

Rex P. Shipp proposes the following substitute bill:

Agriculture and Food Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill addresses provisions related to the regulation of animals by the Department of Agriculture and Food.

Highlighted Provisions:

This bill:

- defines and modifies terms;
- clarifies fee and rulemaking authority for the Department of Agriculture and Food (department) regarding the distribution, sale, and inspection of shell eggs;
- clarifies the requirements for small and large egg producers;
- provides that the department may issue an aerial hunting permit and aerial hunting license for the taking of a coyote from an aircraft;
- authorizes the Agricultural and Wildlife Damage Prevention Board (board) to make rules related to an aerial hunting permit and aerial hunting license;
- establishes that an aerial hunting permittee or licensee assumes all liability for an accident, injury, or damage arising from the aerial hunting activity;
- modifies how the department reviews the accounts of an organization that receives funds from the Agricultural and Wildlife Damage Prevention Account;
- grants authority to the board to set an annual predator control fee on certain sheep, goats, cattle, and turkey;
- modifies criminal penalties related to feral swine;
- provides for the seizure and forfeiture of a vehicle used in the commission of a crime related to feral swine; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**32 **AMENDS:**33 **4-4-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 52834 **4-4-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 9035 **4-4-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 9036 **4-4-105 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

37 Chapter 345

38 **4-4-107 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 9039 **4-4-108 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 9040 **4-23-103 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

41 Chapter 345

42 **4-23-105 (Effective 05/06/26) (Repealed 07/01/34)**, as renumbered and amended by

43 Laws of Utah 2017, Chapter 345

44 **4-23-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 3445 **4-23-107 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 9146 **4-23-109 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

47 Chapter 345

48 **4-23-111 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 43349 **4-25-102 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

50 Chapter 345

51 **4-25-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

52 Chapter 345

53 **4-25-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

54 Chapter 345

55 **4-25-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 17356 **63I-1-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 94, 28657 **REPEALS:**58 **4-4-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

59 Chapter 345

60 **4-23-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,

61 Chapter 345

62 **4-25-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345

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

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

4-4-102 (Effective 05/06/26). Fee and rulemaking authority.

~~[(1) The department may establish grades and standards of quality, size, and weight governing the sale of eggs.]~~

~~[(2) The department shall, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make and enforce rules that are necessary to administer and enforce this chapter.]~~

(1) Except as provided in Subsection 4-4-108(11), the department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to administer and enforce this chapter.

(2) In accordance with Title 63J, Chapter 1, Budgetary Procedures Act, the department may collect fees for the administration and enforcement of this chapter.

Section 2. Section **4-4-103** is amended to read:

4-4-103 (Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Addled" or "white rot" means putrid or rotten.

(2) "Adherent yolk" means the yolk of an egg has settled to one side and become fastened to the shell.

(3) "Albumen" means the white of an egg.

(4) "Black rot" means ~~[the]~~ an egg that has deteriorated to such an extent that the whole interior presents a blackened appearance.

(5) "Black spot" means mold or bacteria have developed in isolated areas inside the shell of an egg.

(6) "Blood ring" means bacteria have developed to such an extent inside of an egg that blood is formed.

~~[(7) "Candling" means the act of determining the condition of an egg by holding it before a strong light in such a way that the light shines through the egg and reveals the egg's contents.]~~

~~[(8)]~~ (7) "End consumer" means a household consumer~~[- restaurant, institution,]~~ or any other person who has purchased or received shell eggs for consumption.

(8) "Large producer" means a producer of shell eggs that:

(a) has 3,000 or more layers; and

97 (b) is subject to:

98 (i) 21 C.F.R. Chapter 1, Part 118, Production, Storage, and Transportation of Shell
 99 Eggs; and

100 (ii) 21 U.S.C. Chapter 15, Egg Products Inspection.

101 (9) "Retailer" means a restaurant or retail grocery store in the state.

102 [~~(9)~~] (10) "Moldy" means mold spores have formed within the shell of an egg.

103 [~~(10)~~] (11) "Shell egg" means an egg in the shell as distinguished from a dried or powdered
 104 egg.

105 [~~(11)~~] (12) "Small producer" means a producer of shell eggs that:

106 (a) [~~having~~] has less than 3,000 layers; and

107 (b) [~~who~~] is exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and
 108 Transportation of Shell Eggs.

109 [~~(12)~~] (13) "Wholesale" means, with respect to the sale of [an egg] a shell egg by an egg
 110 producer, the transfer for sale or sale of an egg to a person other than the end consumer,
 111 including a retailer or an industrial or business purchaser.

