and become law, it is the intent of the Legislature that the Office of Legislative Research
9875 and General Counsel, in preparing the Utah Code database for publication on July 1, 2018,
9876 renumber Section 4-2-16 in H.B. 280 to Section 4-2-305.
9877 Section 428. **Coordinating H.B. 344 with H.B. 269 -- Substantive and technical**
9878 **amendments.**
9879 If this H.B. 344 and H.B. 269, Conservation Commission Board Amendments, both
9880 pass and become law, it is the intent of the Legislature that the Office of Legislative Research
9881 and General Counsel, in preparing the Utah Code database for publication on July 1, 2018, that
9882 the changes to Section 4-18-104 in H.B. 269 supersede the changes to Section 4-18-104 in this
9883 H.B. 344.