

**LIVESTOCK BRAND AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill amends provisions of the Utah Livestock Brand and Anti-Theft Act.

**Highlighted Provisions:**

This bill:

- defines terms;
- adds a representative from the custom slaughterhouse industry to the Livestock Brand Board;
- allows the Department of Agriculture and Food to authorize brand inspectors to issue citations for specific violations of the Utah Agricultural Code;
- removes law enforcement authority from brand inspectors; and
- requires a sheriff or other law enforcement officer to provide law enforcement assistance to a brand inspector in certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-24-102**, as last amended by Laws of Utah 2021, Chapter 295

**4-24-104**, as last amended by Laws of Utah 2018, Chapter 355

**4-24-504**, as last amended by Laws of Utah 2021, Chapter 295

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **4-24-102** is amended to read:

**4-24-102. Definitions.**

As used in this chapter:

- (1) "Brand" means an identifiable mark, including a tattoo or cutting and shaping of the

ears or brisket area, applied to livestock that is intended to show ownership and the mark's location.

(2) "Carcass" means any part of the body of an animal, including entrails and edible meats.

(3) "Domesticated elk" means the same as that term is defined in Section 4-39-102.

(4) "Hide" means any skins or wool removed from livestock.

(5) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

~~[(5)]~~ (6) "Livestock" means cattle, calves, horses, mules, sheep, goats, or hogs.

~~[(6)]~~ (7) (a) "Livestock market" means a public market place consisting of pens or other enclosures where cattle, calves, horses, or mules are received on consignment and kept for subsequent sale, either through public auction or private sale.

(b) "Livestock market" does not mean:

(i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock breeder, or feeder who is going out of business; or

(ii) a place where an association of livestock breeders under the association's own management:

(A) offers registered livestock or breeding sires for sale;

(B) assumes the responsibility for the sale;

(C) guarantees title to the livestock or sires sold; and

(D) arranges with the department for brand inspection of the animals sold.

~~[(7)]~~ (8) "Open range" means land upon which cattle, sheep, or other domestic animals are grazed or permitted to roam by custom, license, lease, or permit.

~~[(8)]~~ (9) "Slaughterhouse" means a building, plant, or establishment where animals are harvested, dressed, or processed and the animals' meat or meat products produced for human consumption.

Section 2. Section **4-24-104** is amended to read:

**4-24-104. Livestock Brand Board created -- Composition -- Terms -- Removal -- Quorum for transaction of business -- Compensation -- Duties.**

(1) There is created the Livestock Brand Board consisting of ~~[seven]~~ eight members appointed by the governor as follows:

- (a) one feeder operator recommended by the Utah Cattlemen's Association;
- (b) three cattle ranchers, one from each of the state's brand districts;
- (c) one dairyman recommended by the Utah Dairymen's Association;
- (d) one livestock market operator recommended jointly by the Utah Cattlemen's Association and the Utah Dairymen's Association; ~~and~~

- (e) one horse breeder recommended by the Utah Horse Council[-]; and
- (f) one representative from the custom slaughterhouse industry.

(2) If a nominee is rejected by the governor, the recommending association shall submit another nominee.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) (a) A member may, at the discretion of the governor, be removed at the request of the association that recommended the appointment.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) (a) One member elected by the board shall serve as chair for a term of one year and be responsible for the call and conduct of meetings of the Livestock Brand Board.

(b) Attendance of a simple majority of the members at a duly called meeting shall constitute a quorum for the transaction of official business.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The Livestock Brand Board with the cooperation of the department shall direct the

procedures and policies to be followed in administering and enforcing this chapter.

Section 3. Section **4-24-504** is amended to read:

**4-24-504. Enforcement -- Brand inspector's authority delineated -- Duty of sheriff or other law enforcement officer.**

(1) In accordance with the provisions of this title, a brand inspector has the authority to:

(a) verify livestock ownership by conducting a brand inspection during daylight hours;

(b) demand evidence of ownership before issuing a brand inspection certificate;

(c) issue a brand inspection certificate;

(d) decline to issue a brand inspection certificate until an ownership dispute is resolved;

(e) at the time of a brand inspection, collect:

(i) a beef promotion fee as described in Section 4-21-201;

(ii) a predator control fee as described in Section 4-23-107;

(iii) a brand inspection fee as described in Section 4-24-308; or

(iv) other fees as authorized by the department pursuant to Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act;

(f) assist a county that requests help to determine the name and location of an owner or other person responsible for an estray; and

(g) if authorized by the department, issue a citation for a violation of specific provisions of this title.

(2) (a) A citation issued by a brand inspector shall:

(i) describe each violation identified by the brand inspector; and

(ii) state a reasonable deadline by which the person is required to cure the violation.

(b) If a person who receives a citation from a brand inspector does not cure a violation identified in the citation before the deadline stated in the citation, the department may pursue the statutory remedies available to the department for the violation.

~~[(1)]~~ (3) (a) A brand inspector [has the authority of a special function officer for the purpose of enforcing this chapter and the brand inspector may, if proper,] may request that a sheriff or other law enforcement officer stop a vehicle carrying livestock or livestock carcasses for the purpose of [examining] allowing the brand inspector to examine brands, certificates of

126 brand inspection, and bills of lading or bills of sale relating to the livestock in transit.

127 (b) If proper and upon the request of a brand inspector, a sheriff or other law  
128 enforcement officer shall stop a vehicle carrying livestock or livestock carcasses for the  
129 purpose of allowing the brand inspector to examine brands, certificates of brand inspection,  
130 and bills of lading or bills of sale relating to the livestock in transit.

131 ~~[(2)]~~ (4) (a) [A] With the permission of the property owner, a brand inspector may enter  
132 premises where livestock are kept or maintained for the purpose of examining brands.

133 (b) Upon the request of a brand inspector, a sheriff or other law enforcement officer  
134 shall accompany a brand inspector to enter premises where livestock are kept or maintained for  
135 the purpose of examining brands.

136 ~~[(b)]~~ (c) If admittance is refused, the ~~[department]~~ sheriff or law enforcement officer  
137 may proceed immediately to obtain an ex parte warrant from the nearest court of competent  
138 jurisdiction to allow entry upon the premises for the purpose of examining brands or other  
139 evidence of ownership.