112 Section 3. Section **4-4-104** is amended to read:

113 **4-4-104 (Effective 05/06/26). License required to distribute eggs -- Unlawful acts**
 114 **specified.**

115 [~~(1)~~] It is unlawful for any person to sell, offer, or expose for sale for human consumption
 116 any egg:]

117 [(a) ~~that is addled or moldy or that contains black spot, black rot, white rot, blood ring,~~
 118 ~~adherent yolk, or a bloody or green albumen; or]~~

119 [(b) ~~without a sign or label that conforms to the standards for display and grade adopted~~
 120 ~~by the department.]~~

121 [(2) ~~For the purpose of bulk wholesale, it is unlawful for a small producer to commingle or~~
 122 ~~combine eggs from a source other than the small producer's operation.]~~

123 (1) A person may not distribute shell eggs in the state unless the person:

124 (a) obtains a license from the department; or

125 (b) is a small producer.

126 (2) A person may not sell, offer for sale, or expose for sale for human consumption any
 127 shell egg that is addled or moldy, or that contains black spot, black rot, white rot, blood
 128 ring, adherent yolk, or a bloody or green albumen.

129 (3) Nothing in this [section] chapter prohibits the sale of a denatured egg.

130 Section 4. Section **4-4-105** is amended to read:

131 **4-4-105 (Effective 05/06/26). Exemptions from regulation.**

- 132 (1) Except as provided in this chapter, a small producer and the shell eggs produced by a
 133 small producer are exempt from:
 134 (a) regulation by the department; and
 135 (b) the restricted egg tolerances for United States Consumer Grade B Quality as
 136 specified in the United States Standards, Grades, and Weight Classes for Shell Eggs,
 137 Agricultural Marketing Service Secs. 56.200 through 56.203.
- 138 (2) Nothing in this section:
 139 (a) affects the authority of the Department of Health and Human Services or the
 140 department to certify, license, regulate, or inspect food or food products that are not
 141 exempt from certification, licensing regulation, or inspection under this section; or
 142 (b) prohibits the Department of Health and Human Services from investigating
 143 foodborne illness.
- 144 (3) The Department of Health and Human Services, or a local health department, may not
 145 prevent the sale of shell eggs from a small producer to an end consumer unless the
 146 Department of Health and Human Services, or the county health department, establishes
 147 that the shell eggs:
 148 (a) are addled or moldy; or
 149 (b) contain:
 150 (i) black spot;
 151 (ii) black rot;
 152 (iii) white rot;
 153 (iv) blood ring;
 154 (v) adherent yolk; or
 155 (vi) a bloody or green albumen.

156 [~~(1) A person who sells, offers, or exposes eggs for sale or exchange shall maintain~~
 157 ~~candling records as prescribed by the department.]~~

158 [~~(2) All candling records shall be open for examination by accredited inspectors or~~
 159 ~~representatives of the department at reasonable times.]~~

160 Section 5. Section **4-4-107** is amended to read:

161 **4-4-107 (Effective 05/06/26). Requirements for large producers -- Inspection of**
 162 **records.**

163 [~~(1) Except as provided in this section, a small producer and the shell eggs produced by a~~
 164 ~~small producer are exempt from regulation by the department.]~~

- 165 [~~(2) The Department of Health and Human Services has the authority to investigate~~
166 ~~foodborne illness.]~~
- 167 [~~(3) The department may assist, consult, or inspect shell eggs and a small producer's~~
168 ~~operation when requested by a small producer.]~~
- 169 [~~(4) Nothing in this section affects the authority of the Department of Health and Human~~
170 ~~Services or the department to certify, license, regulate, or inspect food or food products~~
171 ~~that are not exempt from certification, licensing regulation, or inspection under this~~
172 ~~section.]~~
- 173 [~~(5) The Department of Health and Human Services, or a local health department, may not~~
174 ~~prevent the sale of shell eggs from a small producer to an end consumer unless the~~
175 ~~Department of Health and Human Services, or the county health department, establishes~~
176 ~~that the shell eggs:~~
- 177 [~~(a) are addled or moldy; or~~
- 178 [~~(b) contain:~~
- 179 [~~(i) black spot;~~
- 180 [~~(ii) black rot;~~
- 181 [~~(iii) white rot;~~
- 182 [~~(iv) blood ring;~~
- 183 [~~(v) adherent yolk; or~~
- 184 [~~(vi) a bloody or green albumen.]~~
- 185 [~~(6) A small producer that sells eggs wholesale shall notify the department about the small~~
186 ~~egg producer's operation, including:~~
- 187 [~~(a) the operator's name;~~
- 188 [~~(b) the operator's contact information;~~
- 189 [~~(c) the species of egg products offered for sale; and~~
- 190 [~~(d) other information required by department rule regarding notification.]~~
- 191 [~~(7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah~~
192 ~~Administrative Rulemaking Act, to:~~
- 193 [~~(a) govern the temperature, cleaning, and sanitization of shell eggs under this chapter~~
194 ~~that are sold by a small producer to a restaurant or wholesale;]~~
- 195 [~~(b) establish notification requirements in accordance with Subsection (6); and~~
- 196 [~~(c) establish inspection requirements for small producers that request an inspection~~
197 ~~under Subsection (3).]~~
- 198 [~~(8) Eggs sold by a small producer in accordance with this chapter are exempt from the~~

199 restricted egg tolerances for United States Consumer Grade B as specified in the United
 200 States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq.,
 201 administered by the Agricultural Marketing Service of United States Agriculture
 202 Department.]

203 (1) A large producer shall:

204 (a) register with the department as a food establishment in accordance with Section
 205 4-5-301; and

206 (b) submit to periodical inspections of the large producer's hen housing, operations,
 207 transport vehicles, and records.

208 (2) A large producer that transports, ships, or receives shell eggs in commerce shall:

209 (a) maintain records, for a period of at least two years, for the receipt and disposition of
 210 all shell eggs; and

211 (b) permit the department to access and review the large producer's records at reasonable
 212 times.

213 Section 6. Section **4-4-108** is amended to read:

214 **4-4-108 (Effective 05/06/26). Requirements for small producers -- Rulemaking.**

215 (1) A small producer that sells shell eggs retail or wholesale shall notify the department of
 216 the small egg producer's operation, including:

217 (a) the small producer's name;

218 (b) the small producer's contact information;

219 (c) the species of egg products offered for sale; and

220 (d) other information required by department rule regarding notification.

221 [(+)] (2) A small producer shall package the small producer's shell eggs in clean packaging
 222 that bears a label with the following information:

223 (a) the common name of the food, "eggs";

224 (b) the quantity or number of eggs;

225 (c) the name and address of the small producer;

226 (d) the statement "Keep Refrigerated"; and

227 (e) the statement "SAFE HANDLING INSTRUCTIONS: To prevent illness from
 228 bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods
 229 containing eggs thoroughly."

230 [(2)] (3)(a) A small producer shall label the small producer's shell eggs that are sold in a
 231 grocery store with a statement that the shell eggs:

232 (i) are exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and

- 233 Transportation of Shell Eggs; and
- 234 (ii) are not from an inspected source.
- 235 (b) The requirements described in Subsection [~~(2)(a)~~] (3)(a) are in addition to the
- 236 labeling requirements described in Subsection [~~(1)~~] (2).
- 237 (4) If the shell eggs of a small producer are ungraded and not weighed, the packaging for
- 238 the shell eggs may not be labeled with a grade or size.
- 239 (5) Any shell egg produced by a small egg producer and sold in a grocery store shall be
- 240 displayed separately in the grocery store from shell eggs not from a small producer.
- 241 (6) For the wholesale of shell eggs, a small producer may not commingle or combine shell
- 242 eggs from a source other than the small producer's operation.
- 243 (7) A small producer may not sell a shell egg outside of the state.
- 244 ~~[(3)]~~ (8)(a) A small producer may state a "pull date" or "best by" date.
- 245 (b) The "pull date" or "best by" date may be hand written on the end of the packaging or
- 246 in a conspicuous location that is clearly discernible.
- 247 (c) A "pull date" or "best by" date shall first show the month then the day of the month.
- 248 (d) A recommended "pull date" or "best by" date is 30 days after production, but the date
- 249 may not exceed 45 days after production.
- 250 ~~[(4) If the eggs of a small producer are ungraded and not weighed, the packaging for the~~
- 251 ~~eggs may not be labeled with a grade or size.]~~
- 252 ~~[(5) Any egg produced by a small egg producer and sold in a grocery store shall be~~
- 253 ~~displayed separately in the grocery store from eggs not from a small producer.]~~
- 254 (9) The department may assist, consult, or inspect shell eggs and a small producer's
- 255 operation if a small producer requests assistance, consultation, or inspection by the
- 256 department.
- 257 (10) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
- 258 Administrative Rulemaking Act, to:
- 259 (a) govern the temperature, cleaning, and sanitization of shell eggs under this chapter
- 260 that are sold by a small producer in retail or wholesale;
- 261 (b) establish notification requirements in accordance with Subsection (1); and
- 262 (c) establish inspection requirements for a small producer that requests an inspection
- 263 under Subsection (9).
- 264 (11) Notwithstanding Subsection 4-4-102(1), the department may not make rules regarding
- 265 small producers except as authorized under Subsection (10).
- 266 Section 7. Section **4-23-103** is amended to read:

267 **4-23-103 (Effective 05/06/26). Definitions.**

268 As used in this chapter:

269 [~~(1) "Agricultural crops" means any product of cultivation;~~]

270 (1) "Agricultural production" means the raising, cultivation, harvesting, or processing of
 271 livestock, poultry, or crops:

272 (a) for commercial purposes; and

273 (b) on land primarily dedicated to the raising, cultivation, harvesting, or processing of
 274 livestock, poultry, or crops.

275 (2) "Board" means the Agricultural and Wildlife Damage Prevention Board[;] .

276 (3) "Bounty" means the monetary compensation paid to [persons] a person for the harvest of [
 277 predatory or depredating animals;] a depredating animal.

278 (4) "Damage" means any injury or loss to [~~livestock, poultry, agricultural crops;~~]
 279 agricultural production or wildlife inflicted by [~~predatory or depredating animals or~~
 280 depredating birds;] a depredating animal.

281 (5) "Depredating animal" means [~~a field mouse, gopher, ground squirrel, jack rabbit,~~
 282 ~~raccoon, or prairie dog;~~] an animal that causes damage to agricultural production or
 283 wildlife.

284 [~~(6) "Depredating bird" means a Brewer's blackbird or starling;~~]

285 [~~(7) "Livestock" means cattle, horses, mules, sheep, goats, and swine;~~]

286 [~~(8) "Predatory animal" means any coyote; and]~~

287 (6) "Take" means to:

288 (a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill; or

289 (b) attempt an action described in Subsection (6)(a).

290 [~~(9) (7) "Wildlife" means [any form of animal life generally living in a state of nature,~~
 291 ~~except a predatory animal or a depredating animal or bird.]~~ the same at that term is
 292 defined in Section 23A-1-101.

293 Section 8. Section **4-23-105** is amended to read:

294 **4-23-105 (Effective 05/06/26) (Repealed 07/01/34). Board responsibilities --**

295 **Damage prevention policy -- Rules -- Methods to control depredating animals.**

296 (1) The board is responsible for the formulation of the agricultural and wildlife damage
 297 prevention policy of the state and may, consistent with Title 63G, Chapter 3, Utah
 298 Administrative Rulemaking Act, [~~adopt~~] make rules to implement the agricultural and
 299 wildlife damage prevention policy which [~~shall be~~] is administered by the department.

300 (2) In the board's policy deliberations the board shall:

- 301 (a) specify programs designed to prevent damage to [~~livestock, poultry, and agricultural~~
302 ~~crops~~] agricultural production; and
- 303 (b) [~~specify~~] approve methods for the prevention of damage and [~~for the selective-~~
304 ~~control of [predators and depredating birds and animals including hunting, trapping,~~
305 ~~chemical toxicants, and the use of aircraft]~~ depredating animals.
- 306 (3) The board may [~~also~~]:
- 307 (a) specify bounties on [~~designated predatory animals and~~] species of depredating
308 animals, not including protected wildlife;
- 309 (b) recommend:
- 310 (i) procedures for the payment of bounty claims[~~;~~] ;
- 311 (ii) [~~recommend-~~]bounty districts[~~;~~] ;
- 312 (iii) [~~recommend-~~]persons not authorized to receive bounty[~~;~~] ; and
- 313 (iv) [~~recommend-~~]to the department other actions the board considers advisable for
314 the enforcement of the board's policies; and
- 315 [~~(b)~~] (c) cooperate with federal, state, and local governments, educational institutions,
316 and private persons or organizations, through agreement or otherwise, to effectuate
317 the board's policies.

318 Section 9. Section **4-23-106** is amended to read:

319 **4-23-106 (Effective 05/06/26). Department to issue licenses and permits --**

320 **License and permit fees -- Aerial hunting -- Rulemaking.**

- 321 [(1) The department is responsible for the issuance of permits and licenses for the purposes
322 of the federal Fish and Wildlife Act of 1956.]
- 323 [(2) A private person may not use an aircraft for the prevention of damage without first
324 obtaining a use permit from the department.]
- 325 [(3) The department may issue an annual permit for aerial hunting to a private person for
326 the protection of land, water, wildlife, livestock, domesticated animals, human life, or
327 crops, if the person shows that the person or the person's designated pilot, along with the
328 aircraft to be used in the aerial hunting, are licensed and qualified in accordance with the
329 requirements of the department set by rule.]
- 330 [(4) The department may predicate the issuance or retention of a permit for aerial hunting
331 upon the permittee's full and prompt disclosure of information as the department may
332 request for submission pursuant to rules made by the department.]
- 333 (1) The department may issue an aerial hunting permit to a landowner and an aerial hunting
334 license to a pilot for the taking of a coyote from an aircraft to prevent damage to

335 agricultural production, in accordance with the Airborne Hunting Act, 16 U.S.C. Sec.
 336 742j-1.

337 [(5)] (2) The department shall collect an annual fee, set in accordance with Section
 338 63J-1-504, ~~[from a person who has an aircraft for which a permit is issued or renewed~~
 339 ~~under this section]~~ for an aerial hunting permit and aerial hunting license described in
 340 Subsection (1).

341 [(6)] (3) Aerial hunting activity under [a] an aerial hunting permit issued by the department
 342 is restricted to taking a coyote:

343 (a)(i) on private lands that are owned or managed by the permittee;

344 (ii) on state grazing allotments where the permittee is permitted by the state or the [
 345 State] School and Institutional Trust Lands Administration to graze livestock; or

346 (iii) on federal grazing allotments where the permittee is permitted by the United
 347 States Bureau of Land Management or United States Forest Service to graze
 348 livestock; and

349 (b) only during the time period for which the private land owner has provided written
 350 permission for the aerial hunting.

351 [(7)] (4) The ~~[department]~~ board shall make rules, in accordance with Title 63G, Chapter 3,
 352 Utah Administrative Rulemaking Act, that are necessary to carry out the purpose of this
 353 section[-] and establish:

354 (a) qualifications for a pilot to obtain an aerial hunting license;

355 (b) requirements for an aircraft used in aerial hunting; and

356 (c) any reporting information required from a permittee or licensee.

357 (5) As a condition to obtaining a permit or license under this section, a permittee or licensee
 358 shall assume all liability for an accident, injury, or damage arising from the permittee's
 359 or licensee's aerial hunting activity.

360 [(8)] (6) ~~[The issuance of an aerial hunting]~~ A permit or license issued under this section
 361 does not authorize the [holder] permittee or licensee to use aircraft to [hunt, pursue,
 362 shoot, wound, kill, trap, capture, or collect protected wildlife, as defined in Section
 363 23A-1-101] take or locate wildlife other than a coyote, unless [also-]authorized by the
 364 Division of Wildlife Resources under Section 23A-5-315.

365 (7) The department may suspend or revoke a permit or license issued under this section if
 366 the department determines that the permittee or licensee:

367 (a) provided false information in submitting an application for a permit or license;

368 (b) violated a requirement of this chapter or rules adopted by the board; or

369 (c) engaged in willful conduct that is detrimental to the interests of agricultural
370 production.

371 Section 10. Section **4-23-107** is amended to read:

372 **4-23-107 (Effective 05/06/26). Annual fees on sheep, goats, cattle, and turkeys --**
373 **Fee determined by board -- Collection methods.**

374 [(1) ~~To assist the department in meeting the annual expense of administering this chapter, the~~
375 ~~following annual predator control fees are imposed upon animals owned by persons whose~~
376 ~~interests this chapter is designed to protect: Sheep and goats (except on farm dairy~~
377 ~~goats or feeder lambs).....~~

at least \$.70 but

378 ~~more than \$1 per head~~

380 Cattle (except on farm dairy cattle).....

at least \$.15 but

381 ~~more than \$.50 per head~~

383 Turkeys (breeding stock only).....

at least \$.05 but

384 ~~more than \$.10 per head]~~

386 (1) The department shall impose an annual predator control fee on the following animals to
387 assist the department in covering the annual cost of administering the provisions of this
388 chapter:

389 (a) sheep and goats, excluding on farm dairy goats or feeder lambs;

390 (b) cattle, excluding on farm dairy cattle; and

391 (c) turkeys used for breeding stock.

392 (2) The amount of the fees imposed upon each category of animals specified in this section [
393 ~~shall be] is:~~

394 (a) determined by the board annually on or before July 1 of each year[-] ; and

395 (b) included in the annual fee schedule submitted to the Legislature in accordance with
396 Section 63J-1-504.

397 (3)(a) Fee brand inspected cattle are subject to a predator control fee upon change of
398 ownership or slaughter.

399 (b) The fee shall be collected by the local brand inspector at the time of the inspection of
400 cattle, or withheld and paid by the market from proceeds derived from the sale of the
401 cattle.

402 (c) Cattle that are fee brand inspected prior to confinement to a feedlot are not subject to

- 403 any subsequent predator control fee.
- 404 (4)(a) Fleece of sheared sheep is subject to a predator control fee upon sale of the fleece.
- 405 (b)(i) The fee shall be withheld and paid by the marketing agency or purchaser of
- 406 wool from proceeds derived from the sale of the fleece.
- 407 (ii) The department shall enter into cooperative agreements with in-state and
- 408 out-of-state wool warehouses and wool processing facilities for the collection of
- 409 predator control fees on the fleece of sheep that graze on private or public range in
- 410 the state.
- 411 (c) The fee shall be based on the number of pounds of wool divided by 10 pounds for
- 412 white face sheep and five pounds for black face sheep.
- 413 (5) Predator control fees on turkey breeding stock shall be paid by the turkey cooperative.
- 414 (6)(a) Livestock owners shall pay a predator control fee on any livestock that uses public
- 415 or private range in the state that is not otherwise subject to the fee under Subsection
- 416 (3) or (4).
- 417 (b) By September 1 of each year, the commissioner shall mail to each owner of livestock
- 418 specified in Subsection (6)(a) a reporting form requiring sufficient information on the
- 419 type and number of livestock grazed in the state and indicating the fee imposed for
- 420 each category of livestock.
- 421 (c) An owner shall file the completed form and the appropriate fee with the
- 422 commissioner before December 31 of each year.
- 423 (d) If any person who receives the reporting form fails to return the completed form and
- 424 the imposed fee as required, the commissioner is authorized to commence suit
- 425 through the office of the attorney general, in a court with jurisdiction, to collect the
- 426 imposed fee, the amount of which shall be as determined by the commissioner.
- 427 (7) A fee collected under this section shall be remitted to the department and deposited in
- 428 the Agricultural and Wildlife Damage Prevention Account.

429 Section 11. Section **4-23-109** is amended to read:

430 **4-23-109 (Effective 05/06/26). Proceeds of sheep fee -- Refund of sheep fees --**

431 **Annual review of books, records, and accounts.**

- 432 (1)(a) Subject to the other provisions of this Subsection (1), the commissioner may
- 433 spend an amount each year from the proceeds collected from the fee imposed on
- 434 sheep for the promotion, advancement, and protection of the sheep interests of the
- 435 state.
- 436 (b) The amount described in Subsection (1)(a) shall be the equivalent to an amount that:

- 437 (i) equals or exceeds 18 cents per head; and
 438 (ii) equals or is less than 25 cents per head.
 439 (c) The commissioner shall set the amount described in Subsection (1)(a):
 440 (i) on or before January 1 of each year; and
 441 (ii) in consultation with one or more statewide organizations that represent persons
 442 who grow wool.
 443 (d) A sheep fee is refundable in an amount equal to that part of the fee used to promote,
 444 advance, or protect sheep interests.
 445 (e) A refund claim shall be filed with the department on or before January 1 of the year
 446 immediately succeeding the year for which the fee was paid.
 447 (f) A refund claim shall be certified by the department to the state treasurer for payment
 448 from the Agricultural and Wildlife Damage Prevention Account created in Section
 449 4-23-108.

450 (2) Any expense incurred by the department in administering refunds shall be paid from
 451 funds allocated for the promotion, advancement, and protection of the sheep interests of
 452 the state.

453 (3) An accountant approved by the commissioner shall annually review the books, records,
 454 and accounts of any organization that receives funds from the Agricultural and Wildlife
 455 Damage Prevention Account, created in Section 4-23-108, for the purpose of promoting,
 456 advancing, or protecting the sheep interests of the state.

457 [~~(3)(a) The books, records, and accounts of the Utah Woolgrowers Association, or any~~
 458 ~~other organization which receives funds from the agricultural and wildlife damage~~
 459 ~~prevention account, for the purpose of promoting, advancing, or protecting the sheep~~
 460 ~~interests of the state, shall be audited at least once annually by a licensed accountant.]~~

461 [~~(b) The results of this audit shall be submitted to the commissioner.~~]

462 Section 12. Section **4-23-111** is amended to read:

463 **4-23-111 (Effective 05/06/26). Holding a raccoon or coyote in captivity**
 464 **prohibited -- Penalty.**

465 (1) [~~No individual may~~] An individual may not hold in captivity a raccoon or coyote, except
 466 as provided by rules of the Agricultural and Wildlife Damage Prevention Board.

467 (2) The department shall enforce this section in cooperation with:

468 (a) the Division of Law Enforcement created in Section 79-2-702; and

469 (b) the Department of Health and Human Services created in Section 26B-1-201.

470 [~~(2) The Division of Wildlife Resources, with the cooperation of the department and the~~

471 Department of Health, shall enforce this section.]

472 (3) [~~Any~~] A violation of this section is an infraction.

473 Section 13. Section **4-25-102** is amended to read:

474 **4-25-102 (Effective 05/06/26). Definitions.**

475 [~~For the purpose of~~] As used in this chapter:

476 [(1)(a) "Estray" means:]

477 [(i) an unbranded sheep, cow, horse, mule, or ass found running at large;]

478 [(ii) a branded sheep, cow, horse, mule, or ass found running at large whose owner
479 cannot be found after reasonable search; or]

480 [(iii) a swine found running at large whose owner cannot be found after reasonable
481 search.]

482 [(b) "Estray" does not mean any unweaned animal specified in this section that is
483 running with its mother.]

484 [(2) "Feral swine" means any species, or hybrid species:]

485 [(a) of the family Suidae, including the European boar, the Eurasian boar, the Russian
486 boar, a feral hog, or a domestic pig;]

487 [(b) that is not conspicuously identified by an ear tag or other form of visual
488 identification; and]

489 [(c) that is roaming freely upon public land or private land.]

490 (1)(a) "Estray" means livestock, as that term is defined in Section 4-7-103, found
491 running at large.

492 (b) "Estray" does not include an unweaned animal specified in this section that is
493 running with the unweaned animal's mother.

494 (2) "Feral swine" means an animal that is a member of the family:

495 (a) Tayassuidae, including Javalina and Peccary; or

496 (b) Suidae if:

497 (i) the animal exhibits the phenotypic characteristics of a Eurasian or Russian boar; or

498 (ii)(A) the animal roams freely upon public land or private land not belonging to
499 the animal's owner; and

500 (B) the animal's owner cannot be found after a reasonable search.

501 (3) "Peace officer" means an officer certified in accordance with Title 53, Chapter 13,
502 Peace Officer Classifications.

503 [(3)] (4) "Swine" means any domesticated species of the family Suidae that is [
504 conspicuously identified by an ear tag or other form of visible identification] raised for

505 an agricultural, commercial, or personal purpose.

506 Section 14. Section **4-25-301** is amended to read:

507 **4-25-301 (Effective 05/06/26). Unlawful actions -- Criminal penalty -- Civil**
508 **liability.**

509 (1) ~~[A person]~~ An individual is guilty of a class B misdemeanor if the ~~[person]~~ individual:

510 (a) is in control of a swine; and

511 (b) allows the swine to run at large.

512 (2) ~~[A person]~~ An individual described in Subsection (1) is liable for damage caused by the
513 swine running at large.

514 (3) Except as provided in Section 4-25-302, an individual is guilty of a third degree felony
515 if the individual:

516 (a) releases a swine on public or private property for hunting;

517 (b) releases a feral swine on public or private property for any purpose;

518 (c) hunts, traps, captures, kills, or attempts to hunt, trap, capture, or kill a feral swine; or

519 (d) imports, transports, or possesses a live feral swine in the state.

520 Section 15. Section **4-25-302** is amended to read:

521 **4-25-302 (Effective 05/06/26). Exclusive authority for removal of swine --**
522 **Exception.**

523 ~~[A person is guilty of a third degree felony if the person releases a:]~~

524 ~~[(1) swine on public or private property for hunting purposes; or]~~

525 ~~[(2) feral swine on public or private property for any purpose].~~

526 (1) Feral swine may be seized, captured, destroyed, or depopulated at any time, in any
527 place, and in any manner by:

528 (a) the department or an authorized agent of the department;

529 (b) the Department of Natural Resources or an authorized agent of the Department of
530 Natural Resources; and

531 (c) a peace officer.

532 (2) Notwithstanding Subsection 4-25-301(3), an individual may kill or destroy a feral swine
533 if the feral swine:

534 (a) presents an immediate threat of death or serious bodily injury to an individual; or

535 (b) is a threat of harm to private land or personal property.

536 Section 16. Section **4-25-303** is amended to read:

537 **4-25-303 (Effective 05/06/26). Vehicle forfeiture -- Public sale -- Notification**
538 **required.**

- 539 ~~[(1) Feral swine are detrimental to the state's interests in agriculture and wildlife.]~~
- 540 ~~[(2) Feral swine may be seized, captured, or destroyed at any time, in any place, and in any~~
- 541 ~~manner by:]~~
- 542 ~~[(a) the department and the department's authorized agents;]~~
- 543 ~~[(b) the Division of Wildlife Resources and the Division of Wildlife Resources'~~
- 544 ~~authorized agents; or]~~
- 545 ~~[(c) a certified peace officer.]~~
- 546 ~~[(3)(a) Notwithstanding Section 76-13-202, 76-13-203, or 76-13-204, and subject to the~~
- 547 ~~requirements of this section, an individual may kill a feral swine roaming on private~~
- 548 ~~or public land.]~~
- 549 ~~[(b) An individual shall obtain the consent of the landowner before killing a feral swine~~
- 550 ~~on private land.]~~
- 551 ~~[(c) Feral swine may be killed:]~~
- 552 ~~[(i) year-round;]~~
- 553 ~~[(ii) in any number; and]~~
- 554 ~~[(iii) with a firearm, bow and arrow, or crossbow.]~~
- 555 ~~[(4) Feral swine may not be hunted or killed under Subsection (3)(c):]~~
- 556 ~~[(a) with the use of artificial light or night vision equipment, except as authorized by~~
- 557 ~~county ordinance; or]~~
- 558 ~~[(b) from or with any airborne vehicle or device, except as provided in Section 4-23-106.]~~
- 559 ~~[(5) An individual may not receive compensation, or attempt to receive compensation, from~~
- 560 ~~hunting feral swine.]~~
- 561 ~~[(6) An authorized individual who kills a swine under this section is not liable to the owner~~
- 562 ~~for the loss of the swine, unless:]~~
- 563 ~~[(a) the swine is conspicuously identified by an ear tag or other form of visual~~
- 564 ~~identification; and]~~
- 565 ~~[(b) the individual who killed the swine knew the swine was identified by an ear tag or~~
- 566 ~~other form of usual identification.]~~
- 567 (1) A peace officer may seize and impound a vehicle if the peace officer has probable cause
- 568 to believe that the vehicle was used in the commission of an offense under Section
- 569 4-25-301, in accordance with:
- 570 (a) Title 77, Chapter 11a, Seizure of Property and Contraband; and
- 571 (b) Title 77, Chapter 11b, Forfeiture of Seized Property.
- 572 (2) A vehicle seized under this section is subject to forfeiture through a public sale

573 conducted by the sheriff of the county where the seizure occurred.

574 (3) A sheriff in possession of a vehicle seized under Subsection (1) shall:

575 (a) provide written notice to the vehicle owner of the proposed public sale described in
576 Subsection (2) no later than 30 days before the day on which the public sale occurs;
577 and

578 (b) inform the vehicle owner of the legal and administrative process for contesting the
579 proposed public sale of the vehicle.

580 Section 17. Section **63I-1-204** is amended to read:

581 **63I-1-204 (Effective 05/06/26). Repeal dates: Title 4.**

582 (1) Section 4-2-108, Agricultural Advisory Board created -- Composition -- Responsibility
583 -- Terms of office -- Compensation -- Executive committee, is repealed July 1, 2028.

584 (2) Section 4-17-104, Creation of State Weed Committee -- Membership -- Powers and
585 duties -- Expenses, is repealed July 1, 2026.

586 (3) Title 4, Chapter 18, Part 3, Utah Soil Health Program, is repealed July 1, 2026.

587 (4) Section 4-20-103, Utah Grazing Improvement Program Advisory Board -- Duties, is
588 repealed July 1, 2032.

589 (5) Section 4-23-104, Agricultural and Wildlife Damage Prevention Board created --
590 Composition -- Appointment -- Terms -- Vacancies -- Compensation, is repealed July 1,
591 2034.

592 (6) Section 4-23-105, Board responsibilities -- Damage prevention policy -- Rules --
593 Methods to control [~~predators and depredating birds and~~] depredating animals, is
594 repealed July 1, 2034.

595 (7) Section 4-24-104, Livestock Brand Board created -- Composition -- Terms -- Removal
596 -- Quorum for transaction of business -- Compensation -- Duties, is repealed July 1,
597 2035.

598 (8) Section 4-39-104, Domesticated Elk Act advisory council, is repealed July 1, 2027.

599 (9) Title 4, Chapter 46, Part 2, Land Conservation Board, is repealed July 1, 2027.

600 (10) Subsection 4-46-304(2)(d), regarding the Land Conservation Board, is repealed July 1,
601 2027.

602 (11) Subsection 4-46-401(3)(a), regarding the Land Conservation Board, is repealed July 1,
603 2027.

604 Section 18. **Repealer.**

605 This bill repeals:

606 Section **4-4-101, Title.**

- 607 Section **4-23-101, Title.**
- 608 Section **4-25-101, Title.**
- 609 Section 19. **Effective Date.**
- 610 This bill takes effect on May 6, 2026.